An Bord Pleanála

Board Order

ABP-310245-21

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0509

Appeal by Leonard Cawley of 3 La Vista Avenue, Strand Road, Sutton, County Dublin and by Norbert and Margaret Bannon of Elmcot, La Vista Avenue, Sutton, Dublin against the decision made on the 19th day of April, 2021 by Fingal County Council to grant subject to conditions a permission to Gerry Walsh care of Goodwin Architects of 49 Sutton Park, Sutton, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: A new part single, part two-storey house to the north side of the existing house; with a new vehicular entrance onto La Vista Avenue and a setback to the Strand Road (west) site boundary to allow for improved sightlines and a new public footpath, all at site to the side of Lurganare, 27/28 Strand Road, Sutton, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to design, siting and scale of the proposed development, to the residential zoning objective for the area and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 24th day of March 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
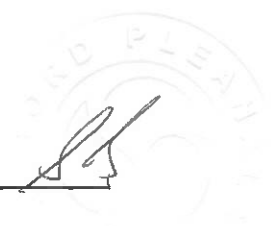
    Reason: In the interest of clarity.

2. Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

    Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit a Site Plan to a scale of 1:200 showing the location of the existing Irish Water water main to the north of the site and the maintenance of a minimum separation of 3 metres between this main and the permitted development.

    Reason: In the interest of public health.

4.   Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

     Reason: In the interest of public health.

5.   Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

     Reason: In order to safeguard the amenities of property in the vicinity.

6.   Prior to the commencement of development, details of the layout of the proposed footpath to the west of the site and the realigned boundary wall, to include details of materials and height of the wall, shall be submitted to, and agreed in writing with, the planning authority. All works connected with the provision of the new footpath and reconstruction of the boundary wall at this location shall be undertaken at the expense of the developer.

     Reason: In the interests of traffic and pedestrian safety and residential amenity.

7.   All bathroom windows shall be fitted and thereafter permanently maintained with obscure glazing.

     Reason: In the interest of residential amenity.
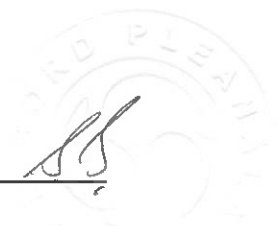
8.   The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 23 day of August 2021.