

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0490

Appeal by Roisin McNeela and Ciaran Cosgrave care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 24th day of June, 2021 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: (i) Demolition of existing two-storey dwelling; (ii) construction of a replacement two-storey flat-roofed dwelling with three number rooflights, roof terrace and detached single storey garage; (iii) removal of existing vehicular entrance gate, provision of new 8.9 metres wide vehicular entrance to Dublin Road and refurbishment/extension of northern, western and eastern boundary wall to maximum height of 1.75 metres; (iv) removal/replacement of rear (southern) sea-wall with new sea wall, served by inset pedestrian entrance/staircase to Sutton Strand of 2.3 metres height with 1.1 metre high balustrade atop; and, (v) all ancillary works, including landscaping and Suds, necessary to facilitate the development at Lenco, 159 Dublin Road, Sutton, Dublin.

Decision

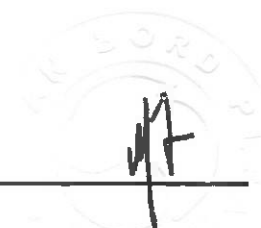
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 the 'RS' zoning which applies to the site under the Fingal County Development Plan 2017-2023, under which residential development is permissible, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the character of the area, would not seriously injure the visual amenities of the area or the character of the surrounding Architectural Conservation Area and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Stage 1 Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the sites' conservation objectives other than the North Bull Island Special Protection Area (Site Code 004006) and the North Dublin Bay Special Area of Conservation (Site Code 000206) which are the European sites for which there is a likelihood of significant effects.

Stage 2 Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the North Bull Island Special Protection Area (Site Code 004006) and the North Dublin Bay Special Area of Conservation (Site Code 000206) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for nearby European Sites in view of the site's conservation objectives – the North Bull Island Special Protection Area (Site Code 004006) and the North Dublin Bay Special Area of Conservation (Site Code 000206). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- (i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) mitigation measures which are included as part of the current proposal, and
- (iii) conservation objectives for these European Sites.

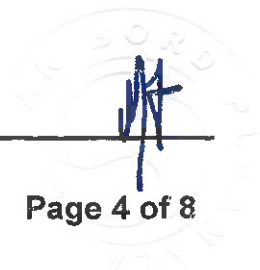
In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 31st day of May 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. The development shall be amended as follows: -
- (a) the proposed timber railing along the front (north) boundary wall shall be omitted,
 - (b) the proposed sea wall shall incorporate a textured finish (i.e. board marked concrete or similar), and
 - (c) the sea wall shall be re-sited further north, in order to ensure that a silt fence can be provided on its seaward side and within the application site boundary.

Prior to the commencement of development, revised drawings shall be submitted for the written agreement of the planning authority, which reflect these amendments.

Reason: In the interest of visual amenity and to ensure protection of the conservation status of adjacent European sites.

3. Mitigation measures outlined in the Natura Impact Statement prepared by NM Ecology shall be implemented in full.

Reason: In the interest of protection of the conservation status of adjacent European sites.

4. The construction of the development shall be managed in accordance with a site specific detailed Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures indicated in the Natura Impact Statement, and shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of nature conservation, public safety and residential amenity.

5. All construction work and materials/equipment storage shall be contained within the application site and no construction activity or storage shall take place on the seaward side of the proposed seawall.

Reason: In the interest of protection of the conservation status of adjacent European sites.

6. The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of intended construction practice, noise management measures, parking proposals for construction workers on the site and storage of materials and waste within the site.

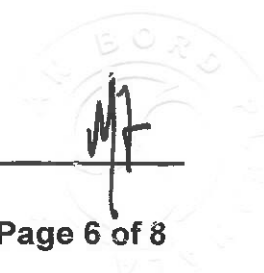
Reason: In the interests of public safety and residential amenity.

7. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

8. The design and layout of the access to the site from Dublin Road, including visibility splays, shall comply with the requirements of the planning authority, details of which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of road safety.



9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

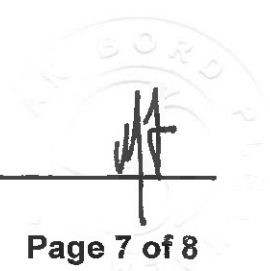
Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

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

Reason: In the interest of public health.

12. 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 residential amenities of property in the vicinity.

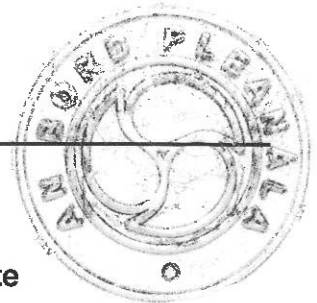


13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 26th day of November 2021.