

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0066

Appeal by Seán MacAogáin care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 26th day of July, 2021 by Fingal County Council to refuse permission to Seán MacAogáin for the proposed development.

Proposed Development: (i) Demolition of existing five-bedroom, two-storey detached dwelling and detached single-storey domestic garage; (ii) construction of a replacement two-storey over basement dwelling comprising:- garage, laundry room, plant room, and entertainment room at basement level; kitchen, living room with two number terraces/balconies facing south east and east, family room with south-east facing terrace/balcony, dining room with west and south facing terrace/balcony, guest suite, WC, internal courtyard and study at ground floor level; and four number ensuite bedrooms (three number with walk-in robes), family room, study and shared south facing balcony serving bedrooms 1 and 2 at first floor level; (iii) upgrade of existing vehicular entrance to Thormanby Road, including demolition and reconstruction of a section of the front boundary wall, and provision of new internal driveway.

Access to be provided to basement garage via ramp; (iv) decommissioning of existing septic tank and discharge trench and installation of new proprietary wastewater treatment system and percolation area; and (v) drainage, landscaping, boundary treatments and all associated works necessary to facilitate the development, all at Long Acre, Thormanby Road, Howth, County 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.

Reasons and Considerations

Having regard to the provisions of the Fingal Development Plan 2017 - 2023, including the residential zoning of the site, the provisions of the Howth Special Amenity Area Order 1999, the planning history of the site, the nature, design, and layout of the proposed replacement dwelling, and to its low elevation within the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the landscape character of the area or from protected views from public roads and footpaths, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of development on this residentially zoned site. 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 on the 30th day of June, 2021 and by the further plans and particulars received by An Bord Pleanála on the 20th day of August, 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.

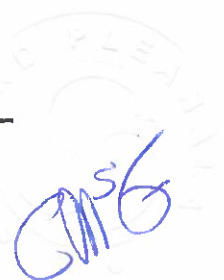
2. Prior to first occupation of the dwelling hereby approved, the existing dwelling shall be demolished on site.

Reason: In the interest of clarity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.
 - (ii) Details of screen planting.
 - (iii) Hard landscaping works, specifying surfacing materials, and finished levels.
 - (iv) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (b) A timescale for implementation.
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (d) Any proposed fencing (e.g. metal post and fence) to subdivide the existing plot is to be omitted, including fencing around percolation area.
- (e) Proposed north and south boundary treatments shall be in accordance with the Howth Special Amenity Area Order Design Guidelines. No new fencing, vegetation removal or ground level changes shall be permitted along the existing north and south site boundaries.



- (f) Upon substantial completion of construction works the Landscape Plan shall be implemented under the supervision of the appointed Landscape Architect.

Reason: In the interests of residential and visual amenity.

4. (a) Prior to the commencement of site clearance works the proposed 'Protective Fence' along a partial section of the northern boundary, as shown on Proposed Landscape Plan (Drawing Number PP295-01) submitted to the planning authority on the 30th day of June, 2021, shall be installed and inspected by the appointed Landscape Architect. Any re-location of the fence shall be under the supervision of the appointed Landscape Architect.
- (b) Any site compound, vehicle parking, material storage, spoil and soil heaps shall be outside of the High Amenity zoned lands.
- (c) No vegetation shall be removed from the High Amenity lands.

Reason: In the interest of environmental protection.

5. The site shall be surveyed for the presence of bats prior to the commencement of site clearance, demolition and construction works. The results of this survey, including any actions arising, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of wildlife protection.

6. (a) An Ecologist shall be engaged as an Ecological Clerk of Works for the duration of the project to advise on best practise routines within the Construction Environmental Management Plan and to monitor any potential impacts on the Special Areas of Conservation and Special Protection Areas, including maintaining bi-weekly written records of water discharges, noise disturbance and dust arising from the construction works.
- (b) Should any such issues arise, the Ecological Clerk of Works shall be responsible for the supervision of implementing protection measures, immediately notifying the National Parks and Wildlife Service and preparing any necessary documentation.

Reason: In the interest of environmental protection.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. Construction and demolition waste shall be managed in accordance with a Construction Waste 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 be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The Plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. (a) The vehicular entry-splay (i.e. the paved area lying between the edge of road carriageway and the gates/piers of the site entrance or, if no gate is provided, to a point six metres from the edge of road carriageway) shall be constructed in a bound road material. Any entrance gates shall open inwards to the site.
- (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
- (c) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.



- (d) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary.

Reason: In the interest of traffic safety.

11. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

12. 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.

13. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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.

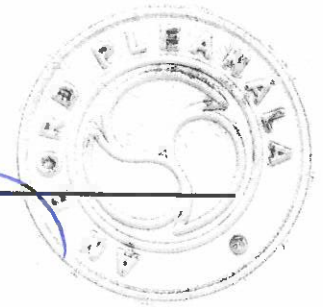
Reason: In order to safeguard the residential amenities of property in the vicinity.



14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 the 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.


Chris McGarry

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



Dated this  day of  2022.