

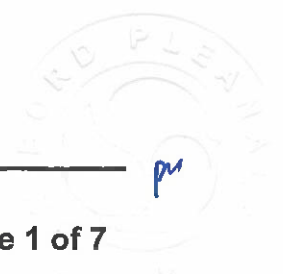
Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0427

Appeal by KGJM Limited care of Hughes Planning and Consultants of 85 Merrion Square, Dublin against the decision made on the 1st day of November, 2021 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: (i) Demolition of existing five-bedroom, detached dormer bungalow and 13 square metres shed to the rear of the dwelling; (ii) construction of a replacement two-storey (over basement), six-bedroom detached dwelling with a single storey return and set back at first floor level. The proposed dwelling will include private amenity space to the rear and two number car parking spaces to the front; (iii) removal of the two number existing vehicular entrances of The Hill (R124) and replacement with a single vehicular entrance located centrally on the site's street frontage and (iv) boundary treatments, landscaping, sedum roofing, drainage and all ancillary works necessary to facilitate the development at Saint Joseph's, The Hill, Malahide, 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.

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

The proposed development comprises of a replacement house on a site which is zoned 'RS' where it is an objective "to provide for residential development and to protect and improve residential amenity" in the Fingal County Development Plan 2017-2023. Having regard to the existing use of the site, the overall design of the proposed dwelling which has regard to the characteristics of the site, the surrounding area and the quality of the contemporary design proposed including its height, finishes and massing, subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the visual or residential amenity of the area or of property in the vicinity and would be in accordance with the provisions of the Fingal County Development Plan. 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, 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 proposed development shall be amended as follows:

The “possible location of the temporary piling” as illustrated on the Drainage Details plan drawing number 21081-1 shall be located in such a manner that the mature hedging along the northern boundary of the site is retained.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity

3. The works required for the new access, including turning bays, junctions, parking areas, footpaths and kerbs, car parking and relocation of the school signage shall be in accordance with the detailed standards of the planning authority for such works.

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

4. The site shall be landscaped in accordance with the submitted Landscape Plan, subject to further changes required below 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) contoured drawings to scale of not less than 1:500 showing –
 - (i) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the front boundary,
 - (ii) the establishment of predominantly native and naturalised planting incorporating species, variety, size, type, number and location of all trees and shrubs, and
 - (iii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials.
 - (b) specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment,
 - (c) proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established, and
 - (d) a timescale for implementation including details of phasing, which shall provide for the planting of all areas to be completed before the dwelling is first made available for occupation.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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.

Reason: In the interest of visual amenity

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

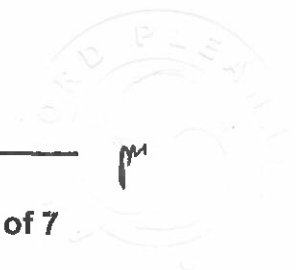
Reason: In the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. 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 noise management measures and off-site disposal of construction/demolition waste.

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



8. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

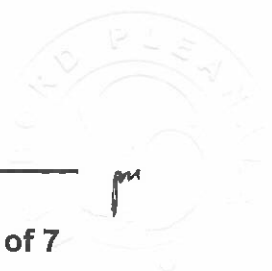
Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

10. Prior to the commencement of development, the developer shall enter into a water/wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

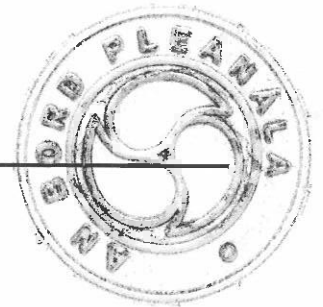


11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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


Paul Hyde

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



Dated this 21st day of March 2022.