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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F21A/0585**

**Appeal** by Rory and Denise O'Driscoll care of Bell Associates of Executive House, Whitestown Road, Rush, County Dublin against the decision made on the 9<sup>th</sup> day of December, 2021 by Fingal County Council to refuse a permission for the proposed development.

**Proposed Development:** Construction of new detached dormer dwelling house, with new vehicular access and associated site works at 3 Drumnigh Wood, Portmarnock, 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, the residential land use zoning of the site, the pattern of development in the area, and the form, layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the applicant had overcome the Board's previous reason for refusal and did not agree that the proposed development would be visually incongruous with the surrounding area or would fail to create a sense of harmony with adjacent dwellings.

## 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. Water supply and 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.

3. The applicant or developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

4.
  - (i) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority drawings detailing the proposed vehicular access including proposed boundary treatment to both the front and sides of the dwelling.
  - (ii) The boundary wall located to the front of the dwelling shall not exceed a height of 900 millimetres.
  - (iii) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres, which would interfere with or obstruct (or could obstruct over time) the required visibility envelopes.
  - (iv) Any entrance gates shall open inwards towards the site and not outwards onto the public road.



- (v) All underground or overhead services and poles shall be relocated, as may be necessary, to suitable locations at the applicant/developer's expense.

**Reason:** In the interest of traffic and pedestrian safety.

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5. 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.

6. All public service cables to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interest of visual amenity.

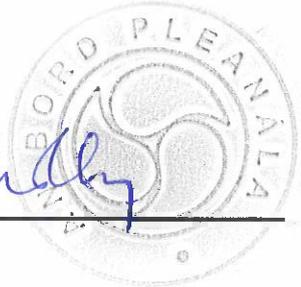
7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior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

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



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.



**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 6<sup>th</sup> day of MAY 2022