

An
Bord
Pleanála

Board Order
ABP-312419-22

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0557

Appeal by David and Rosaleen Torpey care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 6th day of December, 2021 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Extension of existing dwelling to north, south and east with new bedroom accommodation at first floor level, new vehicular entrance off Yellow Walls Road, lowered driveway, single storey amenity shed in rear garden, new boundary walls, associated drainage plus hard and soft landscaping works, all at 24 Yellow Walls Road, Malahide, County Dublin.

Decision

GRANT permission for the above development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the RS zoning objective for the site and to Objective PM46 of the Fingal County Development Plan 2017-2023, which seeks to encourage sensitively designed extensions to existing dwellings, to the pattern of development in the area, where there are precedents for similar extensions, and to the size and setback of the plot to be extended from the road, the Board was satisfied that the site plot was capable of accommodating a larger dwelling on the site and that, subject to compliance with the conditions set out below, the proposed development, by reason of its design and its relationship with adjoining dwellings, would not seriously injure the visual and residential amenities of the area and 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 noted the diverse pattern of development in the area, the quality of the design and materials to be used in the proposed development, and the size and setback of the site from the road, and considered that the site plot was capable of accommodating a larger dwelling and that the proposed development would not seriously injure the residential amenities of the area by reason of overbearance and overshadowing.

Conditions

1. The proposed 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 received by An Bord Pleanála on the 10th day of January, 2022, 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 proposed 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 from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interests of public health.

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

Reason: In the interest of visual amenity and the streetscape.

4. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

5. Two number car parking spaces only shall be provided within the site. The location and layout of these spaces, and details of the proposed entrance to the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that appropriate off-street parking provision is available to serve the proposed development.

6. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

7. 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 interest of visual and residential amenity.

8. The construction of the proposed 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. The plan shall provide details of intended construction practice for the proposed development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

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

9. 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.

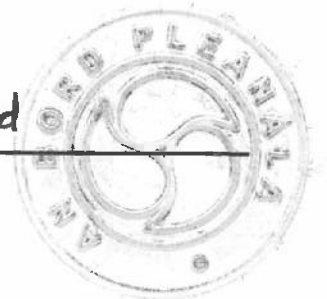
Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *30* day of *November* 2022.