

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0618

APPEAL by Shane O'Hanlon care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 13th day of January, 2022 by Fingal County Council to refuse permission.

Proposed Development: Demolition of non-original extension on western elevation of Seafield House and making good of western elevation. Construction of new contemporary styled two-storey dwelling comprising three number bedrooms and rear garden in place of extension. Roof lights will be provided over ground floor kitchen and first floor stairwell. The dwelling will be accessed via the existing entrance off Claremont Road. Provision of roofed patio and seating area to rear of dwelling. Drainage, Suds drainage, all associated landscaping, site and ground works necessary to facilitate the development, all at Seafield House, Claremont Road, Howth, County Dublin.

Decision

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

Reasons and Considerations

Having regard to the zoning provisions of the Fingal County Development Plan 2017-2023, the nature and scale of the proposed development, as amended at appeal stage, and the pattern of development in the area, 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 or of property in the vicinity. 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 issues raised by the Inspector in relation to the site that was the subject of a grant of permission under planning appeal reference number ABP-309516-21. The Board noted the concerns of the Inspector but considered that the lands associated with proposed house number 2 under drawing number 2020-23-ABP-101 of planning appeal reference number ABP-309516-21 were correctly amalgamated with Seafield House. The Board noted an ambiguity in previous plans relating to the quantum of private open space associated with house number 3 granted under planning appeal reference number ABP-309516-21 but considered this not to be material to the consideration of the current proposal before the Board. The Board accepted the inspector's assessment of the siting, design and layout of the amended proposed dwelling and agreed that the proposal would result in an acceptable form of development in the area and would not set an undesirable precedent for future development. Furthermore, it considered that the proposed development would not be visually discordant and would be acceptable in terms of visual amenity by reason of its design, form and scale.

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 9th day of February, 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. 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.

3. Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. 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. This plan shall provide details of intended construction practice for the proposed development, including noise and traffic management measures and management of construction/demolition waste.

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

7. 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 or public holidays. Deviation from these times shall 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.

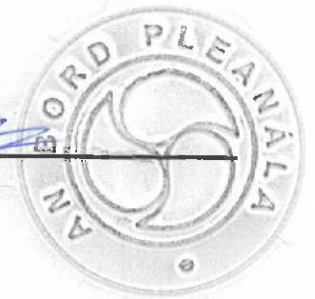
8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Stephen Brophy

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



Dated this 1 day of March 2023.