



An
Bord
Pleanála

Board Order
ABP-312794-22

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0648

Appeal by David Watson care of My House Architect of The Studio, 65 Greenville Place, Dublin against the decision made on the 21st day of January, 2022 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Erection of one number single storey dwelling house (98 square metres nett internal approximate), 114 square metres gross approximate to include vehicle and pedestrian access, service and drainage connections, car parking and other associated site works, on site comprising 0.071 hectares approximate at Lambay, New 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 Project Ireland 2040: The National Planning Framework, which seeks to consolidate residential growth in urban areas, and the provisions of the Fingal County Development Plan 2017-2023, including the residential zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be detrimental to the character or amenities of the Buffer Zone associated with the Howth Special Amenity Area, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. Measures for the protection of those trees and hedgerows which are proposed to be retained, as indicated on the submitted plans at planning application stage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site.

3.
 - (a) Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.
 - (b) All development shall be carried out in compliance with Irish Water standards, codes and practices.
 - (c) Any proposals by the developer to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.
 - (d) Separation distances between the existing Irish Water assets and proposed structures, other services, trees, shall be in accordance with the Irish Water Codes of Practice and Standard Details.

Reason: In the interest of public health.

4. 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.



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

Reason: In the interest of public health.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential 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 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 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 management measures.

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 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.



Peter Mullan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *17th* day of *February*, 2023.