

An
Bord
Pleanála

Board Order
ABP-312887-22

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0649

Appeal by Nua Healthcare Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 1st day of February, 2022 by Fingal County Council to refuse permission for the development proposed to be retained.

Proposed Development: Retention of the single storey domestic garage as previously constructed and converted to residential use, the retention of the current use of same as a one bedspace community dwelling, including associated alterations to the front (east) and side (south) elevations and all associated site works above and below ground associated with the retained development, all at The Paddock, Borranstown, Ashbourne, 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 nature and scale of the development proposed to be retained and to the fact that it is for development which is ancillary to the primary use of the main dwelling on site as a residential care facility, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would be acceptable in the context of land use policy, would be acceptable in terms of its overall physical scale and would be acceptable in terms of the visual amenities of the area and the amenities of adjoining proprietries. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development proposed to be retained shall be 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 and the development proposed to be retained shall comply with the agreed particulars.

Reason: In the interest of clarity.

2. The development proposed to be retained shall be used only for accommodation/activity ancillary to the residential care use of the main dwelling on site and shall not be sold, leased or rented independently of the main dwelling within whose curtilage it is located.

Reason: In the interest of orderly development.

3. 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.

4. 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 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.

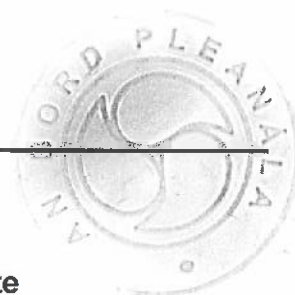
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 10 day of March 2023.