



An
Bord
Pleanála

**Board Order
ABP-313038-22**

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0002

Appeal by Boris Leu care of Tom Duffy Architects of 5a Collins Park, Dublin against the decision made on the 25th day of February, 2022 by Fingal County Council to refuse a permission to Boris Leu for the proposed development.

Proposed Development: Two-storey (plus attic bedroom) detached house with gable wall with windows and entrance door to west, dormer window to rear, velux windows and all associated works to side of existing house, all at 72 Pinebrook Vale, Huntstown, 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 location of the proposed development in an area zoned for residential development in the Fingal County development Plan 2017 - 2023, to the infill nature and scale of the proposed development and to the pattern of residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an adequate level of residential amenity for future occupants, would not seriously injure the amenities of the area or of properties in the vicinity, would not give rise to traffic hazard and would be in accordance with the zoning objective for the area, as set out in the current Development Plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 16th day of March, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. The proposed development shall be amended as follows:

- (a) All glazing in the west (side) elevation shall be permanently glazed with opaque or obscured glass.

Reason: In the interest of visual and residential amenity.

3. External roof and wall finishes shall be in accordance with those of Number 72 Pinebrook Vale. 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.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. 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.



6. The construction of the 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 development including hours of operation, noise management measures and off-site disposal of construction/demolition wastes.

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

7. 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.



Peter Mullan

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



Dated this 2nd day of March, 2023.