

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0396

Appeal by Gary Domoney care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 15th day of September, 2022 by Fingal County Council to grant subject to conditions a permission to Brian McCartan care of Frank Hughes of 10 Glen Abhainn Green, Enfield, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a part two, part one-storey extension to side, front and rear of existing two-storey detached house, demolition of existing single storey side garage, amendments to existing elevations and new hipped roof, and widening of the existing entrance gateway and all associated landscaping and site works at 49 Saint Margaret's Road, Malahide, County 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 scale, form and design of the proposed front, side and rear extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenity of the existing building and surrounding streetscape. 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, 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 existing dwelling and extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold nor let as a separate dwelling unit. The overall dwelling shall be used for domestic related purposes only and not for any trade, workshop or other non-domestic use.

Reason: In the interest of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. The developer shall comply with the following:
 - (a) The proposed widening of the existing vehicular entrance shall be increased to a width of four metres in order to achieve adequate pedestrian-vehicular intervisibility.
 - (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
 - (c) No gate shall open across a public footpath/roadway.
 - (d) The footpath and kerb shall be dished, as may be necessary, at the developer's expense to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

4. The proposed extension shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Zone C associated with Dublin Airport.

Reason: In the interest of proper planning and sustainable development and residential amenity.

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5. External finishes shall be as indicated on the plans submitted to the planning authority on the 2nd day of August 2022 unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of residential amenity.

7. 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.

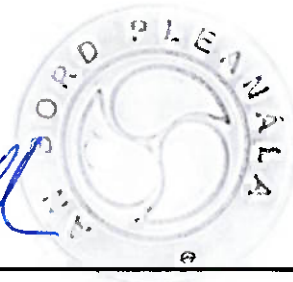
Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

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..



Peter Mullan

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

Dated this *27th* day of *October*, 2023.