

An
Bord
Pleanála

Board Order
ABP-314908-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0088

Appeal by David and Karen O'Connor and Others care of 9 The Park, Melrose Park, Kinsealy, County Dublin against the decision made on the 26th day of September, 2022 by Fingal County Council to grant subject to conditions a permission to Kevin Farrelly care of CWPA Planning and Architecture of Unit 10, North Street Business Park, Seatown West, Swords, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a one-bed infill residential development, new vehicular access, one number within curtilage car parking space and all associated site development and engineering works necessary to facilitate the development at 8 The Park, Melrose Park, Kinsealy, Swords, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 22nd day of July, 2022.

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 provisions of the Fingal County Development Plan 2023-2029, including the zoning objective for the site ('RS – Residential'), which seeks to provide for residential development and protect and improve residential amenity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and would be acceptable in terms of traffic safety. 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 submitted to the planning authority on the 12th day of July, 2022 and the 30th day of August, 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.

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2. The proposed boundary wall shall be retained at a height of two metres and details of the materials, colours and textures of the wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and the protection of privacy.

3. The proposed dwelling shall be provided with noise insulation to an appropriate standard having regard to the location of the site within Dublin Airport - Zone C.

Reason: In the interest of residential amenity.

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

Reason: In the interest of public health.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. 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.

7. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure satisfactory protection of two street trees during the construction of the development, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of two street trees during the construction of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

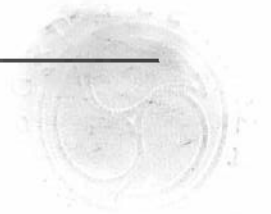
Reason: To secure the satisfactory protection of two street trees during the construction of the development.

8. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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.


Patricia Calleary

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



Dated this *28* day of *June* 2023.