



An
Bord
Pleanála

Board Order
ABP-314914-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0403

Appeal by Naul Road Development Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 28th day of September, 2022 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Planning permission for a new residential infill development to consist of the provision of one number detached two-storey, four-bed dwelling, local alteration to existing boundary walls, landscaping, swale with overflow to existing stream (SuDS), connection to pumping station and all associated site and other works at The Grange, Ballyboughal, Fingal, 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: -

- (a) the location of the site of the proposed development within Ballyboughal Village and the 50km/hr speed restrictions that apply along the R108 from which the site is accessed,
- (b) the policies and objectives of the Fingal County Development Plan 2023-2029 in relation to rural villages and the land use zoning as RV, Rural Village, and
- (c) the nature, location and extent of the proposed development, comprising a single house, and the established character and pattern of development in the vicinity of the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character or residential amenities of the area, would be acceptable in terms of traffic safety and would, therefore, be in accordance with the provisions of the Fingal County Development Plan and with the proper planning and sustainable development of the area.

P.C.

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 and amended by those drawings submitted to An Bord Pleanála on the 24th of October 2022, 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) The gates along the access road shall be moved to a location which does not prevent access to the subject site or result in any gated access to the existing or proposed house.
 - (b) The southern boundary wall, adjoining the access road, shall be amended so as to not exceed 1.4 metres in height.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. The proposed development shall comply with the terms and conditions of Fingal County Council Planning Reference F22A/0239, save where amended by the terms and conditions herein.

Reason: In the interest of clarity.

P.C.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and shall not include prunus species.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

5. 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 noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

6. Surface water 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.

P.C.

7. The developer shall enter into water wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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 external finishes of the proposed development (including roof tiles/slates) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

P.C

10. 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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *25* day of *July* 2023.