

An  
Bord  
Pleanála

**Board Order**  
**ABP-314936-22**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F22A/0125**

**Appeal** by Alex and Shahla Thompson of The Shieling, 41 Howth Road, Sutton Cross, Dublin against the decision made on the 28<sup>th</sup> day of September, 2022 by Fingal County Council to grant subject to conditions a permission to Barry and Kathy O'Donnell care of Adrian Hill Architects of 15 The Seapoint Building, 44/45 Clontarf Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (a) The subdivision of the subject site; (b) the provision of a single storey infill dwelling to the rear of Ketelby; (c) amendments to the existing boundary treatment to the side and rear of Ketelby; (d) provision of two number parking spaces to serve the proposed dwelling; (e) all landscaping; (f) a new connection to the existing wastewater and water supply and (g) all associated site works at "Ketelby", 40 Howth Road, Sutton, Dublin as amended by the revised public notice received by the planning authority on the 1<sup>st</sup> day of September, 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 the amenities of property in the vicinity, would provide an acceptable standard of amenity for future residents and would be acceptable in terms of traffic safety and convenience. 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 19<sup>th</sup> 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.

2. Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The proposed boundary wall shall not exceed two metres in height and details of the materials, colours and textures of the said wall and planting 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.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. The developer shall enter into water and wastewater connection agreements with Uisce Eireann.



**Reason:** In the interest of public health.

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. 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.



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

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