

An
Bord
Pleanála

Board Order
ABP-315371-22

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0232

Appeal by Eamon Byrne care of JMLD Architectural Services of Archerstown Road, Ashbourne, County Meath against the decision made on the 28th day of November, 2022 by Fingal County Council to refuse permission.

Proposed Development: Demolition of an existing garage and construction of a two-storey, two-bed, three-person residential unit totalling 75 square metres and all ancillary site works, all at 13 Talbot Downs, Castleknock, Dublin.

Decision

GRANT permission for the above proposed development 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, the location of the proposed development on zoned and serviced lands within the Dublin City and Suburbs settlement boundary, the small scale and infill nature of the proposed development, and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity or character of the area, would not be prejudicial to public health 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 proposed 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 19th day of December, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall provide a secure bin and bike storage facility to the front of the proposed house, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. The external finishes of the proposed development shall match those of the existing dwelling in respect of materials and colour.

Reason: In the interest of visual amenity.

4. The rear garden shall be bounded by a two-metre-high block wall capped and finished in a material that matches the external finish of the dwelling.

Reason: In the interest of residential and visual amenity.

5. The flat roof of the rear ground floor projection shall not be used as a balcony or roof garden.

Reason: In the interest of residential amenity.

6. 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 and surface water management.

7. (a) Prior to commencement of development, the developer shall engage with Uisce Éireann in respect of the infrastructure within and/or in close proximity to the proposed site boundary and shall enter into a diversion agreement, if necessary, and submit the outcome of this engagement as evidence to the planning authority.

- (b) Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

8. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

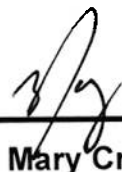
Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

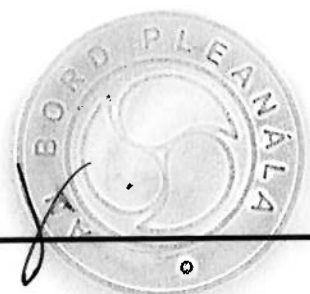
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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 Contributions 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.



Mary Cregg



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

Dated this 16th day of January 2024.