



An
Bord
Pleanála

Board Order
ABP-316090-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW22A/0110

Appeal by Helen Horgan on behalf of Deirdre Gaffney of 23 Ramor Park, Blanchardstown, Dublin against the decision made on the 23rd day of February, 2023 by Fingal County Council to grant subject to conditions a permission to Patricia Monahan care of Deaton Lysaght Architects of 44 South Richmond Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of existing two-storey dwelling and single storey shed and construction of six number semi-detached houses comprising of two number four bed, three storey dormer houses, two number five bed, three storey dormer houses and two number three, two storey houses, new relocated road entrance, new boundary walls and all associated site works at Danell House, Main Street, Blanchardstown, Dublin. Further information was received by the planning authority on the 19th day of January, 2023, revising the proposed development to four number houses.

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

The Board noted that the subject lands are zoned 'Town and District Centre' with residential use being permitted, that the proposed development would make effective use of an existing underutilised site which is supported by policies in the Fingal County Development Plan 2023-2029 including Section 14.5.1 which notes that small infill sites in urban centres provides significant scope for well-designed urban development. The Board also considered that the proposed development would not negatively impact on adjoining residential or visual amenity, would not create an unacceptable traffic risk and could be assimilated into the local environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development represented a good design response, responded in a positive way to the established pattern, scale and form of development as well as the wider scale of development in the surrounding area and therefore, on balance, accorded with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024.

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 received by the planning authority on the 19th day of January, 2023, 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. This permission shall be for four dwellings only.

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

3. Prior to commencement of development, the developer shall submit revised elevations for the written agreement of the planning authority which show all proposed first floor landing windows on the side elevations of each dwelling in order to accurately reflect the submitted floor plans received on the 19th day of January, 2023.

Reason: In the interests of residential and visual amenity.

4. The finishes shall be as per indicated on the submitted drawings unless otherwise agreement in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. All bathroom/ensuite and landing windows shall be fitted and permanently maintained in obscure glazing. The use of film is not acceptable.

Reason: In the interest of residential amenity.

6. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority:

(a) an acceptable bilingual naming and numbering scheme which shall reflect local historical place names, and

(b) all associated signage for the proposed development.

Reason: In the interest of the residential amenities of the area.

7. Each residential unit shall be used as a single residential unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations, 2001, as amended. The residential units shall not be used for multiple occupancy living units/non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.

Reason: To prevent unauthorised development.

8. (a) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a redesign of the drainage arrangement of the access road within a roadside swale filler drain, permeable paving and underground attenuation component to be explored. This is referred to in the Department of Housing, Local Government and Heritage's Best Practice Interim Guidance Document on Nature based Rainway Solutions, the planning authority's Green/Blue Guidance Document, the GDSDS, and the CIRIA Suds Manual C753.
- (b) No surface water/rainwater shall discharge into the foul water system under any circumstances.

Reason: In the interest of public health and in order to ensure adequate drainage provision.

9. 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.

10. (a) The proposed Site and Landscape Plan drawing number 1917-AI-0100 submitted to the planning authority on the 19th day of January, 2023 shall be implemented in full.
- (b) All planting shall be carried out in the first planting season following the completion of the development, and any trees or hedging plants which within a period of two years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

- (c) The landscape Architect shall be retained by the developer for the duration of the project to supervise the implementation of the landscape plans from start to finish and to sign off upon full completion, provided the planning authority with the required Certificate of Effective Completion.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

11. (a) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority the following details:
- (i) the boundary treatment to the front of the building line of house number 3 adjacent the access road shall not exceed 600 millimetres in height,
 - (ii) a revised entrance layout that reduces the width of the access between the piers to be five metres or less,
 - (iii) the crossover of the footpath shall be constructed as a concrete dished vehicular entrance and give pedestrians priority across the entrance with revised details submitted, and
 - (iv) a revised layout reducing the size of the turning area shall be explored.
- (b) The proposed masonry wall to the front boundary of the development along the public road shall not exceed a height of 900 millimetres.
- (c) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the planning authority.
- (d) The gradient of the access shall not exceed 2.5% of over the last six metres of its approach to the public road.

- (e) The dividing/boundary wall between the driveways shall not exceed a height of 0.9 metre over the last three metres adjacent to the public footpath.
- (f) The developer shall construct and maintain to the planning authority's standard for taking in charge of all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the planning authority or all works shall be brought up to the standard of taking in charge prior to taking in charge by the planning authority.
- (g) 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.
- (h) A detailed Construction Management Plan and Construction Traffic Management Plan shall be submitted for the approval of the planning authority prior to commencement of construction.
- (i) All stormwaters shall be disposed of to soak pits or natural watercourse within the site and shall not discharge onto the public road.
- (j) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the boundary at the developer's expense.
- (k) All the above works shall be carried out at the developer's expense.

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

12. Site development and building works shall be carried out only between the hours of 0800 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.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

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

14. All necessary measures shall be taken by the developer to prevent the spillage or deposit of any materials including clay rubble or other debris on the adjoining roads during the course of the development. In the event of such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developer's own expense. The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road from the construction works and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage upon issue of such a requirement by the planning authority.

Reason: To protect the amenities of the area.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part 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 ensure the satisfactory completion and maintenance of the development until taken in charge.

16. The developer shall pay to the planning authority a financial contribution in lieu of open space provision towards the cost of amenity works in the area based on a shortfall of 400 square metres of open space 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.

17. 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.



Joe Boland

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

Dated this 12TH day of June 2024.

