

An
Bord
Pleanála

Board Order
ABP- 317367-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW23A/0024

Appeal by Aaron and Fiona Slater of 1 Portersgate Drive, Clonsilla, Dublin against the decision made on the 25th day of May, 2023 by Fingal County Council to grant permission subject to conditions to Stephen McGuirk and Odette Gaffney care of Kavanagh Ryan and Associates of Unit 48, The Egan Centre, Dargle Road, Bray, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission for the construction of a new 163 square metre two-storey detached dwelling consisting of 137 square metres at ground level, 79 square metres at first floor level and 26 square metres at attic level. Entrance and driveway to include ancillary works on the site adjacent to 15 Portersgate Close, Clonsilla, 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 the Fingal County Development Plan 2023-2029, which includes an objective, PM44 which seeks to 'Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected,' it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the adjoining property and would, therefore, be in accordance with the proper planning and sustainable development of the area.

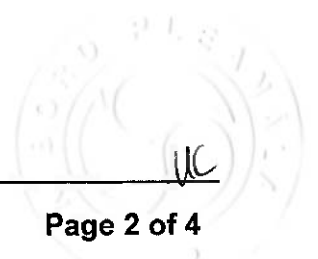
Conditions

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 on the 3rd day of May 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. The existing vehicular entrance at the north-east corner of the site shall be removed and the boundary wall constructed in its place in accordance with the details submitted to the planning authority on the 3rd day of May 2023.

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



3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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.

4. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.


Reason: In the interest of public health.

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

Reason: In the interest of public health.

6. 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 the 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 the Board 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.


A handwritten signature in cursive script, reading "Una Crosse".



Una Crosse

Member of An Bord Pleanála

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

Dated this 17th day of October 2023.