

An
Bord
Pleanála

Board Order
ABP-317545-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0416

Appeal by Harry Tuite care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 15th day of June, 2023 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: The construction of a three-storey dwelling unit, containing a two storey three-bedroomed duplex dwelling at ground and first floor levels and a one-bedroomed single storey dwelling at second floor level, the widening of an existing field entrance to create a new vehicular entrance and for all associated site works at The Harbour, Loughshinny, Skerries, County Dublin. Further public notices were received by the planning authority on the 19th day of May, 2023.

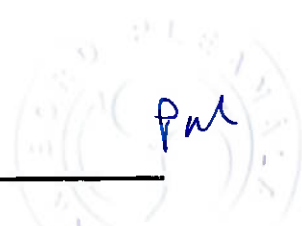
Decision

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 zoning in the Fingal Development Plan 2023-2029 of the site as Local Centre, in which residential development is permitted in principle, the established pattern of development in the area, the fact that it is an infill site, its location within a Highly Sensitive Landscape designated in the Development Plan and the scale, form, height and design of the proposed development, 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 by reason of overdevelopment, visual obtrusiveness, overbearing impact or overlooking and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board disagreed with the planning authority and agreed with the Inspector that the development materially did not contravene GINH076 of the Fingal Development Plan and that the development does not pose a risk of causing an increase in erosion or deposition and that a rise in sea levels is highly unlikely to affect the proposal site given the elevation difference between the existing breakwater and proposed development.



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 2nd 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 developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

3. 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.

4. Details of 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.

5. 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.

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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Pm

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.



Peter Mullan



Peter Mullan

Member of An Bord Pleanála

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

Dated this *26th* day of *October*, 2023.