

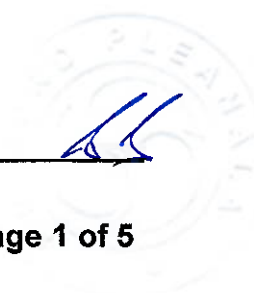
Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0043

Appeal by Roxanne White of Couleen, Baily, County Dublin and by Trevor Stevenson care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 19th day of June, 2023 by Fingal County Council to grant subject to conditions a permission to Fred Wilson care of Hughes Planning and Development Consultants Limited of 85 Merrion Square South, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Demolition of existing three-bedroom single-storey dwelling; (ii) construction of replacement five-bedroom two-storey dwelling with five number rooflights, domestic swimming pool at ground floor level, balcony at first floor level and adjoining single-storey garage and all ancillary works, inclusive of landscaping and SuDS drainage necessary to facilitate the development; all at Áistrá, Canchor Road, Baily, Howth, County 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 residential land use zoning of the site, to the nature, scale and design of the replacement dwelling, and to the provisions of the Fingal County Development Plan 2023–2029 including policies relating to development within Howth Area Special Amenity Area Order (SAAO), it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the character or the visual amenity of the SAAO, and would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity. 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 in accordance with the plans, lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 23rd 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. Details of the materials, colours, and textures of all the external finishes to 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. Except for the balconies indicated on the plans submitted, the remaining flat roofs shall not be used for the purposes of a balcony or terrace or similar use without a prior grant of planning permission or following an appeal from An Bord Pleanála.

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

4. A full architectural survey of the existing house to be demolished shall be carried out and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

5. The following requirements in relation to Uisce Éireann shall be complied with:

- (a) the developer shall enter into water and wastewater connection agreements with Uisce Éireann, and

- (b) prior to the commencement of development, the developer shall liaise with Uisce Éireann and agree the allowable maximum discharge rate of the pumping system relating to the swimming pool filtration/backlash system.

Reason: In the interest of public health.

6. 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

7. The construction of the proposed development shall be managed in accordance with a Construction Management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and offsite disposal of construction/demolition waste. The storage removal of all rubble and material associated with the demolition of the existing house on site shall be carried out by a licensed and competent contractor to an approved waste disposal site.

Reason: In the interest of environmental protection

8. 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 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

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

Dated this *17th* day of *April* 2024.