



An
Bord
Pleanála

Board Order
ABP-317663-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0243.

Appeal by Ann Marie Murphy care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, County Dublin against the decision made on the 5th day of July, 2023 by Fingal County Council to refuse permission.

Proposed Development: One two-bedroom dormer bungalow with new driveway entrance from Offington Court, drainage and water connections, Sustainable Urban Drainage System and other associated site works, all at side/rear of 85 Offington Avenue, Sutton, 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 provisions of the Fingal Development Plan 2023-2029, including the residential zoning objective for the site, the specific characteristics of the site and the pattern 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 residential or visual amenities of the area or of property in the vicinity, would not be detrimental to the character of the Offington Estate, would not materially contravene SPQHO42 - 'Development of Underutilised Infill, Corner and Backland Sites' and Local Objective 94 of the Fingal Development Plan 2023-2029, and would constitute an acceptable form of development at this location. 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 had particular regard to the varied disposition and form of residential dwellings on Offington Court. In particular, the Board noted the significant variation in the layout and location of existing dwellings along Offington Court and that with regard to number 67 Offington Court, the siting and layout of that house and its garden was along a different configuration to others. Finally, the Board considered that the site of the proposed development was of sufficient scale to absorb an additional dwelling at this location without any material effect on either residential amenity or on the overall character of the area and would accord with Policy Objective SPQHO42 and Local Objective 94 of the Final County Development Plan 2023-2029.

Conditions

1. The proposed development shall comply with the plans and particulars lodged with the application, 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. 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.

3. 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.

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4. The design and layout of the proposed vehicular entrance shall comply with the requirements of the planning authority. Details of which, shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

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

5. Site development and building works shall be carried out only between the hours of 0700 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 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 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.



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

Dated this 20th day of March 2024.