



An
Bord
Pleanála

Board Order
ABP-317777-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22B/0252

Appeal by Colette O'Shea of 7 Tuscany Park, Baldoyle, Dublin against the decision made on the 19th day of July, 2023 by Fingal County Council to grant permission, subject to conditions, to Idar and Alison Hillgaar care of James Nugent of Studio 42 Architects of 42 Dominick Street Upper, Broadstone, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for demolition of existing single-storey extension to rear of existing dwelling and construction of a new single-storey extension to front and rear of dwelling, to include all site and ancillary works at 6 Tuscany Park, Baldoyle, 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 scale, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenity of the existing building and surrounding streetscape. 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 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 29th day of June 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 proposed development should be revised as follows:
- (i) The depth of the proposed rear extension shall be limited to 8.325 meters. For avoidance of doubt, this includes the removal of “Family Room” as per drawing reference 2215PC-02 dated 21st December 2022.
 - (ii) The “Existing Shed” be demolished as per drawing reference 2215PC-02 dated 21st December 2022.
 - (iii) Further development shall not be carried out within the curtilage of the dwellinghouse without a prior grant of planning permission.
 - (iv) The proposed front extension shall be limited to 1.8 metres in depth, that is, from the existing front elevation, and shall be setback at least one metre from the boundary with number 7 Tuscany Park.

Prior to the commencement of the development, revised plans detailing the above amendments, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential and visual amenity.

3. The existing dwelling and extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold nor let as a separate dwelling unit. The overall dwelling shall be used for domestic related purposes only and not for any trade, workshop or other non-domestic use.

Reason: In the interests of clarity and to regulate the use of the development, in the interest of the proper planning and sustainable development of the area.

4. External finishes of the extension shall be in keeping with the existing dwelling.

Reason: In the interest of visual amenity.

5. Water supply and 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.

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



Liam Bergin

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

Dated this 16th day of April 2024.