

An
Bord
Pleanála

Board Order
ABP-317839-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0300.

Appeal by Gavin Brazel care of DW Design of 24 Ventry Park, Cabra, Dublin against the decision made on the 24th day of July, 2023 by Fingal County Council to refuse a permission for the proposed development.

Proposed Development: The development will consist of the demolitions and alterations to include, demolition of the existing single-storey side/rear extensions and outbuildings and storage, and the construction of a three-bedroom two-storey high dwelling to the side of the existing dwelling, alterations to boundary treatment, soft landscape, new off street parking to the front through existing vehicular, removal of existing trees to the side and replacement with new landscaping and all associated site works, at 1 Oakleigh Court, Malahide, 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

The Board noted that the advancement of the Swords to Malahide Cycle Route Scheme was still at an early stage, that no firm or comprehensive design proposals had emerged to date, and in such circumstances, the Board considered, on balance, that it would not be justifiable to effectively sterilise the development potential of this site. The Board also noted that all of the proposed development would take place within the confines of the site (as delineated by the red line area), be appropriately set back from the boundary and, therefore, would not, in itself, inhibit the development of this proposed public route. Therefore, the proposed development does not materially contravene Objective DMS0116, is not contrary to Objective CM06 and, overall, is supported by the provisions of the Fingal County Development Plan 2023-2029 relating to underutilised, infill and corners sites.

The Board further concluded that the proposed development would accord with the pattern of development in the area, would not seriously injure the residential or visual amenities of the area, would not result in a traffic hazard as no new entrance onto the public road was proposed, and subject to compliance with the conditions set out below, would constitute an acceptable form of development at this location and 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 noted that the proposed development did not materially contravene the Fingal County Development Plan 2023-2029, was not incongruous as it constituted a good design response having regard to the character of the site and its surrounds, accorded with the policies of the development plan in relation to underutilised, infill, corner and sites, did not breach the building line given the significant gap between opposing houses and was not contrary to the 'The Forest of Fingal- A Tree Strategy for Fingal 2022-2032' in light of the limited value of the trees to be removed.

Conditions

1. The development shall be carried out and completed in accordance 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. A detailed plan containing landscaping and boundary treatments for the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All works shall be completed prior to the occupation of the development unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

3. 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.

4. 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.

5. 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 and surface water management.

6. 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 or public holidays. Deviation from these times shall 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.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

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 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.



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

Dated this 28TH day of May 2024.