



An  
Bord  
Pleanála

**Board Order  
ABP-317888-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F23A/0001**

**Appeal** by Roxanne White and Karim Saba of Couleen, Baily, County Dublin against the decision made on the 3rd day of August, 2023 by Fingal County Council to grant subject to conditions a permission to Declan Gleeson care of Aughey O'Flaherty Architects of West Lane, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single storey five-bedroom detached flat-roofed dwelling with internal courtyard, upgrade of existing septic tank with new wastewater treatment system, alterations to the existing vehicular entrance on Canchor Road, landscaping and all ancillary works necessary to facilitate the development. The dwelling previously on the subject site, 'Windward', was approved for demolition on foot of planning register reference number F17A/0210; this property was subsequently demolished, all at Windward, Canchor Road, Howth, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 13th day of July, 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 appeal site's existing residential zoning, the policies and objectives of the Fingal Development Plan 2023-2029, the Howth Special Amenity Area Order and Howth Special Amenity Area Order Design Guidelines it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with and would integrate appropriately with the sensitive physical and visual setting of the surrounding environs without significant or detrimental impact to the visual or residential amenities of the area. 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 30<sup>th</sup> day of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The terms and conditions of the grant of permission made by Fingal County Council under planning register reference F17A/210 and extended under planning register reference F17A/0210/E1 shall be complied with in full in the course of the development herein permitted, except as may otherwise be required in order to comply with the conditions of this permission.

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

3. The proposed development shall incorporate anti-glare glass to the southern elevation.

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

4. The developer shall comply with the following requirements of the planning authority;
- (a) No foul drainage shall discharge into the surface water system under any circumstances.
  - (b) The foul drainage shall be in compliance with the Environmental Protection Agency's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single dwellings, March 2021.
  - (c) No surface water/rainwater shall discharge into the foul water system under any circumstances.
  - (d) The surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
  - (e) The soakaway shall comply with BRE Digest 365, the Greater Dublin Strategic Drainage Study, designed to accommodate the 30-year critical duration storm event from all additional impermeable surfaces, include for climate change, use local rainfall data, and be at least five metres from any structure and three metres from any boundary.

**Reason:** In the interest of public health.

5. The developer shall comply with the following requirements of the planning authority;
- (a) No objects, structures or landscaping shall be placed or installed within the visibility triangle at the vehicular entrance exceeding a height of 900 millimetres; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
  - (b) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.
  - (c) No gate shall open across a public footpath/roadway.

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

6. The following requirements shall be strictly adhered to:
- (i) Prior to commencement of works, tree protection measures (protective fencing) in compliance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction – Recommendations shall be in place for the mature trees and hedgerow located inside the boundary along the public path to and along the Cliff Walk.
  - (ii) Prior to commencement of development, the developer shall submit for written agreement of the planning authority, the precise location of the protective fencing and other tree protection measures during the course of the works.
  - (iii) A suitably qualified arborist shall be engaged for the duration of the development to survey tree condition and monitor site development

works ensuring the proper protection of retained trees and to liaise with Fingal County Council's Parks and Green Infrastructure Division.

- (iv) A tree bond of ten thousand euros (€10,000) shall be lodged with the planning authority prior to the commencement of development in order to ensure that the trees and hedgerow are protected and maintained in good condition throughout the course of development. This bond will be held by the planning authority for a period of three years post construction which may be extended in the event of possible construction related defects.
- (v) A landscape plan with planting schedule indicating species, size of plants as well as boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of works on site. The planting choice and boundary treatment shall be in accordance with the 'Howth Special Amenity Area Order Design Guidelines'.

**Reason:** In the interest of visual amenity within the Howth Special Amenity Area.

7. The developer shall comply in full with the following:

- (a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.

- (b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage upon issue of such a requirement by the Council.

**Reason:** To protect the amenities of the area.

8. 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.

  

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Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 28<sup>th</sup> day of May 2024.