



An  
Bord  
Pleanála

## Board Order ABP-318410-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F23A/0222**

**Appeal** by Noel and Carol Fitzgerald of 37 St. Andrew's Park, Swords, County Dublin and by Trevor Marshall and Ingrid Cooney care of RW Nowlan and Associates of Basement Office, 54 Fitzwilliam Square North, Dublin against the decision made on the 13<sup>th</sup> day of October, 2023 by Fingal County Council to grant subject to conditions a permission to Besim and Elsona Geci care of DK Architecture of 4 Riverside Grove, Clonshaugh, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** New two-storey extension to the rear of the existing house. The new extension will connect/change the existing roof layout and all ancillary works, all at 36 Saint Andrew's Park, Swords, 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 provisions of the Fingal Development Plan 2023-2029, the zoning of the site 'RS' 'to provide for residential development and protect and improve residential amenity', and the nature and scale of the proposed development, 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 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 did not agree with the Inspector's assessment that a daylight/sunlight analysis is required in order to satisfy the requirements of Section 14.10.2 (Residential Extensions) of the Fingal Development Plan 2023-2029. In light of the modest scale of the proposed development, including the set-back at first floor level, and the distance to adjacent dwellings, the Board concurred with the assessment of the planning authority that the proposed development would integrate satisfactorily with the existing dwelling, would not restrict daylight or negatively impact the rear amenity of adjacent dwellings, and would, therefore, be consistent with the requirements of the development plan.

## Conditions

1. The proposed 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 19<sup>th</sup> day of September, 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 proposed 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 submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

3. Site development and building works shall only be carried out between the hours of 0700 and 1900 Mondays to Fridays, inclusive, between 0800 and 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 residential amenities of property in the vicinity.

4. 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.

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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

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

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *14th* day of *October*, 2024.