



Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0553.

Appeal by Gerard Keating of 91 Dublin Road, Sutton, Dublin against the decision made on the 1st day of November, 2023 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing single-storey garage to rear of existing dwelling and permission for new detached, single and two-storey, three-bedroom, flat roofed contemporary style mews type dwelling. The dwelling will include rooflights and a covered carport for one number car parking space (vehicle access to the property already exists via the garage proposed for demolition). Vehicle and pedestrian access will be gained via an existing laneway accessed from Baldoyle Road (R809). Additional works comprise new boundary treatments, SuDS drainage measures, landscaping and associated ancillary site works necessary to facilitate the development all at lands to rear of 91 Dublin Road, 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 County Development Plan 2023-2029, the pattern of development in the area, the infill nature of the application site 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 amenities of the area, would not be prejudicial to public health and would not result in a traffic hazard. 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 An Bord Pleanála on the 28th day of November 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. (a) The two-metre setback from the boundary with the laneway, as shown on drawing number 2111-P-102 submitted to the Board on the 28th day of November 2023, shall be reserved free from all development (including entrance splay and road visibility mirror) to facilitate the comprehensive redevelopment of lands adjoining the laneway, unless otherwise agreed with the planning authority.
- (b) The site entrance, access driveway and roadside boundary treatment serving the proposed development, including its threshold with the laneway, shall comply with the detailed requirements of the planning authority for such works.
- (c) Only one car/motorised vehicle parking space is permitted by this permission.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety, proper planning and sustainable development.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed carport space shall be restricted to such use, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

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. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

7. Water supply and drainage arrangements, including the disposal of surface water, which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

8. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

9. 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 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *24th* day of *June*, 2024.