



An
Bord
Pleanála

Board Order ABP-318873-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW23A/0329

Appeal by Shirley Rigney care of H2B Architects of 20 Moyview, Kildalkey, County Meath against the decision made on the 15th day of December, 2023 by Fingal County Council in relation to an application for permission for development comprising first floor extension to front elevation of existing house for additional two number bedrooms at first floor level, also single-storey extension to rear of existing house to increase the size of lounge facility and all associated site works, all at 6 Somerton Mews, Castleknock Golf Club, Dublin in accordance with plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the single-storey extension to rear of existing house to increase the size of lounge facility and all associated site works and to refuse permission for first floor extension to front elevation of existing house for additional two number bedrooms at first floor level).

Decision

GRANT permission for the single-storey extension to rear of existing house to increase the size of lounge facility and all associated site works based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for the first-floor extension to front elevation of existing house for additional two number bedrooms at first floor level for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to 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 be acceptable, would not seriously injure the residential amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 the visual amenities of the area.

3. The entire premises shall be used as a single dwelling unit, unless otherwise permitted by a further grant of planning permission.

Reason: In the interest of clarity.

4. 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.

5. 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.

6. 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 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.

7. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety 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.

Reasons and Considerations (2)

The proposed first-floor front extension would be contrary to the provisions of the Fingal County Development Plan 2023-2029, in particular Sections 3.5.15.13 and 14.10.2, Policies HCAP8, HCAP10, SPQHP41, as well as Objectives SPQHO45 and GINHO67, would set an undesirable precedent for similar type development in the area, would seriously injure the visual amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Joe Boland

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

Dated this 25th day of June 2024.