



An
Bord
Pleanála

Board Order ABP-319178-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0745

Appeal by Eugene Carr care of Manahan Planners of 38 Dawson Street, Dublin and by Edmund McAuley care of Downey Chartered Town Planners of 29 Merrion Square South, Dublin against the decision made on the 2nd day of February, 2024 by Fingal County Council to grant subject to conditions a permission to Hugh and Deirdre Cashell care of Cormac Murphy and Associates of Seaview Studio, 162 Hampton Cove, Skerries Road, Balbriggan, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction and alterations to existing bungalow to form two-storey dormer bungalow with raised pitched roof incorporating two-storey gable elevation at front on south eastern elevation to be extended forward of existing gable wall in addition to single storey extensions to front and rear of proposed bungalow incorporating (i) rooflights on front elevation; (ii) raised roof to single storey garage conversion at side of existing bungalow, and (iii) relocation of vehicular access to south-western boundary along with all associated site works, all at Glendale, Seapoint Lane, Balbriggan, 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 County Development Plan 2023 – 2029, in particular the residential zoning of the site, to the prevailing pattern and character of existing development in the vicinity 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 not endanger public safety or convenience by reason of traffic generation, flooding, drainage proposals or otherwise. 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, 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension, in the interest of residential amenity.

3. Prior to commencement of development, the developer shall submit revised floor plans and elevational drawings detailing the following revisions for the written agreement of the planning authority:
 - (a) The omission of three number rooflights located within the front elevation roof slope.
 - (b) Window opening serving the master bedroom shall be similar in scale, design and form to those serving bedroom number 3 and shall be centrally positioned within the gable projection.
 - (c) The ensuite window at first floor level shall be fitted with obscure glazing.
 - (d) Window openings within the projecting bays at ground floor serving the sitting room and lounge shall be redesigned to have greater vertical emphasis and shall be consistent in terms of scale, and cill to lintel heights.

Reason: In the interest of visual amenity.

4. All external finishes shall be in accordance with the details submitted with the planning application unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

5. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of residential amenity.

6. The flat roof structure over the single storey extension shall not be used as amenity space by occupants of this dwelling and access to this roof structure shall be strictly for maintenance purposes.

Reason: In the interest of protecting residential amenities.

7. The following requirements shall be complied with in full:
- (a) The front boundary wall and side boundary walls to the front garden shall not exceed a height of 900 millimetres.
 - (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
 - (c) No gate shall open across a public footpath/roadway.
 - (d) The proposed new vehicular entrance shall not exceed a maximum width of four metres.
 - (e) The footpath and kerb to the new vehicular entrance shall be dishd at the developer's expense to the satisfaction of the planning authority.
 - (f) The footpath and kerb to the existing vehicular entrance shall be reinstated at the developer's expense to the satisfaction of the planning authority.

- (g) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary.
- (h) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.
- (i) All the above works shall be carried out at the developer's expense according to the specification and conditions of the planning authority.

Reason: In the interest of road safety and proper planning and sustainable development.

- 8. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

- 9. 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.

- 10. (a) All necessary measures shall be taken by the 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 developers own expense.

- (b) The 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 Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: In the interest of traffic safety and to protect the amenities of the area.

11. The existing vehicular entrance shall be closed and the boundary wall extended to close the opening. All material finishes to the roadside boundary wall shall harmonise with the existing boundary in terms of materials, textures and colours used.

Reason: In the interest of visual amenity.

12. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall include the retention of existing boundary vegetation and additional supplementary landscape which shall provide a screen along all boundaries to the rear of the dwelling, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.
- (b) Any existing and/or additional trees, shrubs and hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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.



Liam Bergin

Member of An Bord Pleanála

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



Dated this 30th day of September 2024