

An
Bord
Pleanála

Board Order

ABP-319515-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0679

Appeal by Anne and Michael Gill care of DMOD Architects of Suite 508, The Capel Building, Mary's Abbey, Dublin and by Ciaran Lynch care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 19th day of March, 2024 by Fingal County Council to grant subject to conditions a permission to Eithne Catherine Hannon care of Kane Architecture of 6 Clarinda Park North, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey dwelling over-basement to the rear and west of existing dwelling in an architectural conservation area and all associated site works, including pedestrian and vehicle access from Church Mews, on-site parking spaces and site drainage works, all at the rear of 15 The Rise, Malahide, 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.

An amendment to this
Board Order has been made

Dated ABP-319515-24 10/12/2024

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Signed: Secretary Ellen Wynn

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Reasons and Considerations

Having regard to the 'residential' zoning which applies to the site under the Fingal County Development Plan 2023-2029, the nature, scale and design of the proposed development, and the pattern of development permitted along the laneway, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of infill development in terms of scale, design, form and layout, would not seriously injure the residential and visual amenities of the adjoining residential development, would be in accordance with policy objective SPQHO42 (Development of Underutilised Infill, Corner and Backland Sites), and would be acceptable in terms of traffic, pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

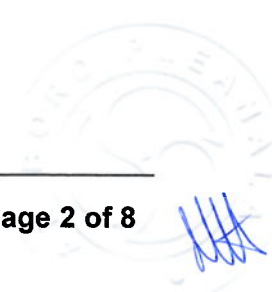
1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22nd day of February, 2024, except as may otherwise be required in order to 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.

**An amendment to this
Board Order has been made**

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Signed: Secretary 



2. The proposed dwelling shall be occupied as a single residential unit and shall not be used, sold, let or otherwise transferred or conveyed.

Reason: To restrict the use of the proposed dwelling in the interest of residential amenity.

3. The proposed basement area shall only be used for uses incidental and ancillary to the overall dwelling. The proposed basement area shall not be sold or used as separate accommodation from the main dwelling.

Reason: In the interest of orderly development.

4. The glazing to all bathroom and en-suite windows, including the proposed first floor window on the side/corner (northern) elevation, shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass shall not be permitted.

Reason: In the interest of residential amenity.

5. The developer shall comply with the following requirements:

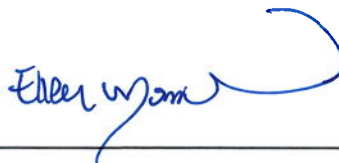
- (a) The proposed development shall be restricted to one car parking space only.
- (b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.

Reason: In the interest of traffic and pedestrian safety.

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6. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network, and include any specific requirements if appropriate.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (iv) Details of screen planting, which shall not include cupressocyparis x leylandii.
 - (v) Details of the proposed planting to the northern and eastern site boundaries.
 - (vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

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- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three 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 the interest of residential and visual amenity.

- 8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

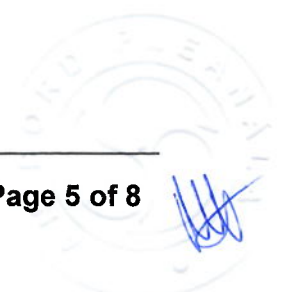
- 9. Site development and building works shall be carried out only between the hours of 0800 and 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

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10. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority during the course of the construction works.

Reason: To protect the amenities of the area.

11. The proposed dwelling shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C associated with Dublin Airport.

Reason: In the interest of proper planning, sustainable development and residential amenity.

12. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

13. 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:

- (a) the location of the site and materials compound(s), including area(s) identified for the storage of construction refuse,
- (b) the location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of on-site car parking facilities for site workers during the course of construction.

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- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) provision of parking for existing properties during the construction period,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains,
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority, and
- (o) the plan shall contain details of the intended construction practice for the basement area, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities, public health and safety and environmental protection.

**An amendment to this
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Signed: Secretary

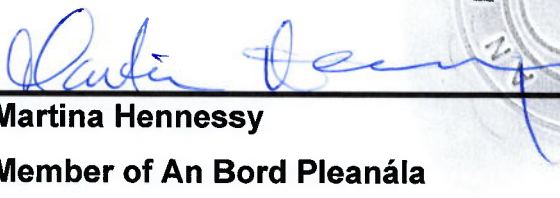
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14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf 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.


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

Dated this 27th day of September 2024.

**An amendment to this
Board Order has been made**

Dated 10/12/2024

Signed: Secretary 