

An
Bord
Pleanála

Board Order
ABP-319668-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0672

Appeal by Berardo Perito and Others care of RW Nowlan and Associates of Basement Office, 54 Fitzwilliam Square, Dublin against the decision made on the 11th day of April, 2024 by Fingal County Council to grant permission subject to conditions to Mel and Sally Sorohan care of Dermot Bannon Architects of Unit 3, The Seapoint Building, 44/45 Clontarf Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a detached, three-storey dwelling and a single-storey external store; a vehicular entrance, driveway and on-site parking; a widened gate to existing pedestrian access and all associated site works and services at site adjoining 236 Seapark, 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.

Reasons and Considerations

Having regard to the 'residential' zoning which applies to the site under the Fingal County Development Plan 2023-2029, under which residential development is stated to be generally acceptable in principle, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development in terms of scale, design, form and layout, would not seriously injure the residential and visual amenities of the adjoining residential development by reasons of overbearing, overshadowing or overlooking and would not impact on the character or visual amenity of the area. 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 the planning authority on the 8th day of February 2024 and on the 15th day of March 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed widened pedestrian gate to the southern site boundary into The Heights, Robswall, shall be omitted from the development hereby permitted.

Reason: In the interest of clarity.

3. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

4. The developer shall comply with the following:
 - (a) The proposed development shall be restricted to two car parking spaces only.
 - (b) No gate shall open across a public footpath/roadway.
 - (c) 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.
 - (d) The vehicular entrance shall have a clear opening width of four metres, in order to ensure there is adequate pedestrian/vehicular inter-visibility at the intersection of the entrance with the public footpath.

Reason: In the interests of traffic and pedestrian safety.

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5. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

6. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.
- (c) 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.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

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7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

9. All necessary measures shall be taken by the contractor 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 works.

Reason: To protect the amenities of the area.

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10. The house shall be provided with noise insulation to an appropriate standard having regard to Objective DMO11 of the Fingal County Development Plan 2023-2029.

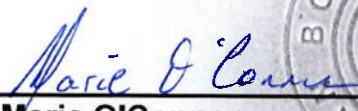
Reason: In the interest of proper planning, sustainable development and residential amenity.

11. The attenuation and 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.

12. 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.


Marie O'Connor

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

Dated this 06 day of November 2024.