



An
Bord
Pleanála

Board Order
ABP-320571-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0050.

Appeal by Mary Brophy care of Thorsdalen Smyth Architects Limited of 25 Beech View, Sutton, Dublin against the decision made on the 24th day of July 2024 by Fingal County Council to refuse a permission for the proposed development.

Proposed Development: The development will consist of the construction of a part two-storey and single-storey five bedroom house within the garden of Number 1 Marian Park; demolition of existing lean-to garage and shed and associated garden wall; new front garden layout and pedestrian side access to Number 1 Marian Park; forming of new vehicular entrance for Number 1 Marian Park and new separate vehicular entrance for proposed new house; all associated landscaping and boundary treatment works, drainage, ancillary site works and services, at 1 Marian Park, Baldoyle, 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 Development Plan 2023-2029 and the nature, scale and design of the proposed dwelling, including the nature of the amended plans received as part of the First Party Appeal, it is considered that, subject to compliance with the conditions below, the development would not seriously injure the amenities of the area and 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 further information submitted to the planning authority on the 1st day of July 2024, and as further amended by plans and particulars received by An Bord Pleanála on the 15th day of August 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. Details of the materials, colours and textures of all the external finishes of 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.

3. The mitigation measures contained in the submitted Flood Risk Assessment shall be implemented.

Reason: To safeguard future occupants of the dwelling and to protect the environment.

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

Reason: In the interest of public health.

5. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

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 all 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.


Declan Moore

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

Dated this 2nd day of December 2024.