



An
Bord
Pleanála

Board Order

ABP-320931-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW24A/0291

Appeal by Nigel and Susan Crowley care of Stephen Molloy Architects of 12 Saint Brigid's Shopping Centre, Main Street, Blanchardstown, Dublin against the decision made on the 5th day of September, 2024 by Fingal County Council to refuse permission.

Proposed Development: Construction of a three-bedroom residential dwelling in the side garden area, semi-detached to the side of the existing house, to include off-street parking for one car, bicycle and bin storage facilities to the rear, new pedestrian access point to the side boundary wall, ancillary site works to include connections to all services, all at 25 Manorfields Rise, Castaheany, Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the zoning objective for the area, as set out in the Fingal Development Plan 2023-2029, in particular Policy SPQHP38 and Objectives SPQHO37 and SPQHO38 which support the densification of existing urban areas and the efficient use of valuable serviced residential land, Objectives SPQHO39, SPQHO40 and Objective SPQHO42 which support development on a corner site within the curtilage of an existing property and within an established residential area, and having regard to the requirements of Objective DMSO31 and Objective DMSO32, the nature of the site, the established pattern of residential development in the area, and the overall design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with existing development in the area and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. 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, 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling or 25 Manorfields Rise without a prior grant of planning permission.

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

3. 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.

4. The details of the works to the public footpath and verge shall be agreed in writing with the planning authority prior to commencement of development. These shall include:

- (a) The foundations of the dwelling wall adjacent to the boundary with the public footpath. This shall be designed, supervised, and certified by a suitably qualified person with professional indemnity. A copy of this certificate and associated drawing details of the foundations shall be submitted to the planning authority for record purposes.
- (b) The relocation of the existing lightning pole, if required.
- (c) The dishing of the kerb.

All works shall be carried out at the developer's expense and to the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

5. 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.

6. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

7. 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.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

9. 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 11th day of APRIL 2025.