

An
Bord
Pleanála

Board Order
ABP-321114-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0687E.

Appeal by Shamrock Cottages (Rush) Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 23rd day of September, 2024 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: (i) Demolition of the existing single-storey derelict dwelling on-site; (ii) construction of a residential development comprising four number two-storey, four-bedroom dwellings (House Numbers 1-4), each of which is served by two number car parking spaces, private amenity space in the form of rear/side gardens and rooflights. House Numbers 3 and 4 will also be afforded a balcony space at first floor level accessible from the main master bedroom; (iii) vehicular and pedestrian access to House Number 1 is provided via a private entryway off Sundrive Road to the north and a shared entryway will be provided further west off Sundrive Road to provide vehicular and pedestrian access to House Numbers 2-4. Pedestrian access to House Numbers 3 and 4 is also provided off South Shore Road. The proposed development is also inclusive of: drainage, SuDs, landscaping works, boundary treatments and new boundary walls, and all

ancillary works necessary to facilitate the development on Lands located between South Shore Road and Sundrive Road, Rush, 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 condition(s) set out below.

Reasons and Considerations

Having regard to the Fingal Development Plan 2023-2029, the 'RS – Residential' zoning of the site, the objective for which is to 'Provide for residential development and protect and improve residential amenity', and the planning policies, objectives and development standards of the Fingal Development Plan 2023-2029 and to the nature, scale and design of the development relative to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties, 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 the further plans and particulars received by An Bord Pleanála on 21st day of October 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 glazing to the dwellings following 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.
 - (a) Dwelling 01, first floor bathroom window, eastern (side) elevation.
 - (b) Dwelling 02, first floor landing window, eastern (rear) elevation.
 - (c) Dwellings 03 and 04, first floor landing window, western (side) elevation.
 - (d) Dwellings 03 and 04, two number first floor bathroom windows, eastern (side) elevation.

Reason: To prevent overlooking of adjoining residential properties.

3. (a) The proposed boundary treatments along Sundrive Road and Southshore Road shall be setback as detailed on the submitted Proposed Site Plan. The verges shall be levelled and grassed and maintained by the applicant/developer and shall be reserved free of development to facilitate high quality cycling and walking routes, as per Table 6.1 of the Fingal County Development Plan 2023-2029.
- (b) The proposed boundaries of dwelling 03 and dwelling 04 (as identified on the submitted Proposed Site Plan) along South Shore Road shall be setback as detailed on the submitted proposed Site Plan and the verge shall be levelled, grassed and maintained by the applicant/developer and shall be reserved free of development to facilitate high quality cycling and walking routes, as per Table 6.1 of the Fingal County Development Plan 2023-2029.
- (c) No objects, structures, landscaping or planting exceeding a height of 900 millimetres, which would interfere or obstruct (or could obstruct over time) the required visibility splays, shall be placed or installed within the visibility splays (as defined by the Design Manual for Urban Roads and Streets (DMURS) and as shown on the submitted Sight Line and Forward Visibility drawings).
- (d) No gate shall open across a public footpath/roadway.

Reason: In the interest of public safety and amenity.

4. All roads shall be constructed up to the boundaries and shall provide for future access to the adjoining landholding to the east (as set out in the Proposed Site Plan (Sheet No 2329_P_200 Revision 02). Any obstruction to the access to the adjoining landholding to the east, shall be temporary only in nature to facilitate the construction stage of the development. These road areas shall be shown in a revised taking in charge drawing which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Prior to commencement of development, the applicant/ developer shall, for the agreement of the planning authority, provide a landscaping plan that provides detailed information on the landscaping and tree/ hedge protection and management measures that will be implemented on the subject site.

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

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the 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.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

10. All service cables associated with the proposed development (such as electrical, public lighting, 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 and residential amenity.

11. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes and shall take account of proposed trees and hedges as per the Site Layout Plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

12. Proposals for an estate/ street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. Site development and building works shall be carried out only between the hours of 0700 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: To safeguard the amenity of property in the vicinity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. 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.

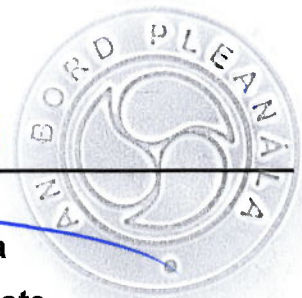
16. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted 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 indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



MaryRose McGovern

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



Dated this 8th day of May 2025.