

An
Bord
Pleanála

Board Order
ABP-321669-25

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0923E

Appeal by Brendan McGrath of 88 Dublin Road, Sutton, County Dublin against the decision made on the 12th day of December, 2024 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Demolition of an existing single-storey garage at rear and the construction of a two-storey mews dwelling over a semi-basement structure containing ancillary storage, service and utility uses, with landscaped setback/apron with a vehicular parking space to front and a landscaped garden court to rear with pergola and with a water tank enclosure and solar panels to a green roof and for sundry works at boundary walls and to service and drainage connections at 88 Dublin Road, Sutton, 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 Objective SPQHO9 (Consolidated Residential Development) and Objective SPQHO42 (Development of Infill, Corner and Backland Sites) of the Fingal County Development Plan, 2023-2029, the pattern of development in the area, the infill nature of the appeal site and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, and would not result in a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the Inspector that the proposed development would not negatively impact on the amenities of the area, and it agreed that the development proposed would be minor, within the meaning of section 5.28 of The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, issued by the Department of Environment, Heritage and Local Government and OPW. The Board also agreed that although the proposed parking space would be in close proximity to the access road within the apartment development opposite, there would nevertheless be sufficient sight distance for vehicles exiting that apartment development, relative to the appeal site, and it agreed that the potential for traffic conflicts would be limited.

The Board did not consider it necessary to consider the future parking requirements of the existing dwelling which fronts on to Dublin Road. This dwelling did not form part of the planning appeal, and national policy as set out within Specific Planning Policy Requirement (SPPR) 3 which applies to new residential development, does not apply to this existing dwelling. The Board was also mindful that the frontage of the existing dwelling may in the future be able to accommodate in-curtilage parking provision, subject to appropriate planning considerations.

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 the 15th day of January 2025, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed carport space shall be restricted to such use, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

3. Details of the materials, colours and textures of all the external finishes to 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. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, off-site disposal of construction/demolition, details of arrangements for routes for construction traffic, parking during the construction phase, and the location for storage of deliveries to the site.


Reason: In the interest of public safety, traffic safety and amenity.

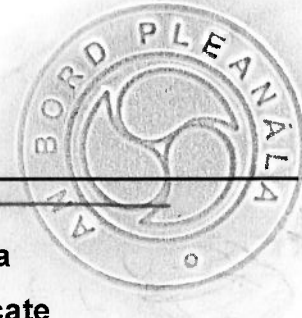
8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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 the 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.


Mary Rose McGovern
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this 19th day of May 2025