

An
Coimisiún
Pleanála

Commission Order
ACP-322835-25

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/1160E

Appeal by Stephen and Sharon Murphy of 4 Hazelhatch, Thormanby, Howth, County Dublin and Hazelhatch Homes Management Company Limited care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin, and by Mack Lennon and Nadia Pitt care of Sheridan Woods Architects of 14 Baggot Street Lower, Dublin against the decision made on the 28th day of May, 2025 by Fingal County Council to grant subject to conditions a permission to Mack Lennon and Nadia Pitt in accordance with plans and particulars lodged with the said Council.

Proposed Development: Residential development comprising four number three-bedroom two-storey (part single storey) detached dwellings with green roofs and solar panels facing Thormanby Road, with balconies at first-floor level facing north to dwelling number 1 and east to dwellings numbers 2 to 4 and single storey service/storeroom with green roof to rear garden to numbers 2 to 4, a private pedestrian gate to dwelling number 1 from Thormanby Road located to the northern end of site at street level with concealed bike store and steps to garden level. All landscaped incidental areas of open space, all associated site works (including demolition of one number small outbuilding and part of north-eastern boundary to 'Glenview'), new boundary walls, landscaping, front and side screen/boundary/retaining walls and pedestrian

gates. All dwellings accessed from a proposed shared surface vehicular and pedestrian laneway from and parallel to Thormanby Road with a recessed screened refuse wait area at southern side of junction of proposed access laneway and Thormanby Road, all on a site (circa 1,938 square metres/0.1938 hectares) located on Thormanby Road, Howth, County Dublin, to the rear/north and east of 'Glenview' dwelling, east of 'Burford' dwelling on Dungriffin Road and the Hazelhatch (numbers 1 to 7) residential estate on Thormanby Road, all at Glenview, Thormanby Road, Howth, 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 provisions of the Fingal Development Plan 2023-2029, including the 'RS' residential zoning objective for the site, the pattern and character of development in the area, and the design, scale and servicing of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development at this location, would not detract from the character of the area in terms of impacts on built character, landscape, or views to be preserved, would not detract from the amenities of properties in the vicinity, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission noted that the absence of public open space would contravene the Fingal Development Plan 2023-2029 in respect of Section 14.13.2 (Quantity of Public Open Space), Objective DMSO51 (Minimum

Public Open Space Provision), and Objective DMSO52 (Public Open Space Provision); however, having regard to Objective DMSO53 of the Fingal Development Plan 2023-2029, as well as Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, the Commission considered that this would be acceptable in this case subject to the payment of a financial contribution in lieu of public open space.

Having regard to the first-party appeal, the Commission agreed with the assessment and conclusion of the Planning Inspector who acknowledged that, while the cycle lane would be provided as part of a larger future scheme, which would require further detailed design and assessment, it is considered reasonable and appropriate to require incremental setbacks to facilitate such future upgrades in accordance with orderly development. In doing so, the Commission considered that a surface-level setback should be required (as permitted) rather than a raised planter as proposed in the first-party appeal.

Conditions

1. The proposed 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 6th day of May, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details, including plan and elevation drawings of the proposed store/service rooms, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

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 and to ensure an appropriate standard of development.

4. 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.

5. 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 commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

Reason: In the interest of amenity and public safety.

6. All service cables associated with the proposed development (such as electrical, 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.

7. The proposed roadside setback, vehicular entrance, and internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS), details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

9. Prior to commencement of development, the developer shall enter into connection agreement(s) with Uisce Éireann to provide for service connection(s) to the public water supply and wastewater collection network.

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

10. (a) The existing trees to be retained shall be protected from damage during construction in accordance with the measures outlined in the 'Condition Assessment' report and 'Tree Protection Plan' lodged with the planning application.
- (b) The site shall be landscaped in accordance with a detailed 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: In the interest of residential and visual amenity.

11. (a) A Bat Survey of the site shall be conducted by a suitably qualified Bat Ecologist in accordance with Best Practice guidelines. The results of the survey and any associated mitigation measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development or the felling of any trees on site. If any potential bat roosts are identified, the developer shall apply for a Derogation Licence in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011.
- (b) No removal of mature trees shall take place within the period of March 1st to August 31st.

Reason: In the interest of nature conservation.

12. Prior to 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 a 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 shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management.

13. The construction of the proposed development shall be managed in accordance with a Construction Environmental 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 intended construction practice for the proposed development including:
- (a) the location of the site and materials compound(s), including area(s) identified for the storage of construction refuse;
 - (b) the location of access points to the site for any construction related activity;
 - (c) the location of areas for construction site offices and staff facilities;
 - (d) the details of site security fencing and hoardings;
 - (e) the details of on-site car parking facilities for site workers during the course of construction;
 - (f) the details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (g) measures to obviate the queuing of construction traffic on the adjoining road network;
 - (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
 - (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (j) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (n) proposals to protect the existing western site boundary;
- (o) proposals to protect any existing services or utilities running under the site; and
- (p) proposals to manage the extent of any rock-breaking/removal that may be necessary, including proposals to prevent any excessive noise, vibration, structural impacts, waste, or any other environmental impacts.

A record of daily checks that the works are being undertaken in accordance with the Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of residential amenities, public health and safety, and environmental protection.

14. 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 or public holidays. Deviation from these times shall 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 property in the vicinity.

15. (a) The communal spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the planning authority, shall be maintained by a legally-constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

16. Building noise insulation shall be provided to an appropriate standard having regard to the location of the site within Dublin Airport Noise Zone D.

Reason: In the interest of residential amenity and to ensure compliance with Objective DMSO105 of the Fingal Development Plan 2023-2029.

17. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

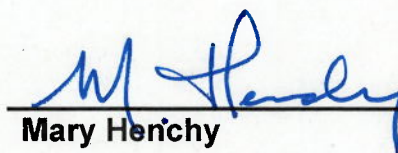
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. 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 Coimisiún 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.

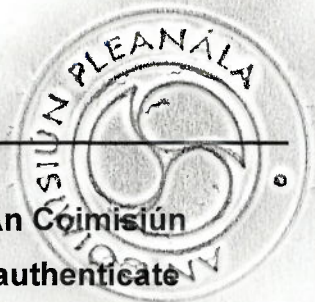
19. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement for the proposed development in respect of public open space benefitting the development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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. 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 Coimisiún 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 contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



Mary Henchy

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 23rd day of Oct 2025.