



An
Bord
Pleanála

Inspector's Report ABP-313381-22

Development

Planning permission is sought to omit condition No's 5 and 8 of Reg. Ref F20A/0135 which relate to works to a boundary wall that are outside the control and ownership of the applicant.

Location

Montebello, Asgard Road (corner site with Thormanby Road), Howth, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F22A/0051.

Applicant

Caoimhin and Marie O'Laoi.

Type of Application

Permission.

Planning Authority Decision

Refusal of Permission.

Type of Appeal

First Party v Refusal of Permission

Appellant

Caoimhin and Marie O'Laoi.

Observer(s)

None.

Date of Site Inspection

29th April 2023.

Inspector

Enda Duignan.

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Montebello, Asgard Road, Howth, Co. Dublin. The site is located on the corner of Asgard Road and Thormanby Road, c. 500m to the south of Howth Village. The site comprises a large Victorian era, semi-detached dwelling which is orientated towards Asgard Road to the north. The site is served by an area of amenity space to its rear and a surface level car parking area is located on the dwelling's eastern side. The dwelling is accessed via an existing vehicular entrance which is located at the southern end of the site's eastern boundary to Thormanby Road. The remainder of the boundary to Thormanby Road comprises a high concrete wall.
- 1.2.** In terms of the site surrounds, the site is located within an established residential area. The site has a western abuttal with the adjoining semi-detached dwelling known as 'Montrose' and a cleared site, currently under grass is located immediately to the south. The appeal site has a stated area of c. 0.17ha.

2.0 Proposed Development

- 2.1.** Planning permission is sought for the omission of Condition Nos. 5 & 8 of Ref. F20A/0135. The conditions are included as follows:

Condition No. 5

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a suitable finish to the existing concrete boundary wall along Thormanby Road to include local stone cladding or similar, with or without a combination of render (e.g. local stone cladding to 1.2m or similar and render applied to the remaining proportion).

REASON: In the interest of visual amenity.

Condition No. 5

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a revised drawing indicating the provision of the 49m sightlines when measured from a 2.4m setback from the edge of the road in a

northern direction which also indicates amendments to the boundary wall in order to achieve this.

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

3.0 Planning Authority Decision

3.1. Decision

Fingal County Council refused planning permission for the development for the following 1 no. reason.

- The access from Thormanby Road suffers from inadequate sightlines. The proposed development would represent an intensification of the use of this substandard access/egress. The applicant has not demonstrated that sufficient amendments could be carried out on land within his ownership such that revisions to the substandard entrance could be carried out to ensure that the intensified use of the access/egress point is safe, and the required sightlines are achieved. The proposed development would endanger public safety by reason of a traffic hazard and as such is not in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Fingal County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development, the planning history of the site and the policy that is applicable to the development proposal.

In terms of Condition No. 5, the Planning Authority refer to the legal letter submitted by the Applicant outlining that the boundary wall with Thormanby Road is located outside their legal ownership. It is stated that the Applicant accepted the condition at the time of the permission and did not appeal the condition to the Board. In terms of Condition No. 8, the Planning Authority refer to the commentary of the Transportation Department who note that the 49m sightline requirement cannot be met (c. 42.5m

achieved). A refusal of planning permission was therefore recommended as the proposed access would be considered a traffic hazard.

3.2.2. Other Technical Reports

Water Services: Report received stating no objection.

Transportation: Report received recommending a refusal of permission.

Parks and Green Infrastructure: Report recommending the condition to remain.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Observations

None.

4.0 Planning History

F20A/0135: Planning permission granted by the Planning Authority in July 2020 for (i) Partial demolition (6.9 sq.m.) of the existing single storey side extension to Montebello; and (ii) construction (to the side of existing dwelling) of a two-storey pitched roof three-bedroom dwelling with 1st floor balcony, enclosed private amenity space (198 sq.m.) and 2 no. on-curtilage car parking spaces. The development also included a replacement car parking area to provide 2 no. car parking spaces to serve the existing dwelling, SUDS drainage, boundary treatments, retaining walls and all site engineering works necessary to facilitate the development. The proposed dwelling is accessed from the existing vehicular and pedestrian entrance serving the existing dwelling on Thormanby Road.

F15A/0107: Planning permission refused by the Planning Authority in May 2015 for the construction (to the side of existing dwelling), of a two storey, flat roofed three bedroom dwelling with 1st floor balcony; enclosed private open space; car parking area; SUDS drainage, retaining walls and all landscaping and site engineering works.

The development also included the provision of new car parking area to the rear of Montebello House and 2 no. vehicular entrances from Thormanby Road to serve the existing and proposed dwelling.

The application was refused for the following 2 no. reasons:

- The subject site is zoned objective RS; 'provide for residential development and protect and improve residential amenity' in the Fingal Development Plan 2011-2017. The proposed development, which constitutes a contemporary flat roofed two storey infill dwelling on an elevated corner site, adjoining a semi-detached pair of vernacular Victorian dwellings, would by reason of its size, scale, bulk and incongruous built form, represent a visually intrusive form of development that would be out of character with the surrounding pattern of residential development and would visually detract from architectural integrity of the existing Victorian dwellings at this location. The proposed development would seriously injure the visual and residential amenities of the area, depreciate the value of property in the vicinity of the site and, as such, would be contrary to the zoning objective and proper planning and sustainable development of the area.
- The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

F99A/0731: Planning permission granted by the Planning Authority in August 1999 for a revised layout of previously approved plans for single storey extensions and new revisions to the existing entrance driveway and gates.

F99B/0138: Planning permission granted by the Planning Authority in June 1998 for the construction of a single storey extension to the side and rear.

5.0 Policy and Context

5.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

- 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.1.2. National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.2. Design Manual for Urban Roads and Streets (DMURS), 2019

5.3. Fingal County Development Plan, 2023-2029

The Fingal County Development Plan, 2023-2029 (CDP) came into effect on 5th April 2023, and after the decision of the Planning Authority to refuse planning permission. The site is within an area zoned ‘RS’, the objective of which is ‘Provide for residential development and protect and improve residential amenity’. All lands within the immediate surrounds of the subject site are also zoned ‘RS’. The vision for ‘RS’ zoned lands is to ‘Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity’. There is an objective to preserve views along this section of Thormanby Road

Policies relevant to the consideration of the appeal include:

Policy SPQHP38 – Compact Growth, Consolidation and Regeneration

Promote compact growth in line with the NPF and RSES through the inclusion of specific policies and targeted and measurable implementation measures that:

- Encourage infill/brownfield development.

- Focus growth on the County's designated strategic development areas identified in the Metropolitan Area Strategic Plan.
- Promote increased densities along public transport corridors.

Objective SPQHO40 – Development of Corner or Wide Garden Sites

Favourably consider proposals providing for the development of corner or wide garden sites within the curtilage of existing dwellings in established residential areas subject to the achievement of prescribed standards and safeguards set out in Chapter 14 Development Management Standards.

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Section 14.10.1 (Corner/Infill Development) of the Plan notes that the development of infill housing on underutilised infill and corner sites in established residential areas will be encouraged where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed. While recognising that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill, such development provides for the efficient use of valuable serviced land and promotes consolidation and compact growth. Contemporary design is encouraged and all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden area and car parking.

Objective DMSO32 – Infill Development on Corner / Side Garden Sites

Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:

- Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
- Consistency with the character and form of development in the surrounding area.

- Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.
- Ability to safeguard the amenities of neighbouring residential units.
- Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.
- Provision of side/gable and rear access arrangements, including for maintenance.
- Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Impact on street trees in road-side verges and proposals to safeguard these features.
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.
- Provision of secure bin storage areas for both existing and proposed dwellings.

5.4. Natural Heritage Designations

The nearest designated Natura sites are the Howth Head Special Area of Conservation (SAC) (Site Code: 000202) and the Howth Head Coast Special Protection Area (SPA) (Site Code: 004113), which are located c. 370m to the north of the appeal site. The Rockabill to Dalkey Island SAC (Site Code: 003000) is also located c. 1km to the north-east of the appeal site.

5.5. EIA Screening

- 5.5.1. The proposed development does not fall within a Class of Development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), therefore no EIAR or Preliminary Examination is required.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party appeal has been prepared and submitted on behalf of the Applicant. The submission provides a description of a site and subject proposal, the background to

the application and the planning history of the site. The grounds of appeal can be summarised as follows:

- In terms of the omission of Condition No. 5, it is stated that the design team is of the opinion that the original application documentation does not include the boundary wall within the red line boundary. Furthermore, it is stated that the condition requires materials to be added to the existing wall to improve its aesthetics. It is stated that these works were not proposed as part of the application but were considered by the Planning Authority to improve visual amenity. Notwithstanding this, a compliance submission was made to the Council confirming that the Applicant would complete the works to the wall with an indemnity from the Council noting the wall is in their ownership. This was not deemed to be acceptable by the Council and correspondence is included within an appendix to the appeal submission. The Applicant is seeking to omit this condition as works cannot commence as compliance with this condition cannot be secured.
- The appeal submission notes that at the time of the grant of permission, the decision was welcomed by the Applicant in light of the previous refusal and the decision was accepted. It is also confirmed that the Applicant is willing to complete the works subject to an indemnity from the Council. The Applicant has concerns that there will be an indefinite liability for the works despite them not owning the wall given this was refused by the Planning Authority. It is also stated that the additional width of the local stone cladding would further restrict downhill sightlines from the entrance. It is submitted that a financial contribution could be provided by the Applicant towards the cost of improving the visual amenity of the wall and such works would be completed by the Council as owners of the wall. It is submitted that the omission of Condition No. 5 will facilitate the construction of an infill residential dwelling, that accords with the proper planning and sustainable development of the area.
- In terms of Condition No. 8, the appeal submission wishes to highlight that the issue of sightlines was considered in the review of the previous application by the Planning Authority's Transport Department. This did not form a reason for refusal and was conditioned by the Planning Authority and it is stated that a

compliance submission has been made to this condition which provides for a 2m setback and 45m sightlines in each direction. A rationale was included by the consultant engineer which demonstrates that the proposal is in compliance with DMURS. However, it is noted that a response has not been received by the Planning Authority to date.

- It is stated that the setback of 2.4m from the edge of the road would appear to be applied as the proposed dwelling is considered an intensification of use. However, this is contrary to other similar developments where 2m setbacks from the edge of the roads were permitted for additional infill dwellings. It is noted that a 2m by 49m visibility splay would normally be required for a new junction where the design speed on the major road is 50 kilometers per hour as identified in DMURS. It is stated that this is a proposal for an access driveway to serve one additional residential dwelling and so is more akin to the permitted access in terms of traffic volumes than to a new road. It is stated therefore, that the application of DMURS for a driveway is questionable and indeed not universally applied throughout Ireland.
- Furthermore, it is noted that the entrance to the permitted dwelling is an existing established entrance and was utilised by the applicants and their family without any incident for a number of years and the site currently accommodates 4 car parking spaces which have been in use for decades. It is considered therefore that the additional dwelling would not render such an intensification of use. The appeal submission highlights that there have been no reported incidents of collisions at this location which is detailed within Appendix C.
- In light of the comments of the Planning Authority's Transportation Department, the Applicant's consulting engineer carried out a speed survey which indicated that the 85th percentile showed average speeds of 51.12 and 51.03 kilometres per hour which is compliant with the 50 kilometer per hour speed limit at this location and not in excess of the posted speed limit. It is stated that when designing the visibility splay for the appeal site, the following considerations were applied:
 - The speed limit of Thormanby Road.

- The presence of a solid white line along the frontage of the site that would prevent overtaking.
- The proximity of the signalised crossing with Asgard Road.
- The width of the footpath along the road frontage.
- The existing boundary wall.
- Local bus routes.
- The fact that this is an existing entrance

Based on the aforementioned criteria, the development has been assessed for a 2m by 45m sight line and it is submitted to the Board that this falls within the scope of the special considerations to comply with section 4.4.5 of DMURS. It is submitted that the existing sightlines are appropriate in this instance and that works to the boundary wall to facilitate even greater sight lines is not required noting the appropriate sight lines provided at the existing entrance to the dwelling.

- It is contended that a refusal issued by the Planning Authority is disingenuous in the context that the subject proposal provides for no comparable increase in the quantum of vehicular parking provided on the subject site and accommodates vehicle turning within the site for improved vehicular movement. In this regard, it is noted that the site has historically accommodated 4 vehicular car parking spaces and under the permitted layout, two car parking spaces are provided for the existing dwelling and two spaces have been provided for the proposed dwelling. It is submitted therefore that the additional dwelling does not provide for an intensification of use and as such the existing sight line is appropriate in this instance.
- The appeal submission refers to various precedent cases that the appellant deems to be relevant to the consideration of the appeal.
- It is stated that the granting of permission by the Board to omit Condition Nos. 5 and 8, that currently restricts the development of the dwelling will ensure that additional residential development on an underutilised brownfield site can be achieved which is in line with national, regional and local planning policy.

- Included as appendices to the appeal is a copy of the compliance submission to Condition No. 5 and associated photo montages and engineering documentation prepared by the Applicant's consulting engineer.

6.2. Planning Authority Response

A submission was received from the Planning Authority on 17th May 2022. The response notes that the parent permission was granted on the presumption that works would be done to the boundary wall and it is stated that the Applicant accepted this, noting that they did not appeal the conditions attached. The appeal site is located on a sharp bend with a steep decline used heavily by cars and cyclists. As it stands, if the conditions are lifted the applicants will be intensifying development on the site with inadequate sightlines at an acute bend in the road. The application granted on the site with the attached conditions would aid in the safety of pedestrian and more specifically road users. The subject boundary wall was located within the original red line and it was never indicated to the Planning Authority that this boundary wall was not within the ownership of the applicant. This influenced the decision of the Planning Authority to allow an additional house at this location. The Board is requested to uphold the decision of the Planning Authority to refuse permission for the proposed development.

6.3. Observations

None.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the Planning Report, the consequent reason for refusal and the Appellant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Omission of Condition No. 5.
- Omission of Condition No. 8.

- Appropriate Assessment

7.1. Omission of Condition No. 5

- 7.1.1. The Applicant is seeking permission to omit Condition No. 5 which of Reg. Ref. F20A/0135. Under the parent permission, planning consent was approved for construction of a new detached, double storey dwelling within the side garden of the existing property. The existing property known as Montebello, is orientated towards Asgard Road to the north and vehicular access to the appeal site is provided via an existing entrance at the southern end of the eastern boundary to Thormanby Road. The appeal site predominantly comprises an area of hard surfacing which is currently in use as car parking associated with the existing dwelling. Within their assessment of the original application, the Planning Authority refer to the existing high concrete boundary wall to Thormanby Road which they note forms a significant feature of this streetscape. The Planning Authority referred to the commentary of their Parks and Green Infrastructure Section which raised concerns with respect to the visual impact of this wall and requested the Applicant to propose a suitable finish to the existing concrete boundary wall to include a local stone cladding or similar, for e.g. the provision of local stone cladding to a height of 1.2m with render applied to the remaining portion. The Planning Authority concurred that the existing boundary wall in its current form gave rise to a negative visual impact on the streetscape and the Applicant was therefore requested to amend the treatment of this boundary wall by way of condition.
- 7.1.2. Within their assessment of the current application to omit Condition No. 5, the Planning Authority refer to the submitted legal letter from the Applicant stating that the subject boundary wall which addresses Thormanby Road is located outside their legal ownership. The Planning Authority also refer to the report from the Park's Section which notes that in the event the boundary wall is not within the Applicant's ownership as claimed, then the Applicant can contact the Council's Property Section or Operations Department to request permission to undertake the works under licence agreement. The Planning Authority then go on to state that at the time of the permission, the Applicant accepted the condition and did not appeal the permission to

the Board. I note that the Planning Authority in their assessment of the application did not discuss this matter further, nor did they provide a formal response to this particular issue. I also note that this matter did not form a reason for refusal. From my review of the original application, I would concur with the Planning Authority that it would appear that the boundary wall was located within the original red line site boundary. I would also share the concerns of the Planning Authority with respect to the visual impact of the existing boundary wall and I acknowledge the attempt by the Planning Authority to achieve a planning gain from the development proposal through the enhancement of the existing boundary treatment which forms a prominent feature along this section of the Thormanby Road streetscape.

- 7.1.3. As detailed within the appeal submission, the Applicant has attempted to comply with the condition and has confirmed that they are willing to undertake these works at their own cost (subject to an indemnity from the Council given the wall is not in their ownership). In support of the compliance submission (also included in the appeal submission), proposed photomontages of the modified boundary wall had been prepared which clearly demonstrate a significant enhancement of this boundary treatment. I note that this compliance submission had been refused by the Planning Authority as 'The Applicant is not in compliance as they appear to indicate they are not going to undertake the works to the property which was indicated to be in their ownership'. Works to the existing boundary wall did not form part of the original development proposal and I note that the existing condition of the wall is not reason by itself to refuse permission for the development proposal. As the wall would appear to be outside the control of the Applicant, a point that it is not disputed by the Planning Authority, I consider it reasonable in this instance for a condition to be attached to a grant of permission requiring the Applicant to pay a special financial contribution for the works to enhance the existing boundary wall in accordance with section 48(2) (c) of the Planning and Development Act 2000 and Section 18 of the Fingal County Council Development Contribution Scheme 2021-2025. The details of which are to be agreed with the Planning Authority prior to the commencement of development. In default of such agreement, the matter can be referred to An Bord Pleanála for determination. Subject to compliance with this condition, I am satisfied that the

omission of Condition No. 5 is therefore in accordance with the proper planning and sustainable development of the area.

7.2. Omission of Condition No. 8

- 7.2.1. As noted in the foregoing, Montebello is served by an existing vehicular entrance which is located at the southern end of the site's boundary to Thormanby Road. The proposal seeks to utilise the existing entrance to provide access to the appeal site, with access also being retained for the existing dwelling. Condition No. 8 of Reg. Ref. F20A/0135 required the Applicant to submit a revised drawing indicating the provision of the 49m sightlines when measured from a 2.4m setback from the edge of the road in a northern direction, which also indicates amendments to the boundary wall in order to achieve same. The Applicant has indicated that they have submitted a compliance submission in response to this condition, noting that the boundary wall is not in their ownership and a justification for reduced sightlines at this location. The Applicant has confirmed that a response to the compliance condition had not been forthcoming at the time of the application. Within their assessment of Ref. F20A/0135, the Planning Authority refer to commentary of the Transport Department with respect to the requirement for adequate sightlines in accordance with the requirements of DMURS and it was considered that this could be addressed by way of condition. A reasonable assumption was made by the Planning Authority that the Applicant had the ability to undertake said works.
- 7.2.2. The Planning Authority have refused permission to omit Condition No. 8 given the development would represent an intensification of the use of a substandard access/egress due to inadequate sightlines. It is stated that the Applicant has not demonstrated that sufficient amendments could be carried out on land within their ownership to ensure that the intensified use of the access/egress point is safe, and the required sightlines are achieved. As noted earlier in this report, the Applicant has submitted legal documentation confirming that the boundary wall in question is not within their ownership. Within their assessment of the application, the Planning Authority concurred with Transport Department, and they noted that they observed speeds above the posted speed limit. It was also indicated that the Applicant had not

clearly demonstrated that there are special circumstances applicable to the development proposal and the omission of Condition No. 8 would therefore be contrary to Section 4.4.5 of DMURS.

- 7.2.3. I note that a posted speed limit of 50km/h applies to this section of Thormanby Road. Thormanby Road is a bus route and as per Table 4.2 of DMURS, a sightline requirement of 49m typically applies to new junctions at a setback distance of 2.4m from the roadside edge. However, Section 4.4.5 of DMURS notes that in difficult circumstances this may be reduced to 2m where vehicle speeds are slow and flows on the minor arm are low. In response to the concerns of the Planning Authority and their commentary with respect to the observations of speeds higher than the posted limit, the Applicant's consulting engineer carried out a speed survey which indicated that the 85th percentile showed average speeds of 51.12 and 51.03km/h which they note is generally compliant with the 50km/h speed limit at this location. An argument is therefore made that a reduced sightline of 45m at a setback distance of 2m is appropriate in this instance and sightline diagrams have been submitted which demonstrate the achievement of same. Whilst I note that the recorded speeds are generally consistent with the posted limit, I am conscious that the proposal is utilising an established entrance which has been in use for a significant period of time, without any prior record of traffic collisions. I also note that the appeal site currently includes an extensive area of surface level car parking which can accommodate a minimum of 4 no. car parking spaces. This level of car parking is therefore commensurate with the permitted development, given the existing and proposed dwellings are each allocated 2 no. car parking spaces. Given the characteristics of the appeal site and the limited number of additional traffic movements that would be associated with a proposal of this nature, I find it unreasonable for the proposal to be deemed to constitute an intensification of the entrance. In addition to this, I have had regard to the presence of a solid white line along the frontage of the site that would prevent overtaking, the proximity of the entrance to the signalised crossing with Asgard Road to the north and the alignment of Thormanby Road, whereby this junction is located downhill from the entrance. I also note that the development of the appeal site is considered to be in accordance with national policy objectives which seek to ensure that 40% of future

housing delivery is within the existing footprint of built up areas (National Policy Objective 3a of the NPF) and the preferred approach (Section 2.6 - Securing Compact and Sustainable Growth) for compact development is to focus on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings. For these reasons, I consider a reduced sightline requirement of 45m at a setback distance of 2m from the roadside edge to be appropriate in this specific instance and I am satisfied that the proposed development does not constitute a traffic hazard. In this regard, I consider the omission of Condition No. 8 to be acceptable and in accordance with the proper planning and sustainable development of the area.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 Recommendation

- 8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Fingal Development Plan 2023-2029, including the RS objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in the creation of a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall comply 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 development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Save for amendments granted on foot of this permission, the development shall otherwise be carried out in strict accordance with the terms and conditions of planning permission reg. ref. F20A/0135 save as may be required by other conditions attached hereto.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The Applicant shall pay to the Planning Authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the works to the existing boundary wall to Thormanby Road, comprising the provision of local stone cladding to a height of 1.2m or similar and render applied to the remaining portion. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

03/05/2023