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K36 KH32

NOTIFICATION OF DECISION TO GRANT PERMISSION

PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

Decision Order No. PF/1638/24	Decision Date 18 June, 2024
Register Ref. F23A/0675 LGMA Ref.	Registered 29 May, 2024

Area: Howth Malahide

Applicant: Billy Lonergan

Development: The development will consist of the provision of 1 no. detached dwellings to the rear of the existing dwelling, a new shared vehicular entrance, new boundaries between proposed dwelling and existing dwelling, landscaping and ancillary works to facilitate the development.

AI received 29/05/2024

Location: Westview, The Hill, Malahide, Co. Dublin, K36 K680

Floor Area: 241 Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received 05-Jan-2024 / 29-May-2024

Reg. Ref. F23A0075

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Subject to the (13) conditions on the attached Pages.

Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application on 8/11/2023 & 29/05/2024, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. This permission authorises 1 no. house only
REASON: In the interest of clarity
3. That the proposed dwelling unit shall be used as a single dwelling unit and shall not be used for multiple occupancy living units / non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.
REASON: In the interest of clarity and to ensure proper planning and sustainable development.
4. External finishes shall be as indicated on the plans submitted unless otherwise agreed in writing with the Planning Authority prior to the commencement of the development.
REASON: In the interest of visual amenity.
5. That the proposed development be provided with noise insulation to an appropriate standard, if required, having regard to the location of the site within Zone C associated with Dublin Airport.
REASON: In the interests of proper planning and sustainable development and residential amenity.
6. The proposed development shall comply with the requirements of the Planning Authority as follows:
 - a) No objects, structures or landscaping shall be placed or installed within the visibility triangle at the vehicular entrance exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
 - b) No gate shall open across a public footpath/roadway.
 - c) All underground or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary, at the Developer's own expense and according to the Specification and Conditions of Fingal County Council.
 - d) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.REASON: In the interest of clarity and traffic safety and to ensure the proper planning and sustainable development.

7. The proposed development shall comply with the requirements of the Planning Authority as follows:
 - a) No surface water / rainwater shall discharge into the foul water system under any circumstances.
 - b) The surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
REASON: In the interest of public health and the proper planning and sustainable development of the area.

8. All bathroom and ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.
REASON: In the interest of residential amenity.

9. All services to the proposed development, including electrical and telephone cables and associated equipment, be located underground throughout the entire site area.
REASON: In the interest of amenity.

10. The developer shall comply in full with the following:
 - a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble, or other debris or adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developer's own expense.
 - b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road, arising from the construction work and shall either make good any damage to the satisfaction of the Planning Authority or pay the Planning Authority the cost of making good such damage upon issue of such a requirement by the Planning Authority.

REASON: To protect the amenities of the area.

11. The following requirements shall be complied with in full;
 - a) The hours of operation on all construction sites shall be restricted to between 0800 hours to 1900 hours Monday to Friday, and between 0800 hours to 1400 hours on Saturdays.
 - b) No activities shall take place on site on Sundays or Bank Holidays.
 - c) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Fingal County Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Fingal County Council.

REASON: In the interests of residential amenity.

12. The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.
All development shall be carried out in compliance with Uisce Éireann's Standard

Details and Codes of Practice.

Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

REASON: To provide adequate water and wastewater facilities.

13. Prior to Commencement of development the developer shall pay the sum of €21,325.60 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January 2014, Uisce Éireann are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Uisce Éireann in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Uisce Éireann website www.water.ie, Tel. (01) 6021000.

NOTE 1:

The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE 2:

The applicant is advised that the onus is on them to comply in full with the Building Control Regulations.

NOTE 3: The issue of encroachment or oversailing is a civil matter the applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

Signed on behalf of the Fingal County Council


_____ 18 June, 2024
for Senior Executive Officer

NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.



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Information Note - Public Water and Wastewater Networks

Connections

On the 1st of January 2014 Uisce Éireann became the statutory body with the responsibility for all water services, both water and wastewater. The provision of a water services connection will be carried out by Uisce Éireann in partnership with each Local Authority.

Any persons seeking a connection to any of Uisce Éireann's networks should make an application in the first instance to their Local Authority who will act on behalf of Uisce Éireann in processing the application.

A Connection Agreement between Uisce Éireann and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Uisce Éireann.

Similarly, under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public wastewater collection network, either directly or indirectly, without the agreement of Uisce Éireann.

INFORMATION for the purposes of Building Control;-

- **IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.**

BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011) .

- **IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.**
- **YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.**

(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)

1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

Note: All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

2. Commencement Notice; www.localgov.ie

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Commencement Notice forms may be downloaded from www.localgov.ie, @ BCMS. Please complete same and submit on-line to BCMS.

- (a) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 [S.I. No 9 of 2014](#)) be to be accompanied by the following;
 - a. General Arrangement Drawings
 - b. A schedule of design documents as are currently prepared or to be prepared
 - c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
 - d. The preliminary inspection plan
 - e. A Certificate of Compliance (Design)
 - f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
 - g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a [Chartered Engineer](#), or [Registered Architect](#) or [Registered Surveyor](#)
2. A Competent Builder must execute the work

3. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.
4. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(Note: Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)

CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.

You need to ensure that you appoint competent professionals.

Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
3. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsai.ie, and

NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

Construction Products Regulation

The Department of Housing, Planning & Local Government has in relation to the Construction Industry and Brexit produced two documents to raise awareness among specifiers, designers and builders of the need to look for CE marking on construction products and the accompanying Declarations of Performance.

The following is a link to an Information Leaflet: Brexit - Construction Products Regulations:

<https://www.housing.gov.ie/corporate/brexit/brexit-construction-products-regulation>

The following is a link to Construction Industry – Be Prepared FAQ document :

https://www.housing.gov.ie/sites/default/files/publications/files/construction_industry_-_be_prepared_for_no_deal_brexit_-_frequently_asked_questions.pdf

Reg. Ref. F23A/1675

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5th September 2011 are as follows:

Case Type**Planning Acts****(a) Appeals against decisions of Planning Authorities****Appeal**

(i) 1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 st party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 8588 100.