

Comhairle Contae Fhine Gall
Fingal County Council

An Roinn um Pleanáil agus
Infrastruchtúr Straitéiseach
Planning and Strategic
Infrastructure Department



O'Connell Mahon, Architects
9 Fitzwilliam Place
Dublin 2

NOTIFICATION OF DECISION TO GRANT PERMISSION

PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED

Decision Order No. PF/1502/18	Decision Date 28 September, 2018
Register Ref. F18A/0462	Registered 7 August, 2018

Applicant John & Janet Banville

Development Construction of a single, 2 storey, over-street level, private residence with single storey projection to rear, geothermal renewable energy (option).

Location 43 Church Street Howth Co. Dublin

Floor Area 160 Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received /

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 (12) conditions on the attached Pages.

Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / County Hall, Swords, Fingal, Co. Dublin K67 X8Y2
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724
e: planning@fingal.ie www.fingal.ie

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15 D15 W638
Blanchardstown Office t: (01) 870 8434 e: blanch.planning@fingal.ie

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, 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. All bathroom /en suite windows in addition to all windows on the side elevations shall be fitted and permanently maintained with obscure glass, use of film is not acceptable.

REASON: In the interest of residential amenity.

3. The development shall be amended as follows;
 - (a) The window on the rear (north) elevation serving the master bedroom at first floor level shall be deflected to provide for a north east orientation. The deflected window shall be set at least by 300mm in from the edge of the privacy screen on the western side of the dwelling.
 - (b) The western section (c. 1.6m width) of the window serving the studio at second floor level shall be fitted and permanently maintained with obscure glass, use of film is not acceptable.

REASON: In the interest of residential amenity.

4. The flat roof of the single storey projection to the rear shall not be used as a balcony or terrace.

REASON: In the interest of residential amenity.

5. External finishes shall be as indicated on the plans submitted to the Planning Authority on 7th August 2018 unless otherwise agreed in writing with the Planning Authority prior to the commencement of the development.

REASON: In the interest of visual amenity.

6. That the entire premises be used as a single dwelling unit apart from such use as may be exempted development for the purposes of the Planning and Development Regulations.

REASON: In the interest of clarity and to ensure proper planning and sustainable development.

7. The following requirements of the Transportation Planning Section shall be complied with in full;
 - (a) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or

obstruct (or could obstruct over time) the required visibility envelopes.

(b) 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 expense.

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

8. The following requirements of the Water Services Planning Section shall be complied with in full;
- (a) Rainwater harvesting units should be designed in accordance with BS8515:2009+A1:2013 Rainwater Harvesting Systems - Code of Practice. Note the requirement of the AA type valve for top-up purposes (BS EN 130876).
- (b) No surface water/rainwater shall discharge into the foul sewer system under any circumstances. Where the development discharges into an existing combined sewer, separate and independent site surface and foul drainage shall be provided prior to the single connection into the existing combined public sewer.
- (c) The surface water drainage must 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.

9. Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with 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 / waste water facilities.

10. That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

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 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00 a.m. to 2.00p.m. on Saturdays.

(b) No activities shall take place on site on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

12. The developer shall pay the sum of €13,750 (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, Irish Water 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 Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water 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 a person shall not be entitled solely by reason of a permission to carry out any development.

Note 2:

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.

Note 3:

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

Note 4;

In the interests of Public Health and Environmental Sustainability, Irish Water capacity infrastructure requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

Signed on behalf of the Fingal County Council



2 October, 2018

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.



Information Note - Public Water and Waste Water Networks

Connections

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

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

A Connection Agreement between Irish Water 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 Irish Water.

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 waste water collection network, either directly or indirectly, without the agreement of Irish Water.

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.nsaai.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/>

Building Control Information

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.

