

## An Bord Pleanála



### Inspector's Report

**Appeal Reference No:**

**PL06F.246182**

**Development:**

Change of use of house to two independent dwelling units (new 4A and 4B), 1st floor extension to new 4A, ground floor extension to front and rear of 4B and all associated works at Dunbo Lodge, Dunbo Hill, Howth Hill, Co. Dublin

### Planning Application

Planning Authority:

Fingal County Council

Planning Authority Reg. Ref.:

F15A/0402

Applicant:

Michael and Pamela Adderley Hilliard

Planning Authority Decision:

Grant

### Planning Appeal

Appellant(s):

Patrick and Louise Rickard

Type of Appeal:

3<sup>rd</sup> Party

Observers:

1. HD McMullan

Date of Site Inspection:

21.04.2016

**Inspector:**

Fiona Fair

## **1.0 SITE LOCATION AND DESCRIPTION**

The site is located within the built up area of Howth, close to the harbour and the village. It has a stated area of 0.0395ha and comprises a contemporary 1970s two storey flat roof dwelling with large glazed windows and a covered car port to the front. The dwelling is located within the Victorian terrace of period dwellings, Dunbo Terrace, which vary in design but are in the main two storey to the front and three storey to the rear.

The site fronts onto Dunbo Hill which is situated in an elevated position relative to Church Street to its north. The front of the dwelling overlooks the Harbour to the north and Dunbo Hill slopes from east to west. The site is also elevated relative to the adjoining land to its south / rear. On foot of PL06F. 230529 / Reg. Ref. 08A/0673 as amended by PL06F.244502 / F14A/0450 permission was granted for 4 large detached dwellings, directly to the rear of the subject appeal site. These dwellings have just recently been constructed and some are now occupied.

The rear garden of the appeal site is bounded by high boundary walls to the east and west and a new timber panel fence has been erected to the southern boundary with the recently constructed dwellings to the south. Access to the rear garden is restricted and accessible only via Dunbo Lodge the appeal dwelling.

## **2.0 PROPOSED DEVELOPMENT**

Planning Permission is sought for:

- Change of use of existing two storey dwelling to two independent dwelling units (new 4A and 4B)
- First floor extension of 29 sq. m. to new 4A, with balcony (5.7 sq. m.)
- Ground floor extension to front of new 4A (29 sq. m.) and to rear of 4B (7.5 sq. m.)
- Two car parking spaces each to front of new 4A and 4B
- All site development works including paving and landscaping.

Note: The planning application was amended by way of Further Information.

The site area is stated as 0.0395 ha

The GFA of the existing building is stated as 251 sq. m

The GFA of the proposed works is stated as 66 sq. m

Two dwelling units of stated: 162 sq. m Unit A and 163 sq. m Unit B

Application accompanied with:

- A Planning Report

### **3.0 PLANNING HISTORY**

**Reg. Ref. F14A/0474** Permission Refused, January 2015, for i) Change of use of the existing two storey dwelling to two independent dwellings (new 4A and 4B); (ii) second floor extensions to the two new units of 24 sq.m. (new 4a) and 39 sq.m. (4B); (iii) balcony (8 sq.m.) at second floor level to rear of 4b which will be screened with 1.6 metre high translucent screen; (iv) ground floor extension to front of new 4A (19 sq.m.) and to rear of 4B (7 sq.m.); First floor extension to rear of new 4A (14 sq.m.) and erection of 1.6 metre high translucent screen around existing balcony; (vi) Two car parking spaces each to front of new 4A and 4B; and (vii) all site development works including paving and landscaping.

Reasons for Refusal are summarised as follows:

1. The proposed development would constitute overdevelopment by virtue of the under provision of private amenity space, substandard provision of storage and bedroom space.
2. Unacceptable degree of overlooking of the adjacent dwellings to the south, east and west of the application property and a consequent loss in privacy and diminution of residential amenity.
3. The proposed development, specifically the proposed roof profile, in conjunction with the scale and design of the windows at third floor level to the

front elevation would render the dwelling inconsistent and visually incongruous with the immediate vicinity and would be seriously injurious to the visual amenities of the area. The proposed development would therefore adversely affect an architectural conservation area

4. Set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area, would seriously injure the amenities and depreciate the value of property in the vicinity.

#### **Adjoining Site to the South and to the rear of Dunbo Lodge, Dunbo Hill**

**On foot of PL06F. 230529 / Reg. Ref. 08A/0673 as amended by PL06F.244502 / F14A/0450** permission was granted for 4 large detached dwellings currently completing construction.

**PL06F.241774 / Reg. Ref. F13A/0003** Permission refused on appeal for 4 no. replacement dwellings.

#### **Adjoining Property to the West – No. 4 Dunbo Hill**

**Reg. Ref. F15B/0298** Permission Granted, March 2016, to extend the 1st floor main rear bedroom over part of conservatory at the side of the return with associated work that include replacing remaining part of conservatory, rooflights and minor structural alterations.

**Reg. Ref. F05B/0218** Permission Granted for 2<sup>nd</sup> floor window into main house east side gable, raising over continuous house 'Dunbo Lodge'.

Condition no. 2 states:

*'Access to the roof area shall not be permitted from the proposed window.'*

## **Adjoining property to the east – No 5 Dunbo Hill**

**Reg. Ref. F15A/0562** Concurrent planning application – Notification of decision to refuse permission by FCC currently under Appeal Ref. PI06F.246212 – for construction of a hobby room and water tank room at first floor rear extension.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Planning and technical reports**

**The Planners report** reflects the draft decision to grant planning permission. It is considered that the proposed development will not have a significant adverse impact on surrounding residential amenity and accords with development plan policy.

**Water Services Department:** Report indicates no objection subject to condition.

**Transportation Department:** Report recommends no objection subject to condition.

**Conservation Officer** Report recommends no objection

**Irish Water:** Report indicates no objection subject to condition.

NOTE: An Bord Pleanála referred the file to the DAU of the DAHG, Fáilte Ireland, An Taisce, The Heritage Council and An Chomhairle Ealaíon. No response was forthcoming.

#### **4.2 Objections/Submissions**

Submissions were received by the planning authority and the issues raised are similar to those raised in the submissions to the Board as summarised in detail below.

### **4.3 Planning Authority Decision Subsequent to further information being requested with respect to:**

- Discrepancies between the existing and proposed drawings with the plot measuring 8.9 metres wide on the existing ground floor plan and 14 metres wide on the proposed ground floor plan.
- The existing and proposed site layout plans have not been provided with a scale. The applicant is requested to amend all drawings accordingly and to ensure that all drawings reconcile.
- The application site appears to overlap with that of the site granted planning permission for 4 no. dwellings under F14A/0450. The applicant is requested to amend the site location plan and layout plan accordingly.
- The applicant is requested to clarify the land outlined in red on the site location map is within the ownership of the applicant and to confirm that they have sufficient legal interest to make the application.
- The applicant was requested to amend the proposal to omit the first floor balcony to the rear of unit 4A. The applicant was also requested to replace the glazing in the rear elevation of the first floor extension with a window of similar dimensions to the existing windows at first floor level in the rear elevation (now serving unit 4B).
- The applicant was requested to amend the proposal and omit the first floor window in the eastern side elevation of the first floor projecting bay at the front of the dwelling.
- The applicant was requested to address the issue of car parking.

Fingal County Council Granted Planning Permission subject to 13 no. conditions.

Conditions of Note include:

3. Prior to the commencement of development ...a revised proposal for first floor rear elevation of unit 4A comprising the omission of the first floor balcony and the insertion of a window of similar dimensions to the existing window at first floor level in the rear elevation of unit 4B. Options 1 and 2 proposed by the applicant as part of

the Additional Information response are not permitted and the first floor shall not be extended beyond that which was indicated on drawing number MP/JK/12 received by the planning authority on the 28<sup>th</sup> August 2015.

5. As per Drg. No. MP/JK/15 received by the p.a. on the 17<sup>th</sup> December 2015 the front elevation of the ground floor extension to house 4A shall be a minimum of 5.4m from the front boundary with the public road. Each dwelling shall accommodate 2 off street car parking spaces. Any required amendment to drawing number MP/JK/15 received by the p.a. on the 17<sup>th</sup> December 2015 shall be submitted to the pa. for written agreement ...

6. The rear private open space of the proposed houses 4A and 4B shall be as indicated on drawing number MP/JK/15 received by the p.a. on the 17<sup>th</sup> December 2015

## **5.0 GROUNDS OF APPEAL**

**A third party appeal has been lodged by Patrick and Louise Rickard.** The grounds of appeal are summarised as follows:

- The appellants family home (no. 4 Dunbo Hill) is immediately adjacent to and connected to the appeal site.
- Reg. Ref. F14A/0450 / PL06F.244502 Retention of alterations to and permission for further alterations to 4 houses at Dunbo Lodge, Dunbo Hill, Howth, Co. Dublin is of relevance to the subject appeal case.
- The subject development proposes to incorporate part of the rear garden area of one of the four retained houses in contravention of condition no. 1 of the permission granted by the Board PL06F.244502.
- Results in loss of public car parking to serve existing residents.
- The 4 refusal reasons of Reg. Ref. F14A/0474 have not been overcome.
- Lack of private open space.
- Overdevelopment of a restricted site, set a negative precedent.
- Injure residential amenity and depreciate the value of property in the vicinity.
- Concern that the first floor balcony area, omitted by condition, would and could still be used as a balcony. Difficult to enforce this condition.

- Creation of a traffic hazard as parking is limited in the area.
- Proximity to the Dart is not a reflection of how traffic works in practice.
- Due to the size of the properties it is likely that the no. of bedrooms will increase by way of internal modifications and this will further add to traffic congestion.
- Appeal accompanied with:
  - Original Submission in respect of Reg. Ref. F15A/0402 to the planning authority dated October 2015
  - Submission in respect of Reg. Ref. F15A/0402 to the planning authority dated January 2016
  - 3<sup>rd</sup> party appeal in respect of Reg. Ref. F14A/0450 dated February 2015
  - Submission in respect of Reg. Ref. F14A/0474 to the planning authority dated February 2015
  - Comments in respect of appeal of Reg. Ref. F15A/0402 dated February 2016

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

Response is summarised as follows:

- A revised site layout plan has also been provided which shows lands hatched blue and incorporated within the application site. This plan states that this land is 21.65 sq. m in area. The applicants state that this land is within the ownership of their son and they have submitted a letter from their son providing consent for the making of the planning application and agreement to transfer land ownership to them.
- The inclusion of the lands within the current development enables the rear amenity space of proposed unit 4B to meet the requirements of Objective OS38 of the Fingal CDP.



- It is not proposed to extend unit 4b at first floor level and therefore the separation distances between 4b and the approved dwelling to the rear of the site remain unchanged.
- The amount of amenity space to the rear of this unit still exceeds the requirements of Objective OS38
- Inclusion of land within the rear garden of 4b will not have an adverse impact upon residential amenity.
- Condition 6 of the notification of decision to grant requires that the rear private open space of units 4A and 4B to be provided in accordance with drawing no. MP/JK/15 received by the planning authority on 17 Dec 2015
- Condition no. 3 clearly prohibits the use of the first floor area to the rear of unit 4A as a balcony
- Condition no. 5 requires each unit to accommodate 2 off street parking spaces
- The proposal will not exacerbate parking issues in the area.
- The p.a. considers that the proposed development as amended by condition would be in accordance with the proper planning and sustainable development of the area and request the Board uphold the decision to grant planning permission.

## **6.2 First party response**

A response was received from O'Neill Town Planning on behalf of the First Party. It is summarised as follows:

- The imposition of the private open space standard on what is a village centre urban site is not necessary, particularly given the amount of quality south facing private open space available
- Access to amenity lands in the immediate area should be taken into account.
- There are a number of indoor recreational facilities available close by
- While private open space standards are relevant to new housing estates and apartment complexes, in older urban village centre locations, where the pattern and juxtaposition of houses has been determined historically, the need

to slavishly insist on a full complement of private open space, car parking spaces and other standards could be seen as overly pedantic.

- In the subject case the private open space is south facing and not directly overlooked
- The area is better served by the qualitative aspects of the private open space than the quantitative, which the appellants are arguing.
- Modest increase in the overall size of the existing house to create the new units and the removal of the proposed and existing balconies, must be seen to be key in helping to overcome issues.
- The two units proposed are 162 and 163 sq. m respectively and the size of the POS to the rear of the properties – 122 sq. m in total.
- Refusal of permission would not be warranted on the basis of the marginal under provision, as originally proposed, of the required private open space.
- The total area of land to be transferred is 26 sq. m there will be no impact upon residential amenities presently enjoyed by residents in the area, incl. the appellants, as a result of this, amenity space to the rear of this unit still exceeds the requirements of Objective OS38
- Claims that, the POS will not be provided as proposed, by the applicant, or are not of the area stated, are spurious.
- Condition 3 prohibits the use of the first floor area as a balcony. This area has been used as a balcony area for in excess of 30 years. The omission of the balcony will improve the privacy of the appellants.
- Car parking is proposed in accordance with maximum standards set out in the CDP. Proposal will not contribute to exacerbation of parking congestion.
- Issues raised with respect to possible future internal alterations are spurious.
- The dwelling represents 1970s architectural style which is ideally suited to subdivision – albeit with small extensions.

### 6.3 Observations on grounds of appeal

An Observation was received from AKM on behalf of HD McMullan of 3 Dunbo Hill, Howth. It is summarised as follows:

- Adverse impact upon residential amenity of adjoining properties
- Overdevelopment
- The appeal site has been amended during the planning process, this is unacceptable.
- Overshadowing – no shadow study carried out. Proposal does not accord with Site Layout Planning for Daylight and Sunlight. A guide to good Practice (BRE 2011)
- Extension at first floor to the rear will directly overlook properties.
- Loss of privacy
- Increased demand for car parking which is already congested
- Exacerbate parking problem on the street.
- Proposals for 2 dwellings with car parking spaces in the front garden is unworkable
- Traffic hazard and pedestrian hazard – due to design of proposed car parking.
- Negative planning precedent.

### 7.0 POLICY CONTEXT

The Fingal County Development Plan 2011 – 2017 (CDP) shows the appeal site as being subject to two zoning objectives. The northern portion of the site is zoned TC, *‘Protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities.’* The southern part of the site is zoned RS, i.e. *“Provide for residential development and protect and improve residential amenity.”*

An architectural conservation area (ACA) is designated at Howth village. The site lies within the Howth Historic Core ACA and the Howth Urban Centre Strategy / Urban Area. The appeal site is not located within the SAAO or its buffer.

The following sections of the County Development Plan are of relevance:

Objective OS35 of the plan seeks adequate private open space for each proposed dwelling, with a minimum standard of 22m separation between opposing first floor windows. Objective OS38 seeks 60m<sup>2</sup> private open space behind the building line for 3 bedroom houses, or 75m<sup>2</sup> for 4 bedroom houses.

Objective OS39 states: 'Allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/corner sites. In no instance will the provision of less than 48 sq m of private open space be accepted per house'.

Objective AH17 – Ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, incl. scale, mass, height, proportions, density, layout, materials, plot ratio and building lines.

## **8.0 ASSESSMENT**

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

### **8.1 Principle of the Proposed Development**

### **8.2 Impact Upon Visual and Residential Amenity**

### **8.3 Car Parking and Traffic Impact**

### **8.4 Other Issues**

## **8.1 Principle of the Proposed Development**

The northern portion of the appeal site is zoned 'TC' *"Protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities"*. The southern part of the site is zoned RS, i.e. *"Provide for residential development and protect and improve residential amenity"* in the Fingal County Development Plan 2011 – 2017, therefore, the principle of the proposed development i.e. subdivision of an existing large dwelling to form 2 no. dwellings along with extensions and alterations to both proposed dwellings is considered acceptable. I consider that the nature of the proposal is consistent with the zoning objective for the area and national policy which favours increased density in appropriate locations subject to compliance with other development management criteria.

## **8.2 Impact Upon Visual and Residential Amenity**

The proposal involves the subdivision of an existing dwelling into two no. dwellings referred to as 4A and 4B.

- It is proposed to extend 4A (the western most unit) at ground floor level to the front, which involves infilling the existing car port at ground floor level, and at first

floor level to the rear. 4A comprises 2 no. en-suite bedrooms and WC at ground floor with a living room and kitchen / dining room at first floor (162 sq. m)

- 4B will comprise a sitting room, living room, utility, WC and kitchen / dining room at ground floor level with 3 no. bedrooms and WC at first floor. A small extension is proposed to the ground floor rear kitchen dining room area (163 sq. m)
- The proposal also involves alterations to the design of the openings and new front boundary treatment
- Each dwelling is to be provided with 2 no. in-curtilage car parking spaces.
- The private open space to serve unit 4A is stated as 60 sq. m and 75 sq. m to serve unit 4B. This was revised by way of further information submitted to the p.a.

I note that two options for Unit 4A are proposed by way of revised plans submitted at further information stage. Option 1 incorporates a balcony to the rear at first floor level and Option 2 encloses the balcony area into the first floor plan by way of sloping back wall and glazing at first floor level.

Cognisance being had to the location of the appeal site within the Howth ACA it is my opinion that the alterations proposed to the front façade, which are visible from the street frontage, are well considered, will not detract from the character of the terrace and therefore acceptable in principle. Regard is had to Objective AH17 – of the Fingal County development Plan 2011 – 2017 which seeks to *‘ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, incl. scale, mass, height, proportions, density, layout, materials, plot ratio and building lines’*. The proposed extension to the front façade at ground floor does not project forward of the existing building line and does not alter the existing roof profile. It is tucked under the existing projecting first floor car port area, also, the alterations to window and door opes which are simple in design are in keeping with and, in my opinion, complement the existing fenestration. I am of the opinion that the alterations proposed to the front façade will not have an adverse visual impact on the

streetscape or on the character of the ACA within which it is located. I note the p.a. Conservation Officer has raised no objection to proposal.

As set out at section 4.0 of this report above, the p.a. attached a condition (condition 3) to the notification of decision to grant planning permission (Reg. Ref. F15A/0402) requiring that a revised proposal for first floor rear elevation of unit 4A be submitted for written approval. I tend to agree with the p.a. that Options 1 and 2 proposed by the applicant as part of the further information response are undesirable and agree that a compromise is required. It is argued by the applicant that the first floor area proposed as a balcony is currently in use as a balcony and this is supported by observations made during my site visit. However, while this may be the case there is no documentary evidence that planning permission was ever granted for a balcony to the first floor at this location and therefore it is my opinion that given the proposal would result in intensification on the site, omission of the first floor balcony, as proposed, and the insertion of a window of similar dimensions to the existing window at first floor level in the rear elevation of unit 4B is desirable. The inclusion of a balcony at first floor is of concern to neighbouring property and I agree that a balcony at this location would impact upon privacy and give rise to overlooking. It is noted that the planning history on the adjoining property 4 Dunbo Hill (Reg. Ref. F05b/0218 refers) indicates that the use of a first floor flat roof as a balcony was prohibited. See section 3.0 of this report above.

Regard is had that number 4 Dunbo terrace and No. 5 Dunbo terrace are three storey to the rear and the applicants property 'Dunbo Lodge' (No.4A and 4B) is two storey to the rear. With redesign and omission of the balcony I see no impediment to the first floor extension to 4A Dunbo Lodge. It is located within the footprint of the existing plot, essentially within the footprint of the terraced, it is infill in nature and will not have a domineering or overshadowing impact to adjoining property. This being said I note and agree with the p.a. requirement that first floor shall not be extended beyond that which was indicated on drawing number MP/JK/12 received by the planning authority on the 28<sup>th</sup> August 2015.

Concern has been raised with respect to the proposal to incorporate part of the rear garden area of an adjoining dwelling to the rear in order to achieve the open space standards as set out under objective OS38 of the Fingal County Development Plan. Objective OS38 seeks 60m<sup>2</sup> private open space behind the building line for 3 bedroom houses, or 75m<sup>2</sup> for 4 bedroom houses. It is contended, by the third party, that any proposal to incorporate part of the rear garden area of one of the four retained houses (in Dunbo Hill development) would be in contravention of condition no. 1 of the permission granted by the Board on foot of PL06F.244502. It is contended that under provision of private open space is an indication of overdevelopment of the plot and therefore permission should be refused.

Having visited the site, reviewed the planning history and considered the information on file, I agree with the planning authority that the proposal is acceptable. Arguably Objective OS38 relates to new build and cognisance is had to Objective OS39 which seeks to *'allow a reduced standard of private open space for 1 and 2 bedroom townhouses only in circumstances where a particular design solution is required such as to develop small infill/corner sites. In no instance will the provision of less than 48 sq m of private open space be accepted per house'*. I note that dwelling 4A is two bedroom, given the location of the appeal site within Howth town centre close to amenities and public transport I am of the opinion that the proposal which incorporates 75 sq. m private open space to serve Unit 4B and 60 sq. m to serve Unit 4A is acceptable, regard is had to southerly aspect of the private open space.

I see no impediment to alteration of the rear / southern party boundary as proposed. Permission has been given by the adjoining land owner (the applicants son) agreeing to transfer ownership of land (some 20 sq. m) and maps submitted accordingly. The amount of amenity space to the rear of the adjoining dwelling in Dunbo Hill is well in excess of the requirements of Objective OS38. Condition no. 6 of the notification of decision to grant planning permission is noted, it requires the rear private open space of units 4A and 4B to be provided in accordance with Drg. No. MP/JK/15 received by the planning authority on the 17<sup>th</sup> December 2015. I



recommend that should planning permission be forthcoming from the Board a similar condition be attached to the decision to grant permission.

Having regard to all of the information before me, and having conducted a visit of the site and its environs, I am of the opinion that the proposed development is generally acceptable in principle. I consider that the design and height of the proposed development, together with the separation distances involved and the orientation of the site is such that the impacts on amenity would not be so great as to warrant a refusal of permission.

I highlight that should the Board consider it necessary a condition could be attached to any decision to grant permission which restricts exempted development rights to the rear of residential property. I myself do not consider that such a condition is warranted in the subject appeal case and therefore do not propose to attach such a condition.

Given the foregoing I do not consider that a grant of permission, with conditions, would result in a negative visual impact. I also do not accept that the proposed facility would detrimentally impact on the residential amenity of the area. I have no information before me to believe that the proposed development if permitted would lead to the devaluation of properties in the vicinity.

### **8.3 Car Parking and Traffic Impact**

Third parties have raised concern with respect to loss of public car parking to serve existing residents. It is submitted that proximity to the Dart is not a reflection of how traffic works in practice and that the proposal, if permitted, would create a traffic hazard as parking is limited in the area.

Two of-street car parking spaces are proposed to serve the proposed units. Cognisance is had that the Transportation Planning Section of Fingal County Council have no objection to the proposed development subject to condition.

I note condition 5. of the notification of decision to grant planning permission (Reg. Ref. F15A/0402) which states: *'As per Drg. No. MP/JK/15 received by the p.a. on the 17<sup>th</sup> December 2015 the front elevation of the ground floor extension to house 4A shall be a minimum of 5.4m from the front boundary with the public road. Each dwelling shall accommodate 2 off street car parking spaces. Any required amendment to drawing number MP/JK/15 received by the p.a. on the 17<sup>th</sup> December 2015 shall be submitted to the pa. for written agreement ...'*

Given the nature of the proposal, zoning of the site, its location within the town centre of Howth, proximity to public transport nodes and proposal for off street car parking to serve the development I do not accept that change of use of existing two storey dwelling to two independent dwelling units would detrimentally impact on traffic in the area.

#### **8.4 Other Issues:**

##### **Appropriate Assessment (AA)**

The appeal site is not within or adjoining any Natura 2000 site.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest 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.

## **Part V**

The issue raised by objectors to the proposal with respect to compliance with Part V has been considered by the planning authority and a condition in respect of compliance with part V was attached to the notification of decision to grant planning permission. Given the planning history of the overall family lands, of which the subject appeal site forms part, I agree that a condition in respect of Part V should be attached to any decision forthcoming from the Board.

## **Development Contribution**

No condition was attached by the planning authority with respect to requirement for a development contribution under section 48 of the Planning and Development Act 2000. I, however, see no applicable exemption set out in Section 10 of Fingal County Council Development Contribution Scheme 2016-2020. Therefore, I recommend a condition, in this regard, be attached to any grant of planning permission forthcoming from the Board.

## **9.0 RECOMMENDATION**

I have read the submissions on file, visited the site, considered the provisions of the Development Plan and taken into account all other relevant matters. I recommend that planning permission be Granted subject to the conditions set out below.

## **10.0 REASONS AND CONSIDERATIONS**

Having regard to the land-use zoning of the site 'residential' and 'town centre' and the existing pattern of development in the vicinity it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not negatively impact on the character of the Architectural Conservation Area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17.12.2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission authorises the subdivision of 1 existing residential unit to form 2 residential units.

**Reason:** In the interest of clarity.

3. Each premises shall be used as a single dwelling unit apart from such use as may be exempted development for the purpose of the Planning and Development Regulations 2001, as amended.

**Reason:** In the interest of clarity.

4. (a) A revised proposal for the first floor rear elevation of unit 4A, comprising the omission of the first floor balcony and the insertion of a window of similar dimensions to the existing window at first floor level in the rear elevation of unit 4B shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

(b) Options 1 and 2 proposed by the applicant as part of the Additional Information response are not permitted and the first floor shall not be extended beyond that

which was indicated on drawing number MP/JK/12 received by the planning authority on the 28<sup>th</sup> August 2015.

**Reason:** In the interest of visual and residential amenity.

5. (a) The front elevation of the ground floor extension to house 4A shall be a minimum of 5.4m from the front boundary with the public road, as per Drg. No. MP/JK/15 received by the planning authority on the 17<sup>th</sup> December 2015.

(b) Each dwelling shall accommodate 2 off street car parking spaces.

(c) Any required amendment to drawing number MP/JK/15 shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development

(d) Traffic and parking arrangements, shall comply with the requirements of the planning authority.

**Reason:** In the interest of public and traffic safety.

6. The rear private open space of the proposed houses 4A and 4B shall be as indicated on drawing number MP/JK/15 received by the planning authority on the 17<sup>th</sup> December 2015.

**Reason:** In the interest of residential amenity.

7. Water supply and 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.

8. That all necessary measures be taken by the contractor, including the provision of 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.

9. The external finishes of the proposed development, including roof tiles, shall be the same as those of the existing building in respect of colour and texture.

**Reason:** In the interest of the visual amenity.

10. The construction of the development shall be managed in accordance with a Construction 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 development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

11. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social housing in accordance with the requirements of section 96 of the Planning and Development

Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

13. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Fiona Fair  
Planning Inspector  
06.05.2016