



An  
Bord  
Pleanála

## Inspector's Report PL29S.246860

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<b>Development</b>	Construction of a new second floor level on top of the existing two storey flat roofed house, with pitched roof, rooflights and solar panels. Demolition of the existing single storey extension and replacement with a new extension, replacement of fence with brick wall. All at The Willows, 8A Sunbury Gardens, Dartry, Dublin 6.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	Web1139/16
<b>Applicant(s)</b>	Peter Nickels and Edelle O'Doherty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Appellant(s)</b>	1. Peter Nickels and Edelle O'Doherty
<b>Observer(s)</b>	1. Spencer & Gillian Woolfe 2. Michelle McDermott
<b>Date of Site Inspection</b>	22/09/16
<b>Inspector</b>	Gillian Kane

## **1.0.0 SITE LOCATION AND DESCRIPTION**

1.0.1 The subject site is located at the north-western end of Sunbury Gardens, a residential cul-de-sac to the west of Dartry Road in Dartry, Dublin 6. Sunbury Gardens is a formally designed and planned Victorian development of substantial three storey red brick dwellings on large plots, all set around a private park in the centre. There is a clear architectural style in the aesthetic appearance, use of materials and placement of these structures within the streetscape.

1.0.2 No. 8a Sunbury Garden (The Willows) and its immediately adjoining neighbour no. 8b (The Beeches) are an infill development from the 1970's on lands that originally attached to no. 8 Sunbury Gardens. No.s 8a and 8b are flat roofed two storey dwellings with a strong 1970's architectural style, brick elevations and symmetrical window openings with a vertical emphasis. No. 8a has been extended to the side (east).

1.0.3 To the north of the subject site are the extensive gardens of the properties on Highfield Road. To the immediate west of no. 8 is a single storey Scout Hut with access off Sunbury Gardens. Further south-west is a 1990's development of three storey dwellings in terraces, in a development called Sunbury Park. To the east and south-east of the subject site are the 14 no. three storey red brick dwellings (protected structures) that comprise Sunbury Gardens. To the north-east of the subject site a single storey U shaped dwelling (The Orchard) has been constructed to the rear of no.s 3 and 4 Highfield Road, with access off Highfield Grove.

1.0.2 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

## **2.0.0 PROPOSED DEVELOPMENT**

2.0.1 Permission was sought for the construction of a new second storey (71.34sq.m.) with pitched roof on top of an existing two storey flat roofed dwelling, demolition of an existing single storey extension and its replacement with a new single storey flat roofed extension of 20.76sq.m. The proposed development also includes modifications to the exterior elevation and internal layout of the existing house and replacement of the existing wooden fence with a brick wall.

- 2.0.2 Details provided in the application form: total site area is 428.64sq.m., 92.09sq.m. of new buildings proposed, resulting in a total floor area of 271.47sq.m. Proposed plot ratio of 0.63 and proposed site coverage of 28.6%
- 2.0.3 Three objections to the proposed development were submitted to the City Council.

### **3.0.0 PLANNING AUTHORITY DECISION**

#### **3.1.0 Decisions**

3.1.1 By order dated 08/06/2016 an order of intention to REFUSE permission for the following reason:

1. Having regard to the overall scale and design of the proposed development, it is considered that the proposal would, if permitted, seriously injure the visual and residential amenities of the area and the character of the Protected Structures in Sunbury Gardens, a designated residential conservation area in the Dublin City development plan 2011-2017. The proposed development would set an undesirable precedent and would therefore be contrary to the proper planning and sustainable development of the area.

2 Having regard to the nature and layout of the site together with the overall design and scale of the development proposed, it is considered that the proposed development would create an unacceptable level of overlooking of adjoining properties in the vicinity and as such would adversely impact upon the residential amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

#### **3.2.0 Reports on File following submission of application**

3.2.1 **Drainage Division Engineering Dept:** No objection subject to developer complying with the Dublin Regional Code of Practice for Drainage Works.

3.2.2 **Planning Report:** Proposed development involves substantial pitched roof structure over an additional floor. Proposed design is unduly obtrusive and would adversely affect the character of the protected structures on Sunbury Gardens, a residential conservation area. Concern of overlooking from first floor window on the western elevation and 2 no. proposed windows on second floor – all 4.860m from the western boundary. Proposed office window on southern elevation at second floor level may create an unacceptable level of overlooking. Proposal is unacceptable.

#### **4.0.0 PLANNING HISTORY**

4.0.1 There is no planning history for no. 8a Sunbury Gardens. History of the adjoining site is as follows;

4.0.2 **PL29S.234469:** (Planning Authority reg. ref. 3064/09) 8b Sunbury Gardens and part of the rear of Ardagh House, 1 Highfield Road. Permission was **granted** for the demolition of existing two-storey detached dwelling house and the construction of a detached apartment block with underground parking and associated site works on lands at 8B Sunbury Gardens, Dartry and part of rear of Ardagh House. The development will comprise a free standing three storey building over basement parking containing a total of six number apartments together with new pedestrian and vehicular means of access off Sunbury Gardens ramped to basement level with provision of nine number car spaces, nine number cycle spaces and a domestic refuse enclosure.

4.0.3 Planning Authority reg. ref. **3064/09ext1**: Permission extended for 5 no. years to 07-Apr-2020

4.0.2 **PL29S.226550 (P.A. Ref. No. 5130/07)** Planning permission was **refused** for demolition of house and erection of apartment block comprising of 7 no. apartments on the following grounds: the proposed that this development would fail to protect the setting of the adjoining protected structure (No. 8 Sunbury Gardens); that the development failed to accord with the Architectural Heritage Protection Guidelines for Planning Authorities; that it would result in a substandard level of residential amenity; and the development when viewed from the curtilage of No. 8a Sunbury Gardens would be unacceptably overbearing.

4.0.3 Planning Authority reg. ref. **P.A. Ref. No. 4852/06**. Permission was **refused** for the demolition of the existing 2-storey detached dwelling and the development of a detached 4-storey pitched-roof apartment block containing 8 No. apartments with underground car parking at and all associated site works. The reasons for refusal related to visual incongruity; seriously prejudicing the setting and character of No. 8 Sunbury (Protected Structure) and its attendant grounds; undesirable precedent; contravention of Development Plan zoning objectives; devaluation of property in the vicinity; adverse impact on residential amenities and substandard amenity for future residents.

## 5.0.0 LOCAL POLICY

### 5.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017

5.1.1 The subject site is zoned “Z1” in the Dublin city development plan, with the stated objective “to protect, provide for and improve residential amenities” (‘Z1’–Sustainable Neighbourhood Residential Zoning).

5.1.2 Section **17.9.8 Extensions and Alterations to Dwellings**. The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Applications for planning permission to extend dwellings will be granted provided that the proposed development:

- Has no adverse impact on the scale and character of the dwelling.
- Has no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

5.1.3 **Appendix 25** of the development plan outlines the Council's policies on Residential Extensions. **Section 11** refers to roof extensions, stating: The roofline of a building is one of its most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of a roof is carefully considered. If not treated sympathetically, dormer extensions can cause problems for immediate neighbours and in the way a street is viewed as a whole. When extending in the roof, the following principles should be observed:

- The design of the dormer should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
- Dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
- Any new window should relate to the shape, size, position and design of the existing doors and windows on the lower floors.
- Roof materials should be covered in materials that match or complement the main building.
- Dormer windows should be set back from the eaves level to minimise their visual impact and reduce the potential for overlooking of adjoining properties.

## **6.0.0 THE APPEAL**

### **6.1.0 Grounds of Appeal**

6.1.1 An agent for the applicant has submitted an appeal against the decision of the Council to refuse permission. The grounds of the appeal can be summarised as follows:

- It is noted that An Bord Pleanála granted permission for the demolition of no. 8b Sunbury Gardens and the construction of a 733sq.m. three storey block. Extracts of drawings are submitted. The height of the permitted block is 14.86m with the roof ridge height of 12.08m. The proposed development at no. 8a has an overall height of 11.82m, significantly below that permitted at no. 8b.
- Permission was granted to Spencer Woolfe in 1990 to erect a single storey dwelling to the rear of no.s 3 and 4 Highfield Road, Rathgar. This dwelling is 2.3m from the boundary wall. The rooms facing no. 8b are a utility room and the kitchen.
- It is submitted that the proposed development was inspired by the work of Allies and Morrison. Photos submitted. It is submitted that the proposed development is in keeping with DCC's policies on contemporary architecture in residential rebuilds.
- Site context analysis (appendix B): key views in context from, towards and from the site. It is submitted the analysis illustrates the extensive tree cover, range of architectural styles, vintage and heights and the capacity of the receiving environment to absorb the proposed development .
- Urban Design Analysis (appendix C): Analysis illustrates the change in the areas morphology over time from Victorian dwellings to side garden development in the 1970's to 1990's development of Sunbury Park on grounds of St Luke's Hospital. Best practice supports use of modern architectural styles in favour of pastiche where buildings of different periods are indistinguishable. Architect has had regard to prominence of gable ends to define and articulate. It is submitted that the current two storey profile of no.s 8a and 8b is out of character with the streets height profile.
- Design Rationale (appendix D): It is submitted that the proposed development follows the design principles of Sunbury Gardens and Sunbury Park: gable end with large bay window centred on the façade. The Board is requested to attach a condition requiring the agreement of the Planning Authority to materials, colours and textures.
- Comparative Elevational Studies (appendix E): the two storey height of no.s 8a and 8B contrasts with the three storey height of

Sunbury Park (late 90's) and three storey Sunbury Garden houses. It is submitted that the elevational studies show that ability of no. 8a to accommodate a taller structure. It is submitted that the elevational studies counter the Council's first reason for refusal.

- Analysis of Anticipator External Views (appendix F) It is submitted that the views submitted dispute claims of overlooking. Floor plans show the separation distance between the subject and adjoining properties. View 1 is of the utility room of The Orchard, view 2 is already in existence and view 4 is towards the utility room and limited rear yard of The Orchard. No window is proposed on the northern facing rear elevation at second floor level and at first floor, one of the existing two windows is to be blocked. There is a significant degree of evergreen screening and sufficient separation distances. The claim of unacceptable levels of overlooking and a subsequent impact on residential amenities is not accepted.
- Microclimatic Analysis (appendix G): the shadowpath analysis shows that the proposed development does not have a material detrimental effect on the sunlight enjoyed by neighbouring properties.

## **6.2.0 Planning Authority Response**

6.2.1 The reasoning on which the Planning Authority's decision was based is set out in the planning report on file. The Board is requested to uphold the decision of the Council.

## **6.3.0 Spencer & Gillian Woolfe, The Orchard, Highfield Grove, Rathgar**

6.3.1 The issues raised in the observation can be summarised as follows:

- The submission of 16<sup>th</sup> May 2016 to DCC is reiterated.
- It is submitted that the applicants appeal does not include an assessment of the effect of the proposed works in the context of residential amenity and privacy issues.
- In the case of the external views submitted by the appellant it is stated that they are not dated but appear to be summer time.
- The details of the objection of 16<sup>th</sup> May are repeated: The Orchard is 3.5m from its eastern boundary wall but as it is single storey it does not cause overlooking. There is approx. 13m between The Orchard and the western elevation of no. 8a.
- It is submitted that the office window on the western elevation, the first and second floor windows at the north end of the

western elevation, at approx. 13m from The Orchard will materially invade the privacy of The Orchard. It is submitted that neither the office nor bedroom no. 5 needs windows in the west, south or east elevations.

- Photographs taken from The Orchard on the 28<sup>th</sup> July 2016 are submitted and show the proximity of the two buildings. The Board is requested to agree that the proposed first floor window on this elevation will be even closer to The Orchard and will materially infringe on privacy. The vegetation to the rear of no. 2 Highfield Road which lies between the two properties cannot be relied on to mitigate the impact.
- The existing separation distance of 13m between The Orchard and no. 8a is barely sufficient when dealing with overlooking from a two storey structure but is materially deficient when assessing overlooking from a three storey structure. It is submitted that screening from planting is inadequate and ineffective. It is suggested that bedroom no. 2 be continued to be illuminated via the existing window in the northern elevation and that bedroom 5 be illuminated by the proposed roof lights only. This would allow the omission of the two proposed west elevation windows.
- It is submitted that the shadow analysis is inadequate as it is devoid of any meaningful assessment that would support the conclusion. As no 8a. is to the south-east of The Orchard it cannot cast a shadow on The Orchard after midday. The applicant's analysis and submitted photographs shows that the proposed extension will diminish the sunlight received at their home during part of the summer months. The Board is requested to carry out a full sunlight / daylight assessment.
- It is noted that the proposed office at second floor level has not been included in the public notices. It is submitted that the proposed office is of a commercial nature and that the proposed development includes two uses: residential and commercial.
- The proposed office is not a permissible use in a Z1 area. The Board is requested to find that the window serving the proposed office is out of scale with the surrounding residential area.

### 6.3.2 Michelle McDermott, 8 Sunbury Gardens

The issues raised in the observation can be summarised as follows:

- The proposed development is inappropriate and contrary to proper planning.
- The subject site was originally an orchard, part of the gardens of no. 8 Sunbury Gardens. It is submitted that the proposed development is within the attendant grounds of a protected structure and this should be mentioned in the public notices. It is noted that this fact was referred to in the second reason for refusal in Planning Authority reg. ref. 4852/06 (8b Sunbury Gardens).
- No assessment of the impact of the proposal on the protected structures and the wider conservation area has been carried out. This is contrary to the Architectural Heritage Guidelines. It is submitted that any new development within the confines of the original parameter of the park breaks the integrity of the original architecture.
- The architectural legibility of no.s 8a and 8b is clear, having been in place for over 4 no. decades. They have matured into their setting and while not successful visually, they do not overwhelm the adjoining protected structures.
- It is submitted that the scale of the proposed development would identify with the protected structures and not the two storey no. 8b. The proposed development adding over 6m to no. 8a to make it 11.8m, comparable to the 12.8m height of no. 8 Sunbury. It is submitted that this diminishes the setting of the neighbouring protected structures and detrimentally affects the intact residential conservation area. It is submitted that any new development should not try to replicate the height of the protected structures. The planning report for reg. ref. 4852/06 refers to the two storey scale of the dwelling and the fact that this does not detract from the visual appreciation of the adjacent dwellings.
- It is submitted that a two storey dwelling of modern design would remove the challenge to the original buildings and acknowledge the Victorian planned urban setting.
- It is submitted that the site has sufficient space to extend westwards and northwards without increasing in height.
- It is submitted that the wide long windows on the side elevations will overlook adjoining properties to the east and west. The 5 no. windows on the gable of no. 8 Sunbury Gardens will be overlooked by the proposed window on the new second floor.

The single window on the current east elevation of no. 8a is opaque.

- It is submitted that the proposed second floor window on the front elevation will overlook the private park, the private gardens of neighbouring houses and the Scout Hall.
- It is submitted that the window on the top floor illuminates a commercial office – appellants office address is no 8a Sunbury Gardens. This window will overlook adjoining properties leading to a loss of amenity. It is noted that in the drawings submitted to the Board the room is labelled a study. It is submitted that the proposed development is a commercial venture and therefore contrary to the residential zoning of the area.
- It is submitted that historic vistas from no. 8 Sunbury Gardens will be lost and that the visual amenity will be diminished.
- It is noted that an independent shadow analysis was not submitted with the application.
- It is submitted that there is a strong architectural affinity in Sunbury Gardens, in the aesthetic appearance, materials, placement of structures within the streetscape and subtle architectural details. The proposed development neither compliments or contrasts the existing development. The proposed solar panels will be visually inharmonious.
- It is stated that the development at no. 8b Sunbury Gardens may never be built.
- The Board is requested to refuse permission.

#### **6.4.0 First Party Response to Third Party Submission**

6.4.1 The Applicants response to the submissions of the third parties can be summarised as follows:

- The sun path analysis submitted with the appeal clearly demonstrates that there will be no impact on solar shading between March 21<sup>st</sup> and Sept. 21<sup>st</sup> or at any time later than 11am at any time during the year. The analysis complies with the BRE guidance document for sunlight / daylight analysis.
- Any increase in the height of no. 8a will throw shade over a part of the east elevation of The Orchard for a limited time. The closest window illuminates a utility room, - a non habitable room.
- The evergreen planting between The Orchard and no. 2 Highfield Road cast extensive shadow over The Orchard until it was recently cut down. Photographs taken in August 2016 are submitted. The applicant will introduce new planting within the subject site along the northern garden wall.

- A sun path analysis for the morning hours of 21<sup>st</sup> June and 21<sup>st</sup> March / September shows no material difference between the existing and proposed.
- There will be no overlooking of The Orchard from no. 8a as they are diagonally offset from each other. No windows – existing or proposed – face directly towards The Orchard. The nearest window is a non-habitable room.
- The applicants will consider the following modifications of the proposed scheme: raising the height of the bedroom 5 window to become a clerestory window.
- The proposed office is a home office, not an office defined under classes 2 and 3 of Part 4 of the Planning and Development Regulations, as amended. The southern elevation window has been designed to maximise passive solar gain.

## **7.0.0 ASSESSMENT**

7.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the development
- Architectural Impact
- Impact on Residential Amenity
- Other
- Appropriate Assessment

### **7.1.0 Principle of the Development**

7.1.1 The proposed development refers to the extension of an existing dwelling located in an area zoned Sustainable Residential Neighbourhoods – Zone Z1. In such zones residential extensions and alterations to an existing dwelling for residential purposes are permissible uses.

7.1.2 Section 17.9.8 of the development plan refers to extensions and alterations of dwellings. It is stated that proposed extensions should maintain the visual amenities and architectural character of the existing building and surrounding properties in the area through the use of similar finishes and windows. The design should follow the form of the existing building without compromising the residential amenities of adjoining properties in terms of privacy and access to daylight and sunlight.

7.1.3 It is considered that the proposed extension would be acceptable in principle subject to all other planning considerations being satisfactorily addressed.

## **7.2.0 Architectural Impact**

7.2.1 The proposed development involves the construction of a second floor over the existing first floor, the creation of a new pitched roof profile and the cladding of the existing brick elevation. The result of this level of modification is that the proposed development is dramatically different from the existing dwelling and its identical neighbour.

7.2.2 As noted above, no.s 8a and 8b are a 1970's infill development on the former side garden of the protected structure no.8 Sunbury Gardens. The two dwellings with flat roofs, brick finish and large vertical windows placed symmetrically are a striking example of 1970's architecture. They form an interesting insertion in the architectural record of Sunbury Gardens and adjoining Sunbury Park. Each of the three elements of this neighbourhood – the substantial Victorian protected structures on Sunbury Gardens, the 1970's duo of no.s 8a and 8b and the 1990's development in Sunbury Park – have a uniformity in style, features and finishes that creates an immediate architectural legibility. The proposed development seeks to irrevocably change that record, with the insertion of a modern and entirely new architectural style.

7.2.3 The loss of the '70's architecture is regrettable, all the more so given that no. 8b has permission to be demolished and re-developed in an entirely different style. That is the nature of design however, and as acknowledged by the DCC development plan, it cannot be a deterrent to new architectural development. A new entry in the architectural record will be created lending new interest and diversity to the neighbourhood. The current duo of no.s 8a and 8b mark the end of the Victorian townscape of Sunbury Gardens. That vista will change with the demolition of no. 8b and the character of this section of the neighbourhood will be changed notwithstanding the subject proposed development. Likewise, if the permitted development of no. 8b does not go ahead, the proposed development of no. 8a will change the character of the neighbourhood architecturally.

7.2.4 I note that the Applicant has offered to create an external finish in red brick in a nod to the use of same in Sunbury Gardens. I do not see the need for such a modification of the original design. The

proposed building stands apart from the three storey protected structures physically and visually. The proposed dwelling will clearly read as an infill development of contemporary architecture.

7.2.5 I note the concern of the Planning Authority and the third parties regarding the scale of the proposed dwelling. The dominant height of all of the structures in the immediate area – with the exception of the two storey no.s 8a and b - is three storey. The proposed dwelling at 11.8m is lower than the 12.8m height of the Sunbury Garden dwellings. The proposed redevelopment of no. 8b has an overall height of 12.08m. The visual subordination of nos. 8a and 8b to the three storey Victorian dwellings will be lost with the demolition of no. 8b. I do not accept therefore that the scale of the proposed development is inappropriate or out of character with the surrounding area.

7.2.6 In principle, the alteration and modification of the proposed development is acceptable.

### **7.3.0 Impact on Residential Amenity**

7.3.1 The impact of the proposed development in terms of overlooking of adjoining structures has been raised by both observers to the appeal and by the Planning Authority.

7.3.2 On the northern elevation, no new windows are proposed and one of the existing windows is to be blocked up. The eastern elevation is unchanged, with a single window illuminating the bathroom. The southern / front elevation comprises the blocking of the two existing windows at first floor (illuminating bedrooms 1 and 4) and the creation of two larger more centrally placed windows. The proposed second floor has a large window on the southern elevation illuminating the proposed home office / study. The southern elevation of the dwelling overlooks the front garden of the house and the roadway serving Sunbury Gardens and Park. No residential properties will be overlooked.

7.3.3 The western elevation of the dwellings faces the open space of the Scout den and to the north west The Orchard. At first floor level a new window is proposed for bedroom two and at second floor level a new window will illuminate bedroom no. 5 and a high level window will illuminate the office. There is approx. 13m between no. 8a and The Orchard. This is sufficient to prevent overlooking at ground and first floor but inadequate at second floor level. As can be seen from the photographs submitted to the Board, at the

current roof level, one can see the kitchen windows of The Orchard. Should the Board be minded to grant permission it is considered reasonable to condition that bedroom no. 5 be illuminated by a window on the northern elevation and the proposed roof lights only and that the proposed high level window on the western elevation illuminating the office be omitted.

#### **7.4.0 Other**

7.4.1 **Home office:** With the exception of the size of the proposed room, I find no evidence to support the claim that the proposed office will be of a commercial nature. The proposed office / study is on the third floor and beside the master bedroom. It is an unlikely location for a commercial office.

7.4.2 **Curtilage of the protected structure:** Section 13.1 of the Architectural Heritage Guidelines for Planning Authorities states that in deciding on the extent or definition of curtilage regard must be had to the functional, historical and / or ownership connection between the structures. Section 13.1.1 of the guidelines states that the notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. The subject dwelling and adjoining neighbour have been in existence for approx. four decades. One must assume that legal ownership of the lands has been separate for at least as long. The lands on which no.s 8a and 8b sit are no longer immediately associated with no. 8 Sunbury Gardens, not visually, architecturally or physically. It is considered that the length of time and the pattern of development that has arisen since the separation is such that the site of no.s 8a and 8b can no longer be considered to be within the curtilage of no. 8 Sunbury Gardens.

#### **7.5.0 Appropriate Assessment**

7.5.1 Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

## 8.0.0 RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 - 2017, the planning history on the subject and adjoining sites and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

## 9.0.0 REASONS AND CONSIDERATIONS

9.1.0 Having regard to the zoning objective for the site and policies and objectives as set out in the current Dublin City Development Plan, to the pattern of development and planning history of the area, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would be acceptable in terms of traffic safety and convenience and would not seriously injure the amenities of the area or of property in the vicinity and. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance 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.  
**Reason:** In the interest of clarity.
2. Prior to the commencement of development, the developer shall submit details of a revised proposal omitting the western elevation window illuminating bedroom no. 5 at second floor level and its replacement with a window of similar dimensions on the northern elevation. The proposed high level window on the western elevation illuminating the home office / study shall be omitted.

**Reason:** In the interest of protecting the residential amenity of adjoining properties.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes including sample panels to the proposed development shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development and the visual amenities of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

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

6. Site development and building works shall be carried out between 0800 hours and 1900 hours Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord

Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Gillian Kane**  
**Planning Inspector**  
**06/10/16**