



An
Bord
Pleanála

Inspector's Report ABP-307597-20

Development

The construction of 2 No. single storey pitched roof detached dwellings to the rear of existing dwelling, Unit 14A a 145sqm 3 bedroom dwelling and Unit 14B a 163sqm 3 bed dwelling, total GFA of 308sqm, works to include shared vehicular and pedestrian access to Rockville Drive via existing driveway and associated site works on a site area of 0.15ha.

Location

14 Glenamuck Cottages,
Carrickmines, Dublin 18.

Planning Authority

Dún Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D20A/0036

Applicant(s)

Alan O'Brien

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions.

Type of Appeal

Third Party v. Decision

Appellant(s)	Tony Salsi & Barbara Dwyer
Observer(s)	Philip & Ruth Le Guay
Date of Site Inspection	31 st August, 2020
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located to the rear of No. 14 Glenamuck Cottages, Carrickmines, Dublin 18, where it occupies a position to the south of Rockville Drive, a narrow cul-de-sac of housing that extends eastwards from Glenamuck Road (which in turn links the M11 Motorway to the northeast with Kiltarnan to the southwest). The surrounding pattern of development is predominantly characterised by a variety of detached & semi-detached single storey dwellings / cottages, although there are two terraces of conventionally designed two-storey housing at the end of the cul-de-sac. Notably, there are several examples of more recent / contemporary housing having been developed on backland sites along the southern side of the roadway on more elevated lands behind the original Glenamuck Cottages (arising from the subdivision of the generous elongated plots originally associated with the cottages). The access roadway is relatively narrow with public lighting and footpaths on both sides, however, notwithstanding that most of the existing dwelling houses have opened up individual site entrances to provide for off-street parking, a considerable prevalence of on-street parking was noted during the course of my site inspection which served to narrow the available carriageway thereby inhibiting the free-flow of traffic.
- 1.2. The site itself has a stated site area of 0.15 hectares and comprises a vacant plot of land which extends southwards from an undeveloped section of road frontage to the rear of No. 14 Glenamuck Cottages (a single-storey, semi-detached property). It is characterised by a considerable change in levels on traveling away from Rockville Drive with the southernmost part of the site occupying a noticeably more elevated position than the existing roadside housing. Behind the existing cottages, the site adjoins a conventional single-storey / dormer-style bungalow to the east and 2 No. contemporary, single storey properties to the west, all of which would appear to have been developed through the subdivision of the original cottage plots. The site perimeter is bounded by c. 1.8m high concrete post and timber panel fencing alongside the adjacent housing with the southernmost site boundary defined by a steep embankment which serves to separate it from adjoining agricultural lands.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 2 No. contemporarily designed, single storey, three-bedroom, detached dwelling houses on lands to the rear of the existing dwelling / cottage at No. 14 Glenamuck Cottages as follows:
 - House / Unit No. 14A (floor area: 145m²)
 - House / Unit No. 14B (floor area: 163m²)
- 2.2. Shared vehicular and pedestrian access to the proposed dwellings will be obtained directly from Rockville Drive via an upgraded entrance arrangement. Water and sewerage services are available via connection to the public mains.
- 2.3. Whilst the subject site is zoned for 'residential' purposes, it is unclear if the applicant has applied for or obtained a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with respect to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 17th June, 2020 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 15 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, infrastructural works, entrance design, construction management, and development contributions (including a supplementary development contribution).

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

An initial report details the site context, planning history, and the applicable policy considerations, including the relevant land use zoning ('A': *To protect and / or improve residential amenity*) and the site location within 'Development Parcel 29a' of the Kiltiernan / Glenamuck Local Area Plan, 2013, before noting the precedent for

comparable backland development within the wider Glenamuck Cottages area. It subsequently states that the principle of the development is acceptable and that the contemporary design proposed accords with the provisions of the Local Area Plan. The report continues by considering the need to preserve the residential amenity of neighbouring properties and states that additional details are required as regards the relationship between the proposed development and adjacent housing. It proceeds to recommend that further information be sought in respect of a number of items, including external finishes, the site entrance, and cross-sectional drawings detailing the proposed development relative to neighbouring properties.

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports*

Environmental Health Officer: No objections, subject to conditions.

Municipal Services Dept., Drainage Planning: No objection, subject to conditions.

Transportation Planning: Recommends that revised drawings detailing the proposed vehicular entrance layout and the omission of the 4 No. car parking spaces alongside the access driveway be sought by way of a request for further information.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

3.4.1. A total of 5 No. submissions were received from interested third parties and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The plans and particulars are inaccurate / misleading and do not provide for an accurate representation of the proposed development.
- The proposal is of an excessive height, is out of character with the adjoining cottages, and would be visually incongruous in the streetscape given the elevated nature of the site.
- The proposal involves the overdevelopment of a restricted site.

- The construction of 2 No. dwelling houses on a similarly sized site at No. 17 Glenamuck Cottages was refused permission (PA Ref. No. D15A/0515).
- The private garden of Proposed House No. 14A is unclear and would appear to be inadequate for a three-bedroom residence.
- The inadequacy of the proposed access arrangement and the surrounding road network to accommodate the increase in traffic consequent on the proposed development.
- The proliferation of individual site entrances along a short stretch of roadway and the inadequacy of the available sightlines.
- Concerns as regards surface water runoff and the potential to exacerbate localised flooding.
- Detrimental impact on residential amenity by reason of overlooking / loss of privacy, overshadowing / loss of sunlight / daylight, noise, light overspill, visual intrusion, and an overbearing appearance.
- The proposal is contrary to the land use zoning objective which seeks '*to protect / improve residential amenity*'.
- Devaluation of property.

4.0 Planning History

4.1. On Site:

PA Ref. No. D02A/0313. Was granted on 23rd July, 2002 permitting Edward and William Keeley permission for a single storey extension incorporating 4 bedrooms, a toilet and bathroom, and a sewage treatment system and percolation area to the rear of 14 Glenamuck Cottages, Carrickmines, Co. Dublin.

4.2. On Adjacent Sites:

4.2.1. 15 Glenamuck Cottages:

PA Ref. No. D19A/0311. Was granted on 5th September, 2019 permitting Alan Hickey & Sarah Stevenson permission for the removal of front porch and the partial removal of the rear of the cottage and the construction of a new single storey

extension to the front and rear, giving a total additional floor area of 85 sqm. The proposed works also include renovation works to the existing cottage, reconfiguration of the entrance, new gates and boundary wall to the street, and all associated site and drainage works.

PA Ref. No. D16A/0114 / ABP Ref. No. PL06D.246582. Was granted on appeal on 22nd August, 2016 permitting Barbara Dwyer and Bernadette Dwyer permission for (1) Minor alterations and revisions to elevations and plans of approved single storey dwelling to the rear of the existing dwelling, which included the construction of a new gated vehicular entrance and associated works and (2) Removal of Condition No. 11 from PA Ref. No. D08A/1383 as extended by PA Ref. No. D08A/1383E.

PA Ref. No. D08A/1383. Was granted on 24th September, 2009 permitting Barbara Dwyer permission for the construction of a detached single storey dwelling to the rear of the existing dwelling, including the construction of a new gated vehicular entrance and associated site works.

- PA Ref. No. D08A/1383/E. Was granted on 30th July, 2014 permitting Barbara Dwyer an 'Extension of Duration' of PA Ref. No. D08A/1383 until 23rd September, 2019.

PA Ref. No. D08A/0165. Was refused on 7th April, 2008 refusing Barbara Dwyer permission for the construction of a detached one and a half storey dwelling to the rear of existing dwelling, including the construction of a new gates, vehicular entrance and associated site works.

- The proposed development would, by reason of its excessive height and 2-storey nature on the elevated ground of the site, be visually incongruous in the streetscape. The proposed development would be contrary to the specific local objective in regard to the Glenamuck Cottages estate (development parcel 29 a & b) in the Kiltiernan/Glenamuck Local Area Plan, by reason of its height and two storey nature. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4.2.2. 13 Glenamuck Cottages:

PA Ref. No. D16A/0154 / ABP Ref. No. PL06D.247024. Was granted on appeal on 10th November, 2016 permitting Reginald Coogan permission for the construction of

2 No. single storey pitched roof detached dwellings to the rear of the existing dwelling, Unit Number 13A, a 130m² three bedroom dwelling and Unit Number 13B, a 199m² four bedroom dwelling, total gross floor area of 329m², works to include shared vehicular and pedestrian access to Rockville Drive via existing driveway and associated site works.

PA Ref. No. D09A/0163. Was granted on 15th October, 2009 permitting Mr. Reginald Coogan permission for 2 no. 3 bed with double garage 1.5 storey detached dwellings to the rear with shared vehicular and pedestrian access to Rockville Drive via existing driveway comprising total GFA of 410 sq.m.

- PA Ref. No. D09A/0163/E. Was granted on 28th August, 2014 permitting Reginald Coogan an 'Extension of Duration' of PA Ref. No. D09A/0163 until 15th October, 2019.

4.3. *On Sites in the Immediate Vicinity:*

PA Ref. No. D20A/0387. Was refused on 27th July, 2020 refusing Jason Scully permission for a new single storey dwelling with 2 storey/dormer element to rear; new vehicular entrance (3.5m wide) to the public roadway; connection to public services and all associated site and ancillary works, all at 12 Glenamuck Cottages, Carrickmines, Dublin 18.

PA Ref. No. D20A/0176. Application by Arnage Carrickmines Ltd. for permission for: The subdividing of lands, to provide for: a) The retention of the existing single storey house with associated site. b) The development of the rear and side of the existing remaining site to construct 3 no. single storey detached dwellings, 10A and 10B being 168 sq.m each and 10C being 165 sq.m, with associated site works including gardens, off street car parking. c) Forming a new access road and footpath off Glenamuck Cottages, Rockville Drive to serve the proposed development. d) New boundaries to define dwelling sites from each other and adjoining not owned by applicants. All at 10 Glenamuck Cottages, Rockville Drive, Carrickmines, Dublin 18. No decision to date.

PA Ref. No. D18A/1168. Was granted on 6th June, 2019 permitting Eimear & Padraig Foley permission for the construction of 1 no. fully serviced single storey extension to the rear of existing semi-detached cottage dwelling, including minor internal alterations to existing cottage, rooflights to the new extension and widening of

existing vehicular access to the front, including new gates, walls and piers and all ancillary site works, at 11 Glenamuck Cottages, Carrickmines, Dublin 18.

PA Ref. No. D16A/0292. Was granted on 18th January, 2017 permitting Wang Ying and XiaoDan Yang permission to erect a fully serviced single storey type dwelling with detached domestic garage, connection to public services and all ancillary works at the rear, with vehicular and pedestrian access to Rockville Drive via existing driveway, at 17 Glenamuck Cottages, Carrickmines, Dublin 18.

PA Ref. No. D15A/0515. Was refused on 6th October, 2015 refusing Wang Ying & XiaoDan Yang permission to erect 2 No. fully serviced storey and a half type dwellings with connection to public services and all ancillary works at the rear, with shared vehicular and pedestrian access to Rockville Drive via existing driveway, at 17 Glenamuck Cottages, Carrickmines, Dublin 18.

5.0 Policy and Context

5.1. National and Regional Policy:

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. Development Plan

5.2.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:*

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and / or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: Quantitative Standards

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas:

(vi) Backland Development

Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such. Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites within the existing built-up area, the following standards will apply:

- Generally be single storey in height to avoid overlooking.
- Adequate vehicular access of a lane width of 3.7m must be provided to the proposed dwelling (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- A wider entrance may be required to a backland development to or from a narrow laneway.
- Existing dwelling and proposed dwellings shall have minimum individual private open spaces of 48 sq.m. each - exclusive of parking - for one/two bedroom units or 60 sq.m. plus for three/four or more bedroom units.

- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.

Where there is potential to provide backland development at more than one site/property in a particular area, the Planning Authority will seek to encourage the amalgamation of adjoining sites/properties in order to provide for a more comprehensive backland development. Piecemeal backland development with multiple vehicular access points will not be encouraged.

(vii) Infill:

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.4.9: *Vehicular Entrances and Hardstanding Areas*

5.2.2. *Kiltiernan / Glenamuck Local Area Plan, 2013 (as extended until 2023):*

Chapter 4.0: Residential Development

Section 4.2: Residential Density

Section 4.8: Housing Design Issues

- The proposed development site is located on lands identified for '1-2 storey' development on Drg. No. PI-13-417: 'Building Heights Map'.

Chapter 11: Planning Guidelines for the Development Land Parcels:

Requirements for Development Parcel 29a (incl):

Type of Development: Residential infill only.

Height: One storey on sites on the southern side of roadway.

Building Materials: Black slate tiles (or the like) for roofing material

Architectural Style Spec.: To acknowledge the vernacular style of the current mostly single storey cottages in the enclave. Contemporary designs are welcomed, however these to complement in-situ building fabric and streetscape.

Paint colours to be pale in colour (preferably white, pale cream or yellow).

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Dingle Glen Proposed Natural Heritage Area (Site Code: 001207), approximately 200m southeast of the site.
- The Ballybetagh Bog Proposed Natural Heritage Area (Site Code: 001202), approximately 2.4km southwest of the site.
- The Loughlinstown Woods Proposed Natural Heritage Area (Site Code: 001211), approximately 3.2km east of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, the topography of the site and the surrounding area, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the

environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development site comprises an area of undeveloped lands to the rear of the existing dwelling house which occupies an elevated position relative to both the existing cottage and the appellants' neighbouring dwelling.
- There are concerns as regards the proximity of the proposed development relative to the appellants' dwelling house, particularly as the subject proposal would appear to have relied upon erroneous information which does not accurately reflect the ground conditions on site with the result that potential impacts on the residential amenity and privacy of the appellants' property have not been properly assessed.
- The appellants were originally refused permission for a dwelling house under PA Ref. No. D08A/0165 with the case planner concluding as follows:

'On the northern side of the road, where in rare exceptions, or have been granted, double storey elements, the properties have taken advantage of the natural slope of the site (slopes from the road downward to the rear), and the dwelling will feature a split level element to the rear. It is difficult to achieve a similar design on the southern side of the road since the land slopes upwards from the roadway to the rear of the properties. Any double storey element would be visible from the street. Even if a single storey is proposed for this side of the road, the proposed dwelling would need to be set back into the slope through cut and fill'.

This conclusion has been completely disregarded in the assessment of the subject proposal.

- In its recent assessment of PA Ref. No. D20A/0176, the Planning Authority has sought the following further information as a result of concerns regarding the relationship of that development with neighbouring properties:

‘The planning authority notes that the levels rise significantly to the south. The applicant is requested to submit computer-generated imageries (CGIs), that show the proposed dwellings in the context of the wider street setting as well as the relationship with No. 10 Glenamuck Cottages. The CGIs should also include the view from the neighbouring sites on the east and the west and include planting and boundary treatments’.

The same request should have been made of the subject applicant and it is considered that the impact of the proposed development on the residential amenity of the appellants has not been accurately assessed.

- There are concerns that the proposed development will have a detrimental impact on the residential amenity of the appellants’ neighbouring property by reason of overlooking / loss of privacy (with particular reference to the rear garden area), an overbearing appearance, noise disturbance, and light overspill / intrusion from car headlights.
- With respect to backland development, the Dún Laoghaire Rathdown County Development Plan, 2016-2022 states the following:

‘Adequate vehicular access of a laneway width of 3.7m must be provided to the proposed dwelling to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles’.

Given that the proposed access driveway has a substandard width of 3.6m, it is contrary to the requirements of the Development Plan and gives rise to road safety concerns.

- The height of the appellants’ dwelling house has been misrepresented on the drawings submitted in response to the request for further information i.e. it has been shown to be 1m higher (109.875) than it is (108.875). Therefore, in light of the elevated nature of the site, it is reiterated that the roofline of the proposed development is excessive when compared to neighbouring properties.

- Although the proposed dwellings will be of a single storey construction, they will nevertheless be noticeably visible over the existing roofline and will be visually incongruous in the streetscape.
- In the event the Board is minded to grant permission, and without prejudice to the grounds of appeal, consideration should be given to the inclusion of the conditions:
 - The widening of the proposed access arrangement in the interest of traffic / public safety.
 - The omission of windows orientated towards the shared site boundary in order to reduce the potential for overlooking / overbearing impacts.
 - There are concerns that ground disturbance during the construction works could result in the collapse of the significant bank of earth to the rear of the appellants' property and, therefore, a detailed Construction Management Plan should be provided prior to the commencement of development. Furthermore, the developer should be requested to consult with the appellants as regards the construction methodology proposed.
 - A survey of the appellants' property should be undertaken at the developer's expense prior to the commencement of development.
- The subject proposal represents inappropriate backland development, the fundamentals of which are based on inaccurate information.

6.2. Applicant Response

- Contrary to the grounds of appeal, the information furnished to the Planning Authority is both accurate and truthful.
- With respect to the appellants having previously been refused permission under PA Ref. No. D08A/0165, it should be noted that there have been three different versions of the County Development Plan since that decision and that the appellants were subsequently granted permission under PA Ref. Nos. D08A/1382 & D16A/0114.

- The subject proposal seeks to employ a 'cut and fill' approach similar to that approved under PA Ref. No. D17A/0476 which set a precedent for backland development pursuant to Section 5.5.3 of the County Development Plan.
- The proposed development will not have a detrimental impact on the residential amenity of the appellants' property by reason of the following:

House Type 14A:

- A total of 4 No. windows serving a kitchen / dining area, an entrance lobby and a utility room are proposed within the eastern elevation of this dwelling. These will be set back 5.2m - 5.3m, 9.8m & 10.9m respectively from the site boundary shared with the appellants' property.
- The proposed dwelling house will be separated from the appellants' property by an existing 1.8m high fence, the additional landscaping proposed in response to the request for further information, the driveway, and a 1.2m wide footpath.
- The finished floor level of the proposed dwelling (Unit No. 14A) will be 104.00 whilst the surface level at the site boundary varies from 104.80 to 105.30. The level difference between the two sites is approximately 485mm at these locations and 1.8m high fencing has been erected along the intervening boundary.
- No part of the appellants' dwelling will be within 9.2m of the proposed house.

House Type 14B:

- A total of 5 No. windows serving a kitchen / dining area, an entrance lobby and a utility room are proposed within the eastern elevation of this dwelling and these will be set back 6.0m, 10.2m - 11.0m & 6.2m respectively from the site boundary shared with the appellants' property.
- The proposed dwelling house will be separated from the appellants' property by an existing 1.8m high fence, the additional landscaping

proposed in response to the request for further information, and the proposed driveway / landscaped area.

- There are no windows within the western gable end of the appellants' dwelling house which face onto the proposed development site.
 - The finished floor level of the proposed dwelling (Unit No. 14B) will be 105.50 whilst the surface level at the site boundary varies from 104.50 to 106.00. The level difference between the two sites varies between 2.275m and 100mm at the top of the sloped bank to the rear of the appellants' property. It is reiterated that 1.8m high fencing has been erected along the intervening boundary.
 - No part of the appellants' dwelling will be within 9.0m of the proposed house.
- In response to the request for further information, additional screen planting is proposed along the shared site boundary to preserve the privacy of the appellants' property.
 - A topographical survey commissioned by the applicant has verified that the ridge height of the appellants' dwelling house is 109.875 as has been shown on the submitted drawings. In this regard, it should be noted that the ridge height of No. 15A Glenamuck Cottages as constructed is exactly 1m higher than is shown on the drawings approved under PA Ref. No. D16A/0114. Furthermore, it is understood that the appellants' dwelling house utilised a timber frame construction fabricated off site and thus it is considered unlikely that the significant increase in roof height over that approved was unintentional.
 - The subject application was assessed on its merits having regard to the precedent for similar development in the vicinity of Glenamuck Cottages.
 - The proposed development accords with the provisions of the Dún Laoghaire Rathdown County Development Plan, 2016-2022.
 - The widening of the proposed access was addressed in response to the request for further information with the entrance having been set back and a low-level wall provided between the driveway of No. 15A and the subject

development. The applicant is amenable to increasing the width of the proposed driveway to 3.7m to satisfy any safety concerns.

- The Planning Authority is satisfied that appropriate levels of screening have been provided as to ensure the privacy of neighbouring properties.
- The Planning Authority was furnished with a Construction Management Plan and was satisfied with the veracity of its contents.
- Substantial works were undertaken in 2018 by a contractor to clear the site of redundant trees, pig sheds and general rubbish in order to facilitate a comprehensive site survey. No concerns were raised by the owners of No. 15A Glenamuck Cottages when these site clearance works were being carried out.
- The design and layout of the proposed development has taken account of the proximity of neighbouring properties whilst the existing fencing and additional screen planting proposed along the site boundaries will ensure the privacy of adjacent dwellings.
- Given the separation distances between the proposed dwellings and No. 15A Glenamuck Cottages, the difference in ground levels between the respective sites, and the screening provided by the existing boundary fencing, it would not normally be possible to look into the private garden area of the appellants' property.
- The approximate 4m height and bulk of the roof of No. 15A Glenamuck Cottages is not in keeping with the predominantly low roofs of the single storey bungalows along the public road. By way of comparison, the highest point of Proposed House No. 14A will be 4.7m.
- There is no visible evidence that the owner of No. 15A Glenamuck Cottages has taken any steps, such as the construction of retaining walls, to mitigate the impact of the considerable excavations / change in ground levels undertaken on that site.

6.3. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

6.4.1. Philip & Ruth Le Guay:

- The response to the request for further information does not establish sufficient grounds on which to grant permission and does not provide for a true representation of the surrounding area, including the relationship between the proposed development and neighbouring properties.
- From a review of the submitted plans and particulars, and in light of the design approved under PA Ref. No. D16A/0154 / ABP Ref. No. PL06D.247024, there are concerns that certain issues have not been given adequate consideration in the assessment of the subject application.
- When compared to PA Ref. Nos. D20A/0176 & D16A/0154 & at Nos. 10 & 13 Glenamuck Cottages respectively, it is considered that the Planning Authority sought a significantly greater level of detail by way of further information in order to assess the impact of those developments on the surrounding area. Moreover, in its assessment of PA Ref. No. D20A/0176, the Planning Authority requested that the proposed dwellings be reduced in size in order to provide for greater separation. That approach differs markedly from the subject proposal given the limited space between the proposed dwellings and the site boundaries. By way of further comparison, it is submitted that PA Ref. No. D16A/0154 also provided for more adequate spacing between the proposed units and neighbouring properties than has been shown in the subject application.
- The proposed houses are located extremely close to each other, particularly in light of the differences in elevation, whilst concerns also arise as regards the separation proposed between No. 14 Glenamuck Cottages and Unit No. 14A.

- Given the nature of site topography, concerns arise as regards the overall height and visual impact of the proposal. In this respect, it is unclear why the Planning Authority did not request photomontages of the proposed development (as was the case for other planning applications in the area) in order to assess its relationship with neighbouring properties and the site surrounds.
- In response to the request for further information, it is proposed to reduce the height of a neighbouring boundary fence. This will entail the carrying out of works on lands outside of the applicants' control and for which no consent would appear to have been given by the relevant party. In the event that consent is not forthcoming for the aforementioned works, the proposed access arrangement will pose a danger to road users.
- The width of the revised arrangement entrance at 3.6m does not comply with the requirements of the request for further information i.e. a width of 3.7m.
- A footpath should have been included as part of the development (as was proposed in PA Ref. No. D20A/0176).
- When compared to the assessment of PA Ref. No. D16A/0154, it is considered that additional details are required in order to adequately assess the proposed car parking provision.
- There are serious concerns that the proposed drainage arrangements have not been adequately detailed or assessed given that there is a significant incline to the rear of the observers' property with runoff from the agricultural lands to the south resulting in localised flooding to the rear of Glenamuck Cottages.
 - Given the position of the observers' dwelling house at the lower end of the incline, their property is at particular risk should the proposed drainage arrangements be inadequate.
 - The siting of the soak-pits is of concern and could potentially result in significant damage to the observers' property in the absence of suitable engineering.

- One of the soak-pits is to be located between Unit Nos. 14A & B, below a retaining wall and several large trees, in close proximity to the foundations for both houses. If this soak-pit were to fail, it could result in serious structural damage to the proposed dwelling houses whilst the excess flow of water towards the observers' property could endanger their home.
- The soak-pit alongside the boundary with the observers' rear garden could undermine the foundations of the intervening fence whilst any overflow / excess runoff would drain towards the observers' property.
- In response to the request for further information, an additional soak-pit has been shown at the site entrance alongside the boundary fence shared with the observers' property. There are concerns that the siting of this soak-pit could result in significant damage being caused to the observers' fence line, gate pillars, parking area, and house foundations.
- In its assessment of PA Ref. No. D20A/0176, the Planning Authority sought a more detailed drainage design by way of further information. It is considered that the same level of detail should have been submitted with the subject application in order to allow for an informed decision.
- In the event the Board is minded to grant permission, the following should be required (by way of condition, where appropriate):
 - The submission of an independent drainage design for review prior to the making of any decision.
 - A reduction in the size of the proposed dwellings to accommodate adequate spacing / separation between each unit. If this cannot be achieved, then consideration should be given to the provision of only 1 No. dwelling on site.
 - The redesign of Unit No. 14A to provide for greater separation from the site boundary shared with No. 14 Glenamuck Cottages.

- Unit No. 14B should be set back into the site by way of 'cut and fill' in line with other new development along the southern side of Glenamuck Cottages.
- A detailed Construction Management Plan should be agreed prior to the commencement of development.
- Soak-pits should be moved away from the site boundaries and neighbouring properties in order to avoid any possible complications arising from faults or overflows. If the foregoing is not possible, an alternative drainage detail should be submitted for review by the Board.
- A written assurance should be provided that no part of the observers' boundary fence will be damaged or compromised during (or after) the construction works and that the cost of rectifying any such damage will be borne by the developer.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact
- Impact on residential amenity
- Traffic considerations
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located within the development boundary of the Kiltiernan Glenamuck Local Area Plan, 2013 (as extended until 2023) on lands zoned as 'A' with the stated land use zoning objective '*To protect and / or improve residential amenity*' where the development of housing is generally considered appropriate. It also forms part of a larger landbank identified as '*Development Parcel 29a*' in Chapter 11 of the LAP which is considered suitable for '*residential infill*' development (with specific reference being made to the construction of single-storey units on those lands to the south of the roadway). Furthermore, the prevailing pattern of development in the immediate vicinity of the application site is characterised by a variety of detached & semi-detached single storey dwellings / cottages on generous plots whilst a considerable number of the original properties have been subdivided in a manner comparable to that proposed in order to accommodate the construction of additional dwellings in a backland location.
- 7.2.2. Accordingly, I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.3. Therefore, having considered the available information, including the site context and land use zoning, and noting that comparable backland development has already been approved and / or completed in the immediate site surrounds, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. Overall Design and Layout / Visual Impact:

- 7.3.1. Whilst I would acknowledge that the overall design of the proposed dwelling houses is more considerably more contemporary in appearance than the prevailing pattern of development within Glenamuck Cottages, consideration must be given to the site context and in this respect I would draw the Board's attention in the first instance to the site location within Development Parcel '29a' of the Kiltiernan / Glenamuck Local Area Plan, 2013 where contemporary housing designs are to be welcomed provided they complement the *in-situ* building fabric and streetscape i.e. the vernacular style of the primarily single storey cottages within Glenamuck Cottages / Rockville Drive. It is of further relevance to note that although the surrounding area is predominantly characterised by a variety of detached & semi-detached single storey dwellings / cottages, there are several examples of more contemporary houses having been permitted and / or developed on backland sites along the southern side of the roadway behind the original cottages. In this regard, I would make particular reference to the contemporary design of those dwelling houses approved under PA Ref. No. D16A/0154 which have recently been constructed on the lands to the immediate west of the subject site (i.e. to the rear of No. 13 Glenamuck Cottages). I would further submit that while new developments should have regard to the protection of the residential and architectural amenity of existing housing, the introduction of appropriately designed contemporary additions can provide for a welcome degree of visual diversity to an area.
- 7.3.2. In reference to the wider impact of the proposal on the surrounding area, including the established streetscape, although the proposed dwellings will occupy a somewhat elevated position relative to the public road and existing roadside housing, it should be noted that the maximum ridge height of the new construction will be lower than that of the most elevated dwelling permitted on the immediately adjacent lands to the west under PA Ref. No. D16A/0154 in reference to the ridge height of that property both as approved and as constructed (as detailed elsewhere in this report). In addition, whilst the proposed dwellings will be visible in part above the established ridge line of Glenamuck Cottages, in my opinion, considering the backland nature of the site, the recessed positioning of the proposed housing relative to the roadway, and the level of screening offered by existing roadside development,

the visual impact of the proposal in the context of a built-up urban area is within acceptable limits and would not warrant a refusal of permission.

- 7.3.3. Therefore, having considered the available information, with particular reference to the site location and its relationship with adjacent properties, the surrounding pattern of development, and the design criteria for Development Parcel '29a' as set out in the Local Area Plan, it is my opinion that the subject proposal has taken adequate cognisance of the site topography and the need to avoid an overly intrusive feature, and represents an appropriate design response to the site context which achieves a suitable balance between the need to respect the established character of the surrounding area and the desire to provide a visually distinctive contemporary design on this constrained backland site.

7.4. **Impact on Residential Amenity:**

- 7.4.1. Concerns have been raised that the proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy. In this respect, whilst I would acknowledge that the infill nature of the proposed development has the potential to give rise to overlooking with a consequential loss of residential amenity, having regard to the site context within a built-up urban area and the surrounding pattern of development, I am inclined to suggest that the specific design, positioning and orientation of the proposed dwelling houses has taken sufficient cognisance of the need to preserve the residential amenity of neighbouring housing and will not give rise to any significant detrimental impact on same by reason of overlooking.
- 7.4.2. In support of the foregoing, whilst I would acknowledge the sloping nature of the application site and the significant difference in ground levels between it and the neighbouring properties to the immediate north and east, it should be noted that the proposed development provides for the construction of single-storey dwellings which will be set into the site topography by way of 'cut and fill' in order to reduce their overall prominence relative to adjacent sites. Moreover, I would draw the Board's attention to the considerable separation distances between these single-storey dwellings and the adjacent housing as shown on Drg. Nos. PL004 Rev. A: '*Proposed Site Plan*' & PL005 Rev. A: '*Proposed Contiguous Site Elevations*'. For example, Proposed House No. 14A will be set back in excess of 27m from No. 14 Glenamuck

Cottages with a separation distance of c. 30m between the existing house and the fenestration within the northern elevation of the proposed dwelling. With respect to the appellants' neighbouring residence at No. 15A Glenamuck Cottages, the proposed dwellings have been set back approximately 5-6m from the shared site boundary, however, the staggered design of the proposed units serves to provide for an increased separation between the new construction and the western side elevation of the adjacent dwelling. Any potential for overlooking of neighbouring properties (including their garden areas) will be further mitigated by the c. 1.8m high concrete post and timber panel fencing erected alongside the perimeter site boundary as well as the proposal to provide for additional screen planting.

- 7.4.3. Therefore, in view of the foregoing, I am satisfied that the overall design and layout of the proposed development has taken sufficient cognisance of the need to preserve existing residential amenities and will not give rise to any undue overlooking of neighbouring properties.
- 7.4.4. With respect to the overall scale, height and massing of the proposed development and the potential for a visually overbearing impact when viewed from within neighbouring housing, having regard to the site topography, the single storey design, height and finished levels of the proposed dwellings, the separation distances involved, and noting the precedent for broadly comparable development in the immediate site surrounds, on balance, it is my opinion that the proposed development will not be unduly domineering or visually overbearing in relation to adjoining properties.
- 7.4.5. In relation to the suggestion that the proposed development will have a detrimental impact on the residential amenity of adjacent housing by reason of increased noise, intrusive lighting (including light overspill from car headlights), and general disturbance, given the nature and scale of the development proposed, and the site context within a built-up urban area, I am unconvinced that the subject proposal would be likely to give rise to any significant loss of amenity to the occupants of nearby residential properties.

7.5. **Traffic Considerations:**

- 7.5.1. The proposed development includes for the upgrading of the existing site entrance from Rockville Drive to provide for a new shared vehicular and pedestrian access

arrangement to serve the proposed dwelling houses. In this respect, I would refer the Board to the amended site layout plan shown on Drg. No. PL004 received by the Planning Authority on 15th April, 2020 which details the provision of a new recessed entrance arrangement measuring 3.6m in width and a shared driveway with a carriageway width of 4m that narrows to a pinch-point of c. 3.2m alongside Proposed House No. 14A before widening again to provide access to the car parking for each of the proposed dwelling houses.

7.5.2. Having conducted a site inspection, it is of relevance at the outset to note the site location within the small cul-de-sac of housing known as Glenamuck Cottages / Rockville Drive and that traffic volumes in the area are likely to be relatively low given the limited number of dwellings involved whilst the limited carriageway width of the public road and the prevalence of on-street parking serve to mitigate against excessive traffic speeds. Furthermore, in my opinion, the proposed shared access arrangement is directly comparable to those serving existing housing in the immediate site surrounds, with particular reference to the entrances approved under PA Ref. Nos. D16A/0154 & D16A/0114 which serve to provide access to the backland developments permitted on the adjacent sites to the west and east of the subject lands to the rear of Nos. 13 & 15 Glenamuck Cottages respectively. In addition, given the width of the footpath alongside the site frontage, the proposal to remove the existing roadside boundary and to lower that section of the eastern boundary fence forward of the recessed entrance serving No. 15A Glenamuck Cottages to 600mm in height, and the fact that the entrance arrangement approved under PA Ref. No. D16A/0114 with respect to No. 15A Glenamuck Cottages provides for 1.2m high boundary walling, I am inclined to suggest that the sightlines available from the proposed access point will be within acceptable limits, particularly in light of the lower traffic volumes and speeds expected to be experienced along the estate roadway.

7.5.3. With regard to the assertion in the grounds of appeal that the design of the proposed entrance / accessway is substandard by reference to Section 8.2.3.4: *'Additional Accommodation in Existing Built-up Areas: (vi) Backland Development'* of the County Development Plan which requires the provision of *'adequate vehicular access of a lane width of 3.7m . . . (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles'*, whilst I would concede that the

carriageway width between the recessed entrance piers is shown as 3.6m (please refer to the amended site layout submitted in response to the request for further information which has sought to widen the access from that initially proposed with the entrance also having been set back and a low-level wall provided between it and the driveway serving No. 15A Glenamuck Cottages), it should be noted that the broader accessway / driveway is 4m wide and only narrows to a pinch-point of c. 3.2m alongside Proposed House No. 14A before widening again to provide access to each of the proposed dwelling houses. By way of comparison, the shared accessway serving the 2 No. dwelling houses approved under PA Ref. No. D16A/0154 has an overall carriageway width of 3.4m along much of its length and thus is noticeably narrower than the subject proposal notwithstanding that the initial entrance is 3.84m wide. It is also notable that the applicant has indicated in response to the grounds of appeal that he is amenable to widening the recessed entrance to 3.7m in order to address any purported safety concerns.

- 7.5.4. On balance, it is my opinion that the overall design and width of the proposed shared entrance arrangement provides for adequate vehicular (and pedestrian) access in accordance with the provisions of Section 8.2.3.4: *'Additional Accommodation in Existing Built-up Areas: (vi) Backland Development'* of the Development Plan in that the carriageway generally exceeds the minimum width requirement of 3.7m (and 3.1m at pinch points) and does not pose a traffic hazard. I am also inclined to suggest that from a practical perspective larger vehicles such as fire tenders or refuse collection lorries are more likely to service the proposed dwellings from the public road given the limited manoeuvring space available on site and the relatively short setback distance from the roadway. Furthermore, the width of the carriageway between the entrance piers can be increased to 3.7m by way of condition in the event of a grant of permission should the Board deem this necessary.
- 7.5.5. In reference to the proposed car parking provision, the revised design submitted in response to the request for further information has omitted the parking spaces initially proposed alongside the driveway bordering No. 14 Glenamuck Cottages whilst retaining the 2 No. 'on-curtilage' parking spaces for each of the dwelling houses. In this regard, the proposal accords with the 'standard' parking provision of 2 No. spaces per 3-bed unit+ for residential units as set out in Table 8.2.3: *'Residential Land Use - Car Parking Standards'* of the County Development Plan. Whilst I would

accept that the circulation area serving the on-site parking spaces is somewhat limited and may give rise to increased manoeuvring of vehicles in accessing / egressing the parking bays, it should be noted that this will occur on private property away from the public road and will not endanger public safety.

7.5.6. Therefore, on balance, I am satisfied that the proposed car parking and associated shared vehicular and pedestrian access arrangements are acceptable and that the subject proposal will not endanger public safety by reason of traffic hazard.

7.6. **Other Issues:**

7.6.1. *Discrepancies in the Submitted Drawings / Misleading Information:*

It has been alleged that the submitted plans and particulars do not accurately reflect the relationship between the proposed development and neighbouring properties and that the height of the appellants' dwelling house has also been misrepresented in that its ridge line has been shown to be 1m higher than was approved under PA Ref. No. D08A/1383 (as amended by PA Ref. No. D16A/0114 / ABP Ref. No. PL06D.246582). In response, the applicant has asserted that the information furnished to the Planning Authority is entirely accurate and that a topographical survey has served to verify that the ridge height of the appellants' dwelling house as constructed is 109.875 i.e. 1m higher than was approved under PA Ref. No. D08A/1383.

7.6.2. From a review of the available information, including PA Ref. Nos. D16A/0154 & D08A/1383 (as amended by D16A/0114) to the rear of No. 13 & 15 Glenamuck Cottages respectively, it would appear that there are a number of discrepancies as regards the ridge heights of the existing, approved and proposed developments shown in those applications. For example, the respective ridge heights of Nos. 15 & 15A Glenamuck Cottages are detailed in PA Ref. No. D16A/0114 as 104.055 & 108.875 whereas the subject proposal shows the equivalent levels to be 105.38 & 109.85. Similarly, the respective ridge heights of No. 13 Glenamuck Cottages and the southernmost (most elevated) dwelling house approved under PA Ref. No. D16A/0154 are shown in that application as 105.38 & 110.58 whereas the subject proposal details the equivalent levels as 105.55 & 111.13.

7.6.3. Whilst I would acknowledge the merits of the appellants' concerns regarding the site levels / ridge heights shown on the submitted drawings, it would appear that the

Planning Authority was satisfied as regards the accuracy of same. Moreover, notwithstanding the conflicting accounts as to the finished ridge height of the appellants' dwelling house, it is apparent from the submitted drawings that the maximum ridge height of the subject proposal will be lower than that of the most elevated dwelling permitted under PA Ref. No. D16A/0154 in reference to the ridge height of that property both as approved and as constructed (noting the difference between the two levels as previously outlined). Accordingly, I would suggest that it would be reasonable to accept the veracity of the submitted drawings with respect to the subject proposal and to conclude that the proposed dwellings will be lower in overall height than the adjacent unit to the immediate west and thus are acceptable in terms of their potential visual impact. In the absence of any evidence to the contrary, I do not intend to comment further on this matter.

7.6.4. *Surface Water Drainage:*

It is proposed to dispose of surface water runoff by means of a series of on-site soakaways, however, concerns have been raised as regards the adequacy of these proposals given previous incidences of stormwater runoff from the more elevated agricultural lands to the south of the site causing localised flooding to the rear of Glenamuck Cottages. It has also been suggested that the siting and close proximity of the proposed soakaways could potentially undermine the structural stability of both the proposed housing and neighbouring properties.

Whilst I would acknowledge the legitimacy of the concerns of third parties with respect to the proposed surface water drainage arrangements, in my opinion, such matters can be satisfactorily addressed by way of condition in the event of a grant of permission. Furthermore, as regards the suggestion that the proposed development could result in damage to neighbouring property, with particular reference to the structural integrity / stability of same, it is my opinion that any instances of damage to, or interference with, surrounding property that can be attributed to the proposed development would essentially be a civil matter for resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*'.

7.7. Appropriate Assessment:

- 7.7.1. Having regard to the nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the land use zoning of the site in the current Dún Laoghaire Rathdown County Development Plan, 2016-2022 and the Kiltiernan / Glenamuck Local Area Plan, 2013, to the infill nature of the site, to the design and scale of the proposed development, and to the nature and 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 residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would comply with the provisions of the Kiltiernan / Glenamuck Local Area Plan, 2013 and the Dún Laoghaire Rathdown County Development Plan, 2016-2022, 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.

10.0 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 15th day of April, 2020, 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. 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, details of which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

3. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Details of the site entrance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall

include for the widening of the carriageway between the entrance piers to 3.7m.

Reason: In the interest of traffic safety.

7. Gates at the entrance shall be designed so that they are not capable of being opened outwards.

Reason: In the interests of pedestrian and traffic safety.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

9. 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 noise management measures and off-site disposal of construction/demolition waste.

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

10. 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.

11. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Robert Speer
Planning Inspector

6th October, 2020