



An
Bord
Pleanála

Board Direction
BD-007802-21
ABP-308626-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/03/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the residential zoning objective pertaining to the site and the design, scale and siting of the proposed dwellings it is considered that, subject to 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 provide adequate levels of open space and would generally be acceptable in terms of pedestrian and traffic safety. 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. The proposed first floor balconies on the rear elevation of each house shall be bounded by obscure glazing/other obscure material to a height of 1.8 metres on all sides. Plans and particulars showing the final details, including materials and finishes, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: to avoid overlooking and in the interest of residential amenity.

3. The external finishes to the proposed dwellings, including colours, materials and textures shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. Drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health.

6. A scheme indicating boundary treatment shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

- (a) This boundary treatment scheme shall provide a screen along the eastern boundary of the site consisting predominantly of trees, shrubs and hedging of indigenous species capable of growing to a height of 3 metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

- (b) Any plants which die or are removed or become seriously damaged or diseased within the period of 3 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and in the interest of visual amenity.

7. Any damage to the public road or footpath during the course of construction of works shall be repaired at the developer's expense. Details of the nature and extent of repair shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

8. Site development and building works shall be restricted to between the hours of 0800 hours to 1800 hours Mondays to Saturdays inclusive and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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. The application of any indexation required by this condition 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.

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.

Note: the Board noted the recommendation of the Inspector to remove the balcony from house no. 1, to avoid the potential for overlooking. The Board shared the concern of the Inspector, but determined that the issue could be resolved satisfactorily by means of an amended condition (condition 2 above).

Board Member

Date: 31/03/2021

Chris McGarry