



An  
Bord  
Pleanála

**Board Direction**  
**BD-009196-21**  
**ABP-309716-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/10/2021.

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 layout, design and scale of the proposed modifications to the development permitted under ABP Ref. PL06F.247355 and P.A. Ref. F16A/0125 and the existing development in the vicinity of the appeal site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of property in the vicinity and would provide a satisfactory standard of residential amenity for future occupants of the permitted housing, would not prejudice the orderly development of the surrounding area and would be consistent with the zoning objective pertaining to the site 'RS' to 'provide for residential development and protect and improve residential amenity'. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## Conditions

1.	<p>The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25<sup>th</sup> day of January 2021, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on appeal on the 14<sup>th</sup> day of February 2017 under ABP Ref. PL06F.247355, and any agreements entered into thereunder.</p> <p><b>Reason:</b> In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
3.	<p>Prior to commencement of development, the developer shall submit for the written agreement an updated structural report demonstrating the proposed development would not impact on the stability and integrity of adjoining lands, property and common boundary walls.</p> <p><b>Reason:</b> In the interest of protecting the residential amenities of adjoining property.</p>
4.	<p>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.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health</p>

6. 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.

**Note:** In deciding to omit condition 3 (a) and the Planning Inspector's report which recommended amending the fenestration of the first floor bedroom of House D, the Board had regard to the layout, orientation and proximity of House D relative to the existing dwelling houses to the E and S of the proposed development and did not consider that the proposed amendments to the fenestration of the first floor bedroom were necessary to prevent overlooking and to protect residential amenities of property in the vicinity of the proposed development. Furthermore, the Board did not consider that the Planning Inspector's recommendation to include privacy screens with obscure glazing c.1.8m high to each side of the first-floor terrace associated with House Type A that was provided for in condition 3(b) were necessary to prevent overlooking and to protect the residential amenities of existing properties to the East, West and South of the proposed development having regard to the layout, orientation and proximity of House Type A to these properties.

**Board Member**

*Maria Fitzgerald*  
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**Date:** 06/10/2021