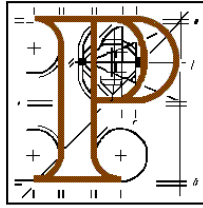


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL29N.245431

**Development:** Construction of 8 no. houses and all associated site works at No. 18 Fairview Avenue, Fairview, Dublin 3.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 3845/14  
Applicant: Halcyon Homes Ltd.  
Planning Authority Decision: Grant permission

### Planning Appeal

Appellant(s): (i) Marino Residents' Association  
(ii) Ashley Seely  
(iii) Deirdre Smith, Neville Scarlett & others  
(iv) Jim Carroll & Lisa Tinley

Type of Appeal: Third parties  
Observers: Peggy & Eugene Bergin  
Date of Site Inspection: 30<sup>th</sup> November 2015

**Inspector:** Donal Donnelly

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The appeal site is located on Fairview Avenue, Fairview approximately 2.5km north-east of Dublin city centre. The main site frontage, measuring approximately 75m, faces onto Fairview Terrace to the north. The site occupies the corner of Fairview Terrace and Fairview Avenue Lower where there is a frontage of c. 20m.
- 1.2 At present the site is overgrown and is closed off by boundary walls and hoarding. Part of the original red brick boundary wall continuing along Fairview Terrace is intact but is in a poor state of repair. All structures on site now appear to have been demolished. The stated site area is 1,431 sq.m.
- 1.3 The site is bounded to the south by No. 17 Fairview Avenue, an end of terrace dwelling. This terrace comprises 2-storey over basement period dwellings. A car repair business adjoins the remainder of the southern boundary and Windsor Lane terminates at the south-western corner of the site. The west of the site is bounded by the rear of properties on Windsor Avenue. These are also terraced Victorian style dwellings.
- 1.4 Opposite the site are terraces of 1930's "Corporation" houses which form part of the Marino estate designated as residential conservation area for its highly symmetrical street plan and orderly arrangement of houses, private gardens, public spaces and allotments. Fairview Terrace is a two-way street with pay and display parking on the northern side and double yellow lines on the southern side.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development comprises of the following main elements:
  - Construction of 8 no. 3 bedroom 3-storey terraced houses;
  - Dwellings will have a flat roof contemporary appearance;
  - House 1 floor area: 161.58 sq.m.
  - Houses 2-7 floor area: 154.86 sq.m.
  - House 8 floor area: 156.23 sq.m.

- Set back roof terraces to north and south elevation at 2<sup>nd</sup> floor level;
- Solar panels to rear;
- Front garden and driveway to accommodate 1 no. off-street car parking space;
- Rear gardens ranging from 38.88 sq.m. to 62.42 sq.m. and 12.68 sq.m. patios to all units;
- New infrastructure and site development works.

### **3.0 PLANNING HISTORY**

*Dublin City Council Reg. Ref: 5735/07 (PL29N.228773)*

- 3.1 The Board overturned the Council's decision to grant permission for the demolition of existing buildings, construction of 12 no. apartments and 6 no. group living units in two blocks and associated site works. The development was to be 4 storeys (3 storeys over lower ground level) and would have accommodated 50 residents.
- 3.2 It was stated under the first reason for refusal that the proposed development would constitute overdevelopment by reason of its layout, scale and site coverage, and would give rise to overlooking and an overbearing appearance.
- 3.3 The second reason refers to the height in relation to the eaves level of the adjoining property at No. 17 Fairview Avenue, and to the unbroken length of the development along Fairview Terrace, which was considered to be unduly obtrusive in the streetscape.

*Dublin City Council Reg. Ref: 4544/08 (PL29N.233406)*

- 3.4 The Board overturned the Council's decision to grant permission for the demolition of structures on site, the erection of an 80 bedroom private nursing home and associated site works. The development would have been part 2-storey part 3-storey over lower ground level with roof garden at second floor level.
- 3.5 The single reason for refusal stated that the proposed development would constitute overdevelopment having regard to the layout, scale and site coverage, and would give rise to overlooking and an overbearing appearance

- 3.6 The Board overturned the Council's decision to grant permission for clearing of the site including demolition of sheds and original house and construction of independent living units in 2 blocks, residents' gardens, balconies and associated site works. The development would have been 3 storeys over lower ground level in height and would have accommodated 51 persons (reduced to 45 after further information request).
- 3.7 The first reason for refusal referred to overdevelopment, proximity to boundaries, overbearing appearance and poor quality of open space.
- 3.8 Under the second reason, it was considered that the proposed development would have been visually obtrusive on the corner of Fairview Terrace and Fairview Avenue, and that the articulation of Block A with No. 17 Fairview Avenue would have failed to integrate the proposed building into the streetscape.

#### **4.0 PLANNING AUTHORITY DECISION**

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

- 4.1.1 Under the assessment of the application within the initial Planner's Report, it is considered that the proposed residential scheme would be acceptable in principle under the Z1 zoning for the site.
- 4.1.2 In terms of Development Plan standards, it is noted that internal floor areas and private open spaces would be in compliance. The 22m separation distance is not considered to be applicable in this case due to the presence to the rear of the site of gardens on Fairview Avenue and sheds on Windsor Lane. However, a modification of the first floor window within House 8 facing the rear of Windsor Terrace should be considered.
- 4.1.3 The Roads and Traffic Planning Division consider that one parking space is adequate to serve each dwelling and this complies with the Development Plan. However, it is recognised that the width of the road would make access difficult to the proposed car parking spaces.
- 4.1.4 With respect to residential amenity, reference is made to the proposed boundary wall extending from the gable of No. 17 Fairview Avenue and along the rear site boundary. It is stated that the height of this wall, along with landscaping, is central to ensuring orderly development and safeguarding residential amenities.

- 4.1.5 It is considered that the massing of the proposal would reflect the established scale of development in the vicinity. Houses on Fairview Avenue are c.9m. high and the proposed houses are 9.2m high. It is also highlighted that the scale and form of the proposal would represent an acceptable balance with the residential conservation area to the north. It is considered reasonable to provide contemporary housing to complete the streetscape. There is concern, however, with respect to the proposed use of timber panels in view of the proximity to the conservation area.
- 4.1.6 Further information was sought from the applicant requesting the submission of a shadow analysis; proposed rear wall heights; landscaping and screen planting; proposals for public open space; materials and finishes; proposals to address overlooking; and auto-track analysis for vehicular accesses.
- 4.1.7 The further information response was assessed by the Planning Authority on an item by item basis. It is accepted that the shadow study shows that the proposal will not give rise to excessive overshadowing of houses in the vicinity. The height of the proposed boundary wall at 2.1m and the submitted landscaping plan are considered sufficient to safeguard the amenities of existing and future residents. A financial contribution in lieu of public open space is acceptable and it is considered that materials and finishes can be submitted for agreement prior to commencement of development. The west facing window of No. 8 has been reduced in size and a condition can be attached stating that this window shall be fitted with obscure glass. Finally, it was concluded by the Roads and Traffic Planning Division that access and egress to each dwelling can be achieved when vehicles are parked opposite.
- 4.1.8 The Case Planner concludes that the proposal would represent an infill development in a mature urban area which would be acceptable subject to conditions.

## **4.2 Planning Authority Decision**

- 4.2.1 The Council issued notification of decision to grant permission for the proposed development subject to 16 conditions.
- 4.2.2 Condition 4 requires the first floor west window to House 8 to be permanently glazed with obscure glass. A special contribution per unit is required under Condition 13 in respect of public open space. All other conditions are of a mostly general nature.

## 5.0 GROUNDS OF APPEAL

5.1 Four third party appeals have been lodged by Marino Residents' Association, and by residents of Windsor Avenue, Fairview Terrace and Brian Terrace. The grounds of appeal and main points raised in this submission can be summarised as follows:

### Marino Residents' Association

- Houses across this narrow road would be overlooked from the roof terrace on the second floor.
- New buildings should be in line with the roof height of the existing houses on the same street.
- Marino is zoned Z2 and the design of the proposed development has no regard for the architecture of the estate.
- Scheme should have provision for double parking in the front garden as there is no available parking on the road.
- Over-development and poor standard of design will detract from the houses in Marino

### Jim Carroll, Lisa Tinley & others, 22, 23 & 25 Windsor Avenue

- Board refused permission previously under PL29N.235513 and latest proposal will again seriously and detrimentally impact on adjoining properties for the same reasons.
- Overlooking aspects onto Windsor Avenue would again “fail to respect the amenities of the adjoining properties” and “would seriously injure the amenities of the area and of property in the vicinity by reason of its overbearing appearance”. Proposed development will also be close to existing boundaries.
- Development is of poor, bland, unimaginative and dull design and this will have a detrimental effect on the area's architectural stock.
- Traffic problems will be exacerbated by a development this size in an area already suffering from chronic traffic and parking issues.
- Council have tried to introduce paid parking permits on Windsor Avenue and this indicates that there are traffic problems in the area.

Deirdre Smith, Neville Scarlett and others, Fairview Terrace

- Front gardens are 2m wide and building will be only a short distance from the footpath – height will be even more imposing.
- Bedroom 2 on north facing side protrudes over the front garden and this further reduces the distance from the houses opposite.
- Roof terrace over Bedroom 2 is less than 2m from the footpath.
- Houses on Fairview Terrace are south-facing and therefore get all their light from the front – proper accurate shadow analysis should be carried out.
- Roof terrace on north façade will affect the privacy of the dwellings opposite and give rise to noise pollution.
- Mornings are extremely busy and there is a school on Windsor Avenue – 8 more cars are going to impact detrimentally on the area.
- Houses on Fairview Avenue have basements and are not 3 storeys from the level of the road.
- New development is a vast improvement on the previous three planning proposals but there are necessary design changes that need to be made such as an increased set back, reduced height, removal of north-facing terrace, increased parking, increased width of dwellings and reduction by at least one unit.

Ashley Seely, 27 Brian Terrace

- Proposal will result in injury to the amenities of appellant's property by reason of overlooking from balconies and windows, and blocking of the primary source of sunlight. Appellant's house would be in shade from October to April.
- Board recommended previously that the set back of a development on the site should mirror the set back of existing properties on Fairview Terrace (4-7m).
- There would be a separation distance of only 15.5m from the appellant's bedroom and the proposed master bedrooms, which have floor to ceiling windows.
- Proposal would severely and negatively impact on the streetscape and would be an abrupt departure between zones –

materials are inappropriate, flat roofscape is ill conceived and north facing terraces are impractical.

- Development proposes to demolish a Victorian feature wall (original Marino estate wall) and to deprive the street of a landscape feature. Previous Board decisions have recommended incorporating the wall into the development.
- Public contribution in lieu of the open space requirement is insufficient and arbitrary given the importance of the site with abundance of wildflowers and wildlife.
- Swept path analysis looks extremely tight and appears to be based on a one way street.
- There is insufficient space for a bin to pass a parked car – bins may end up being stored in the grass area to the front.
- Housing Agency Housing Needs Assessment shows that 52% of all houses needed in Dublin region for the next 4 years are for 1 and 2 person households.
- Houses 5, 6 & 7 do not seem to have the required open space provision.

## **6.1 Planning Authority response**

6.1.1 No response.

## **6.2 Observation**

6.2.1 The residents of No. 2 Fairview Terrace restated their objections to the proposed development.

## **7.0 POLICY CONTEXT**

### **7.1 Development Plan**

7.1.1 Within the Dublin City Council Development Plan, 2011-2017, the appeal site is zoned Z1, where the objective is *“to protect, provide and improve residential amenity.”*



7.1.2 The northern side of Fairview Terrace opposite the site is zoned Z2 where the objective is *“to protect and/or improve the amenities of residential conservation areas.”*

7.1.3 Section 17.9 contains standards for residential accommodation. It is stated that all infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
- Comply with the appropriate minimum habitable room sizes.
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

## **7.2 Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities**

7.2.1 Infill residential development is recognised in these Guidelines for its potential to accommodate increased residential densities. It is stated that *“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 privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”*

7.2.2 It is also noted that *“the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.”*

## **8.0 ASSESSMENT**

8.1 Planning permission is sought for the construction of a terrace of 8 no. 3-storey houses at a vacant infill site located north and west respectively of the gable and rear boundaries of existing back to back terraces of Victorian style dwellings. The site is also situated opposite the Marino estate, a residential conservation area comprising ordered terraces of 1930's "Corporation" houses.

8.2 This is the fourth application and appeal on this site in recent times. The Board previously overturned the Council's decision to grant permission on three occasions for 12 no. apartments and 6 no.

group living units; an 80 no. bedroom private nursing home; and independent living units for reasons relating to overdevelopment, overbearing appearance, overlooking, visual impact on the streetscape, including poor integration with No. 17 Fairview Avenue, and poor quality of open space.

8.3 Dublin City Council issued notification of decision to grant permission for the current proposal and four third party appeals have been submitted by/on behalf of residents of the area. Having considered the contents of the application, grounds of appeal, planning history and site context, I consider that this appeal should be assessed under the following:

- Development principle;
- Layout and design and impact on the character of the area;
- Density, height and space considerations;
- Impact on residential amenity; and
- Access.

Development principle

8.4 The appeal site is zoned Z1 where it is the objective “*to protect, provide and improve residential amenity.*” The construction of a residential development of 8 no. dwellings would therefore be acceptable in principle subject to an assessment of the impact of the proposed development on the amenities of existing and future residents and compliance with other relevant Development Plan policies and objectives.

8.5 Development standards for infill development in the Development Plan state that proposals on such sites should have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings. Proposals should also comply with the appropriate minimum habitable room sizes and have a safe means of access to and egress from the site, which does not result in the creation of a traffic hazard.

8.6 These matters will be assessed in more detail below. However, I consider that the site can satisfy the aims of Development Plan Policy QH6 which seeks “*to promote the development of underutilised infill sites and to favourably consider higher density*”

*proposals which respect the design of the surrounding development and the character of the area.”*

*Layout, design and impact on the character of the area*

- 8.7 Policy QH19 of the Development Plan seeks *“to ensure that new housing development close to existing houses reflects the character and scale of the existing houses unless there are exceptional design reasons for doing otherwise.”*
- 8.8 Appellants object to the proposed development on the grounds that it would severely and negatively impact on the streetscape and would be an abrupt departure between zones. There are also concerns with the proposed materials, the flat roofscape and the overall design.
- 8.9 The appeal site is adjacent to Victorian terraced streets and the Marino housing estate. The Marino estate is designated a residential conservation area for its highly symmetrical street plan and orderly arrangement of houses, private gardens, public spaces and allotments. The period dwellings to the south of the site, whilst not protected or within a conservation area, nonetheless have their own architectural merit. It is therefore important that the proposed development provides an appropriate transition at the interface between the two architectural styles.
- 8.10 The proposal is of contemporary style with flat roof, glazed balconies, off-set windows, and modern materials and finishes such as zinc cladding, Trespa timber panels, render and the use of brick on protrusions. In general, I agree that a contrasting contemporary approach represents the best solution for the development of this site between zones. The appearance of the terrace from the north may be somewhat repetitive and there may have been an opportunity to create a vista at the north-eastern corner to be viewed from Fairview Avenue Upper. However, I consider that an appropriately scaled contemporary terrace of dwellings can complement the existing terraces to the north and south without replicating or conflicting with existing styles.
- 8.11 In terms of layout, the elongated nature of the site limits its potential to a linear form of development. Any proposal to break down the development into individual elements may have the effect of increasing height or reducing internal space standards. It has been suggested by an appellant that the development should be reduced by one unit, which may allow for two blocks of development with an area of public open space in the centre.

- 8.12 Appellants also contend that the development should be set back further from the street edge a similar distance to existing dwellings in the street. I note, however, that the site has a depth of only 19m and therefore an increased set back would prevent the development of dwellings with reasonable two-room depths and rear gardens. It is also noteworthy that the Board had concerns previously with the relationship between the development and the adjoining the terrace on Fairview Avenue. The applicant now proposes a set back from this terrace of c. 4.4m and this further limits the space for an increased setback from the main street frontage. The proposed setback, in my opinion, is sufficient to provide defensible space to the front of the dwellings.
- 8.13 The proposal will include the demolition of a redbrick wall which is claimed by an appellant to be the original boundary of the Marino estate. This wall is in a poor state of repair and sections have been replaced with blocks. I would therefore have no objection to its removal.
- 8.14 Overall, I consider the appearance of the development as proposed to be acceptable subject to an assessment of space and massing considerations addressed hereunder. I agree with the Planning Authority that materials and finishes can be agreed before commencement of development.

*Density, height and space considerations*

- 8.15 Development Plan Policy QH4 seeks *“to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.”* Furthermore, Policy QH18 aims *“to ensure that new houses provide for the needs of family accommodation and provide a satisfactory level of residential amenity. All new houses shall comply with the Residential Quality Standards”.*
- 8.16 It is stated in the Development Plan that sustainable residential densities will be promoted in accordance with the standards and guidance set out in the Guidelines for Sustainable Residential Development in Urban Areas. These Guidelines advise that minimum densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors. For the purposes of the Guidelines, a public transport corridor is defined as a 500m walking distance from a bus stop or 1km from a rail station.

- 8.17 The appeal site is approximately 1km walking distance from Clontarf Road Dart station and around 200m from bus stops on Fairview. The proposal for eight dwellings on a 0.1431 hectare site equating to a density of c. 56 dwellings per hectare would therefore be appropriate for this location. In addition, the plot ratio of 0.89 is within the indicative range of 0.5 - 2.0 for Z1 and Z2 zonings. The 36.5% site coverage is below the indicative standard of 45% - 60% for Z1 and 45% for Z2 and these standards suggest that over-development of the site is not an issue *per se*.
- 8.18 In terms of height, the proposed building is similar to the ridge height of the 2-storey over basement terrace along Fairview Avenue. I consider this to be an appropriate reference point as the closest on-street structure to the proposed building. It should also be noted that the relative height of the building is broken down by the setting back of the highest level and the inclusion of front and rear balconies. Furthermore, the projections to the front have lean-to sloping roofs with eaves height similar to nearby 2-storey houses.
- 8.19 With respect to space standards, the dwellings have floor areas ranging between 154.86 sq.m. and 161.58 sq.m. This is well above the 110 sq.m. minimum standard for a 3-storey 3-bed dwelling as set out in the Quality Housing Guidelines. The proposed dwellings also exceed the dwelling area standards for 3-bed 6-person houses contained within the Development Plan.
- 8.20 It is stated in the Development Plan that a standard of 15 sq.m. of private open space per bedspace will normally be applied. Each dwelling should therefore have a provision of 90 sq.m. House No. 6 has the smallest rear garden area at 38.8 sq.m. There is also a 12.68 sq.m. patio which brings the ground level open space provision to 51.48 sq.m. The rear facing roof terrace measures 21.52 sq.m. which means that this dwelling is provided with 73 sq.m. of good quality south-facing private open space. As pointed out by an appellant, the north facing terrace (10.84 sq.m.) will have a poor aspect and access to sunlight and overall this dwelling, and dwellings 3 to 8, will have an open space provision marginally below the 90 sq.m. that would normally be applied.
- 8.21 Notwithstanding the above, I would be satisfied that each dwelling will have a good variety of open spaces from external grassed areas, sheltered patios and terraces. Having regard to the innovative nature of the amenity spaces, I consider that some relaxation of Development Plan private open space standards is appropriate on this occasion. I also note that the Planning Authority was satisfied with the quantum of space provided. A contribution in

lieu of public open space is reasonable for sites of this size where space is limited.

- 8.22 In general, I consider that the proposed dwellings and associated amenity spaces are suitably sized and will afford a good standard of amenity for future residents. The external impacts of the scale and massing of the proposed dwellings is assessed in more detail below.

*Impact on residential amenity*

- 8.23 As noted above, I consider that the proposed development is suitably sized having regard to the dimensions of the site so as not to constitute overdevelopment. However, the external impacts of the development on surrounding residential amenities should also be assessed to determine if overdevelopment will occur. The Board concluded that previous proposals constituted overdevelopment having regard to scale and site coverage but also for reasons relating to overlooking and the overbearing appearance of these proposals.
- 8.24 Appellants are residents of the terraces to the north and dwellings immediately to the west, and members of the Marino Resident's Association. The main grounds of appeal with respect to impact on residential amenity are that overlooking of properties to the north will occur from the north-facing terraces and that the proposal will have an overbearing appearance from properties to the west. It is also contended that overshadowing will be an issue in view of the height of the building and its proximity to surrounding properties.
- 8.25 In my opinion, the potential for overlooking of property to the south of the appeal site represents the most significant issue notwithstanding that absence of appeals from this direction. The side boundary of No. 17 Fairview will continue along the rear boundaries of Houses 1 - 4. I note that the proposed south-facing terraces are surrounded by walls and obscure glazing up to a height of 1.8m and therefore overlooking should be prevented. However, the Bedroom 1 at first floor level will be largely glazed to the rear and side. I have most concern with the rear facing windows positioned as close as 6m from the rear boundary. These windows have surface areas of approximately 5.8 sq.m. and in my view will give rise to serious overlooking of No. 17, as well as adversely impacting on the development potential of other property to the south.
- 8.26 If the Board is minded to grant permission for the proposed development, I recommend that the all south-facing windows

serving Bedroom 1 in Houses 1-8 are fully fitted and permanently retained with obscure glazing. Bedroom 1 would still be served by a clear glazed side facing window. I would also recommend that the rear facing window serving Bedroom 3 is also fitted with obscure glazing to avoid inter-visibility between Bedrooms 1 & 3. Bedroom 3 would also be served by a clearly glazed front facing window.

- 8.27 Residents of dwellings along the terraces to the north of the appeal site on the opposite side of the road are concerned that there is potential for overlooking in their direction from upstairs windows and balconies. I would be of the opinion, however, that the front facades of these dwellings can be overlooked from the street in any event.
- 8.28 With regards to the overbearing effects of the proposed development, I consider that the properties to the west may be most affected. I note, however, that the bulk of the western elevation of the proposed building is broken down by setbacks, different materials and window openings. Furthermore, properties on Windsor Avenue have garden depths of approximately 15m. The Planning Authority attached a condition to its grant of permission requiring the first floor west window of House 8 to be permanently glazed with obscure glass.
- 8.29 The applicant submitted a shadow study which demonstrates that there will be no significant overshadowing of adjoining property at noon during the September equinox. The greatest level of overshadowing will be over the street to the front of the dwelling and overshadowing at other times of the year would be expected when the sun is low in the sky.

#### Access

- 8.30 There is concern with the provision of car parking to serve the proposed development and with the ability of vehicles to enter the spaces.
- 8.31 It is proposed to provide each dwelling with one parking space only. This complies with Development Plan car parking standards for residential development in this area. The applicant has submitted an auto-track analysis to illustrate how vehicles can reverse into the space and exit in forward motion. Double yellow lines continue along the southern side of Fairview Terrace and therefore no on-street parking spaces will be removed to provide access to the proposed development.

### Conclusion

- 8.32 In conclusion, I consider that the proposed development is of an appropriate scale and type of use for this vacant site. I am satisfied that a contemporary design represents the best approach for a location between two contrasting architectural styles. Finally, the development will provide a good standard of amenity for future residents without impacting on the amenities of adjoining residents.

### Appropriate Assessment

- 8.33 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise

## **9.0 CONCLUSIONS AND RECOMMENDATION**

- 9.1 It is considered that the proposed development should be granted for the reasons and considerations hereunder.

## **REASONS AND CONSIDERATIONS**

Having regard to the zoning objective, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity, 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.

## **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 the day of 13<sup>th</sup> July 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

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



- 2 Prior to the commencement of development, the applicant shall submit details and samples of all proposed external finishes for the written agreement of the Planning Authority. The use of Trespa timber panelling is not permitted.

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

- 3 All first floor rear facing windows serving Bedrooms 1 & 3 within Houses 1-8 and the first floor west facing windows within House 8 shall be permanently glazed with obscure glass.

**Reason:** In the interests of privacy and amenity.

- 4 The proposed access arrangements including junctions, boundary treatments, sight distances, surfacing and drainage shall comply with the detailed standards of the Planning Authority for such road works.

**Reason:** In the interests of amenity and of traffic safety.

- 5 Any public lighting requirements for the proposed development shall be agreed in writing with the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

- 6 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.

- 7 Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

- 8 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:** To protect the amenities of the area.

- 9 The naming/ numbering of the proposed development shall be agreed in writing with the planning authority prior to its occupation.

**Reason:** In the interest of orderly street numbering.

- 10 The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interests of amenity, ecology and sustainable development.

- 11 Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

**Reason:** In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

- 12 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

- 13 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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

- 14 The developer shall pay the sum of €4,000 per unit (€32,000 in total) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of public open space. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of 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 the Board to determine.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

- 15 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance

with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

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Donal Donnelly  
**Planning Inspector**  
**Date: 8<sup>th</sup> December 2015**