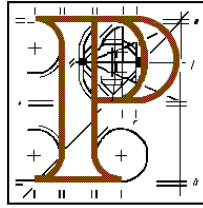


An Bord Pleanála



Inspector's Report

Appeal Ref. No:	PL06F.245777
Proposed Development:	Retention of a ground, first floor extension and sun room and permission for alteration to existing house which includes construction of a new extension, porch and all associated works.
Location:	65 Balglass, Howth, Co. Dublin
Applicant:	Rupert & Julie Ann Haines
PA Reg. Ref:	F15A/0401
Planning Authority:	Fingal County Council
P.A. Decision:	Refuse
Appeal Type:	First
Appellants:	Rupert & Julie Ann Haines
Observers:	T & J Leonard, T. MacGiollaleith, G. Edwards and Others, Jan & Christopher Moore.
Date of Site Inspection:	5 th February 2016
Inspector:	Una Crosse

1. SITE AND SURROUNDINGS

The appeal site comprises an area of 0.0286ha located on the Balglass Road in Howth. This residential area is accessed from the Balglass Road as it climbs out of the built up area of Howth. The site accommodates an existing semi-detached house which is two storeys and which has been extended to the side and rear. The property also contains a lower ground floor studio with an area of decking within the rear garden surrounded by glazed balustrades. The side wall of the property directly adjoins the public road with the side wall continuing to the front boundary wall. The site is raised above the lands to the east which comprise an industrial unit. To the north south and west the site is adjoined by residential dwellings within the Balglass Road area and St. Peters Terrace which are single storey and at a lower level. There is a significant fall on the site from west to east and within the immediate vicinity of the site from south to north along from the front of the site onto St Peters Terrace.

2. PROPOSED DEVELOPMENT

The proposal comprises the following elements;

1) Retention of:

- Ground and first floor dormer roof extension to the side of the house with revisions to the design of the roof; and
- Ground floor glazed sun room to rear and side of the house which is to be replaced with a new single storey extension as set out below;

2) Demolition of:

- Existing conservatory to the rear of the house; and
- Porch to the front of the house;

3) Construction of:

- New single storey extension to the rear – c.3.5m in height;
- Two storey entrance porch and stair to front c.5.5m in height;
- New fenestration and louvres to the north (road) side of the ground and first floor;
- New fenestration to the east (rear) elevation at first floor;
- Stairway and enclosed hallway connection from the ground floor of the main house to the lower ground floor studio;
- Main roof to be extended and a lantern roof light included;
- New ground floor gate at lower ground adjoining the studio;
- Reconstruction and re-render of the boundary retaining wall;
- Erection of permanent planters and replacement of glazed boundary with obscure glazing to side of existing private open space to rear of house;
- Reduction in height of the side and part front boundary wall with new lower front entrance gate;

The additional floor area on top of that existing and proposed for retention is stated to be 9.4sq.m. The proposed development would reorganise the dwelling internally with the bedrooms located on the ground floor and living area on the first and provide for a two storey 5-bed dwellinghouse.

3. PLANNING HISTORY

The following is relevant to the appeal site:

Reg. Ref. F15B/0004 - permission refused for retention of a ground and former roof/first floor extension to the side of the house and a ground floor glazed sun room to rear and side of house previously included as existing in F05B/0415. Permission sought the demolition of existing conservatory to rear & porch to the front of house with the refurbishment of existing two storey house and construction of new single storey extension to the rear, two storey entrance porch and stair to front, a lower level enclosed hallway connection from the main house to the lower ground floor studio, main roof to be rearranged along with new, replacement and reconfigured windows and doors throughout. The accommodation will consist of a ground floor entrance hall, 5 no. bedrooms, one en-suite, a bathroom & utility room and a first floor, kitchen, dining, living room, w.c. and terrace. The ground works will consist of a small timber deck to roof the link between main house and lower level, new lower ground floor gate/fence & the reconstruction and re-render of the boundary retaining wall in order to make good the structural faults and the reduction in height of the side and part front boundary wall with a slightly repositioned new lower & wider front entrance gate plus associated site works.

The three reasons for refusal can be summarised as follows:

- 1) Overdevelopment of the site, significant overlooking of properties in the area and overbearing impact on the adjoining properties and would contravene the RS zoning objective;
- 2) injure the visual and residential amenities of and depreciate the value of property in the vicinity
- 3) endanger public safety by reason of traffic hazard.

Reg. Ref. F14B/0229 – permission refused for the refurbishment of existing two-storey house and construction of new single storey extension to the rear, two storey entrance porch and stair to front, a lower level enclosed hallway connection from the main house to the lower ground floor studio, main roof to be rearranged along with new, replacement and reconfigured windows and doors throughout.

The two reasons for refusal can be summarised as follows:

- 1) Overdevelopment of the site, significant overlooking of properties in the area, visually incongruous when viewed from surrounding dwelling and overbearing impact on the adjoining properties and would materially contravene the RS zoning objective;
- 2) injure the visual and residential amenities of and depreciate the value of property in the vicinity.

Reg. Ref. F05B/0415 – permission granted for demolition and reconstruction of new front porch and conversion of existing split level garage to studio and toilet.

4. PLANNING POLICY FRAMEWORK

4.1 COUNTY PLANNING POLICY

Fingal County Development Plan 2011-2017

Zoning

The site is zoned objective 'RS' in the Fingal Development Plan 2011-2017 which seeks to 'provide for residential development and to protect and improve residential amenity'

Policies and Objectives

RD07 – require that new residential units comply with minimum standards set out in Tables RD01.

Section 7.4 – residential development.

Objective OS35 – private open space -privacy

Objective OS36 – private open space – overshadowing

Objective OS38 – area of private open space – 4+ beds – 75sq.m minimum.

5. PLANNING AUTHORITY DECISION

The Planning Authority decided to refuse permission for 2 no. reasons as follows:

1. Having regard to the design of the existing and proposed development, in particular the scale of windows on the side elevation and the scale of the development structures when viewed from neighbouring properties, the proposed development would represent significant overdevelopment of the site, would result in significant overlooking of properties in the area, and would have an overbearing impact on the adjoining properties. The proposed development would therefore contravene the 'RS' zoning objective of the Fingal Development Plan 2011-2017 which seeks to 'provide for residential development and protect and improve residential amenity'.

2 The proposed and existing development would seriously injure the visual and residential amenities of, and depreciate the value of, property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Transportation Planning Section – No objection subject to conditions; Noted that the proposed reduction of the boundary wall to the north and west boundaries improve the sightlines at the existing entrance to the parking area.

Water Services Planning Section – further information necessary;

Environment and Water Services Department – no objections subject to conditions;

Irish Water – further information required.

Five third party submissions were received the grounds of which are included in the main in the observations outlined below.

The Planners Report notes the following: reference is made to pre-planning discussion wherein the applicant was advised that proposals did not overcome the previous refusal. The report notes the previous refusals on site and that the primary differences between those and the present involve the omission of the following: first floor terrace to the rear of the dwelling, an

enlarged decked area, car parking to the rear of the dwelling, alterations of the height of the front boundary wall and minor alterations to the scale of the windows on the north elevation. It is acknowledged that some steps have been taken to minimise overlooking but serious concerns remain particularly given the variation in levels between the rear garden of the subject dwelling and that to the south. It is considered that the extension would be overbearing when viewed from the neighbouring property. Considered that the proposal to remove an existing side dormer in the hipped roof and replace with a full gable wall and hipped roof with windows is unacceptable with overlooking likely to arise with proposal considered to be overbearing. Considered that the existing dormer window to the northern side for which there is no record of permission and for which retention is sought is unacceptable due to overlooking of properties on St. Peters Terrace.

Concern is raised about the extension to the front of the dwelling which is considered visually obtrusive on the streetscape. The proposed design in terms of the roof, side elevation and rear elevation would be overbearing, unduly obtrusive and would lead to harmful overlooking. Reference is made to the unstable walls which need rebuilding which is noted. The retention sought for the ground and first floor dormer roof extension to the side of the house and a ground floor glazed sunroom to the rear and side which it is proposed to significantly alter in the subject proposal are considered unacceptable due to overlooking and overbearing impact. The provision of a stairs to the lower level of the rear garden omits an area of usable open space with area considered inadequate. It is concluded that the scale of development and the scale of windows on the side elevation in addition to the lack of private open space represent overdevelopment of the site with resultant overlooking which would seriously injure visual and residential amenities.

6. APPLICANT'S GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- Purpose of application to repair defects in foundations of house and to redesign interior to cater for spatial needs;
- Need to structurally secure building arise due to drainage issues set out in Engineering report;
- Applicants moved into the house 16 years ago with side extension and dormer windows already in place, conservatory replaced which was exempt and permission sought for the studio;
- Proposal seeks to remove overlooking from ground floor windows and deck and side and front walls lowered;
- Given location of site overlooking cannot be avoided with overlooking of applicants property ongoing;
- Proposal provides for a mere 9.4sq.m additional space;
- Private open space reduced to 70 sq.m. in order to mitigate overlooking;
- Proposal would not give rise to any risks to Natura 2000 sites;
- Proposal accords with the statutory Development Plan for the area;
- The proposed small extension would not compromise the character and pattern of development already in the area;

- Given no increase in floor area at ground floor level, urban site and private open space is given, to suggest shortfall in private open space not sustainable;
- Decking to the rear of the house faces directly onto a factory premises with no impact on residential amenity;
- The set back and proposed planters on the existing rear decking remove historical direct overlooking of houses on St. Peters Terrace or Balglass Road;
- Proposal will improve levels of privacy of adjoining properties creating a planning gain;
- Previous reason for refusal included proposed terrace, scale of windows on side elevation, amendment of deck level and height of boundary which have been omitted or altered significantly in current proposal;
- Windows on the side elevation redesigned to the satisfaction of PA, balcony removed at first floor level, deck has not been raised and an obscure screen and planters included to remove historical overlooking;
- PA analysis is flawed as fails to understand the nature of development when considered against the existing situation with only 9.4sq.m additional development;
- There are large windows on the ground and first floor at present, the height of the building will not change so any purported overbearing presently exists;
- New rear extensions granted on proximate properties in St. Peters Terrace;
- Currently two large windows on each of ground and first floor of side elevation in place for 30 years with proposal including louvres and heightened cills reducing level of perceived and actual overlooking;
- Extension to the building in situ for over 30 years with no enforcement by the Local Authority or correspondence in that time with no action allowable with proposal big improvement on what exists and measures proposed to reduce overlooking worthy of Board's support;
- Existing dormer window to northern side in situ for over 30 years with no enforcement and not actionable;
- Do not accept that overlooking of adjoining properties is severe given juxtaposition of the affected properties, location and size of the private open spaces involved and distance and obtuse angles between properties;
- Proposal submitted to the Board will reduce direct and perceived overlooking occurring at present;
- Consider refusal reason relating to visual impact difficult to understand given the raft of vastly different designed extensions in the area;
- Proposed changes will greatly improve the architectural quality of the dwelling;
- Request the Board consider minor amendments to the proposal with revised drawings included with appeal meeting the concerns of the Planning Authority;
- Amendments include – raising cill heights of the 4 windows to 900mm from GFL to reduce size of windows, addition of louvres to full height of windows; introduce louvres 1200mm from first floor on the three side

windows; remove existing rear window in south east corner and fill in, add louvres for full height of side porch window;

7. RESPONSES

7.1 PLANNING AUTHORITY RESPONSE

The planning authority commented on the appeal as follows;

- While pre-planning was carried out the applicant was made aware of serious concerns in relation to overlooking and overall design approach and advised proposal did not overcome previous reason for refusal;
- Applicant relies on existing development being in place for past 30 years and while PA statute barred from pursuing enforcement proceedings the development does not have the benefit of permission;
- Revisions proposed in the appeal and reliance on wooden louvres at ground and first floor do not represent a satisfactory permanent solution to overlooking arising;
- Necessary to significantly alter the proposal in order to address the reason for refusal;

7.2 OBSERVATIONS

A number of observations were received two of which oppose the development and two supporting it, which are summarised as follows:

Opposed: (No. 66 & No. 68 Balglass Road)

- Claim that proposal is to repair defects to foundations not supported given lack of site investigations to determine same;
- Claims regarding general overlooking of all by all properties considered incorrect;
- Replacement conservatory is a bedroom and claims made about same incorrect with the walls creating overshadowing of adjoining properties;
- Claims that proposal is for a small extension of less than 10sq.m incorrect as proposal is 42sq.m;
- Claims proposal contained within existing footprint incorrect as proposal much larger than existing unapproved extension;
- Rear walls excessive in height altering rear and side facades of property;
- Existing surface water collector sewer laid in back gardens not shown on drawings and drainage proposals inadequate with no site investigations;
- Gable wall of original house on site was set back 2.8m from north boundary wall with one obscured glass window with the unapproved extension filling in this space creating a new external gable wall with additional windows with proposal creating a new configuration of windows along this gable creating overlooking of neighbouring properties;
- Daylight/shadow analysis prepared for F09B/0012 relating to an extension at No. 91 St Peter's Terrace highlighted the overshadowing created by the extension on the appeal site with proposal worsening same;
- Useable open space within the property is considered to be 57sq.m and not 70sq.m as stated;
- Serious structural problems considered to arise from the current gable north boundary wall and foundations of same with large loading proposed;

- Privacy louvres proposed to the windows at gable end not detailed in structure or function but as they can be opened they are flexible and readily adjustable and not suitable to overcome privacy concerns;
- Suggestions made to the applicants to reduce potential impact on observers by observers ignored as appears was advice of PA;
- Incorrect reference to footpaths;
- Proximity of house to the cottage, narrow width of road and higher level of applicants house creates serious overshadowing and overlooking;
- Proposed porch structure inappropriate in scale, height and function as a stairwell;
- Claim that balcony at first floor has been removed as flat roof could accommodate a terrace area at any time with inclusion of a patio door;
- Claim that window configurations satisfies PA at odds with reports;
- Claim that all extensions to the house existed when applicants bought property incorrect as they added further extensions in 2005 without rectifying unapproved elements;

In Support:

- Fully support the proposal as it is only a small increase on the existing;
- Significant concessions made to reduce overlooking and overbearing with proposal largely the same as exists;
- New design and structural improvements, vast improvement on existing;
- Refusal seems at odds with other developments permitted in the area;

8. ASSESSMENT

This assessment will consider the following;

- Principle of Proposal
- Impact on residential amenity
- Visual Impact
- Private open space
- Appropriate Assessment

8.1 Principle of Proposal

One of the main issues in this appeal, in my opinion, is whether the development proposed can be considered having regard to the unauthorised nature of some of the development on the site. The side elevation of the building addressing the public road was built, it is stated, c. 30 years ago which effectively filled in the 2.5m gap between the original side elevation and the boundary with the public road. In addition, the sun room to the rear of the property which is single storey was developed. It is proposed to demolish most of this part of the building including the dormer in the side elevation and the sunroom. Retention is effectively sought for the floor area of the two floors within this extension and the extent of the sunroom floor area with a new hipped roof profile proposed.

While the development was not authorised by any permission over the years neither was any enforcement action taken by the local authority. The development is therefore statute barred and may remain as so in perpetuity.

The proposal herein is stated to be required for both structural and spatial reasons. In my opinion, one of the clear considerations in the subject appeal, notwithstanding the planning status of part of the building is whether the development as proposed is an improvement on the existing in respect of visual and residential amenity. While being statute barred does not confer any permission on the site, and I note the comments of the Planning Authority in their response to the appeal, the applicants are seeking to find a solution to the planning and design issues arising on the site. Therefore, if the proposal is considered to be an improvement on the existing I consider that the proposal should be considered in principle. The assessment below addresses both residential and visual amenity and the assessment of same will facilitate, in my opinion, a conclusion on the matter of principle in the conclusion below.

8.2. Impact on Residential Amenity

In my opinion, the main issue in respect of the development as it exists and as it is proposed is overlooking. There are three elements to this I would suggest, the main one being the windows on the side elevation, with the terrace and the windows on the rear elevation also an issue. I will address each in turn. The first matter is the overlooking arising from the windows on the side elevation. At present there are 4 windows on the side elevation, two from the ground floor kitchen and two from the first floor bedroom. In addition, the sunroom has a glazed elevation addressing Balglass Road. There is extensive existing overlooking in my opinion, from the first floor windows in particular, of the rear gardens of the properties on St Peters Terrace. The proposal as submitted to the Planning Authority provides for a new configuration of windows on this elevation. At ground floor there are 3 windows proposed into three bedrooms. The three ground floor windows are proposed to have privacy louvres up to 600mm. The sunroom is replaced with an extension which provides a utility, bedroom and stairwell to the lower ground floor. A window is proposed from the stairwell onto this elevation. At first floor three windows are proposed from the proposed open plan living area and bathroom. The bathroom window is proposed to have obscured glazing. In addition a window is proposed within the stairwell of the proposed porch on the front elevation.

The applicants have submitted some revisions with the appeal which includes amendments to the windows on this elevation. At ground floor, the cill heights of the windows have been raised and the louvres are now proposed for the entire window opening. At first floor level, privacy louvres are proposed on the three windows into the living area up to 300mm of the window which would provide that the louvres would extend 1200mm above the finished floor level within the internal area. Louvres are proposed on the whole window in the porch.

The windows at ground floor are relatively narrow with their vertical emphasis. They facilitate bedrooms as the bedrooms are proposed on the ground floor. I note the comments of the planning authority that such louvres do not provide a permanent solution to overlooking. I consider that they provide a useful tool and at ground floor windows are not an unexpected feature. At first floor while the cill heights of the windows together with the louvres provide that the line of

sight would be obscured, I consider that the extent of the openings create the perception of more overlooking than would actually arise. I would suggest that given there are other windows on the rear elevation which would facilitate emergency access, that smaller openings would be more suitable at first floor on this elevation. I consider that horizontal openings similar to the existing window into the lower ground floor studio would be more suitable. This would facilitate light into the space and ensure that overlooking and perception of same from the first floor would be eliminated. If the Board are minded to permit the proposal I would advise that a condition is attached which requires this revision to the side elevation. The window on the porch is considered below in relation to overdevelopment.

In relation to the terrace/decking area which exists, I would note that overlooking currently exists from this area. This is exacerbated by the level change between the appeal site and properties to the north and northeast. The proposal provides for a 900mm set back guard with border planting. This would reduce overlooking significantly. In relation to the rear elevation, at first floor level the original proposal provided three windows along the rear elevation. There are two in the existing, one of which is a bathroom window. Drawings submitted with the appeal provide for the omission of the third window closest to the boundary with No. 66. I consider that this would be an improvement given the proximity of the originally proposed window to the neighbouring property.

8.3 Visual Impact

One of the main issues in the appeal, in addition to overlooking, is the matter of the overdevelopment of the site and the creation of an overbearing structure too large for the site which impacts on the visual amenity of the area. While the proposal does seek to maximise the use of the site for residential purposes, a balance must be struck between protecting amenity and providing a sustainable living space for the occupants. I consider that the revisions proposed in the most part improve the impact of the building on its environment. One exception, in my opinion, is the proposed porch which is overbearing and increases the bulk of the property particularly when viewed from the public road looking east. I consider that if the Board are minded to permit the proposal that a condition is attached requiring revisions to the design which omit this porch. I note that this amendment would require considerable internal reconfiguration. However I consider that the reduction of bedrooms from 5 to 4 and the reduction in the open plan area on the first floor are necessary in order to reduce the overbearing impact of the property on its local environment. It is my opinion that retaining the existing porch or providing a new single storey version would significantly reduce the visual impact of the proposal. I would also agree that reducing the height of the boundary wall along this side elevation up to the front boundary will reduce the impact of the proposal.

It is my opinion that removing the dormer windows from the roof of the side (road) elevation will significantly improve the visual impact created by the development. Currently, this double dormer sits on the roof and is visually jarring. The proposal is to remove this feature and increase the wall height

and hip this roof alignment tying into the existing roof profile. This will create a more visually amenable roof profile reducing the impact and bulk, in my opinion, of the development.

8.4 Other Matters

8.4.1 Private open space

The applicants state that they provide c.70 sq.m of private open space. The observers state that the useable open space within the property is considered to be 57sq.m and not 70sq.m as stated. The appeal notes the small increase that the extension provides and to the improvements proposed as a reason to consider the proposal acceptable. I note that the private open space is accessed from the ground floor utility and is not directly accessible from the living space which now looks onto a flat roof. While the area of private open space is on the lower side of acceptability I consider that given the improvements to the property that it is an acceptable provision.

8.4.2 Drainage

The observations raise the matter of drainage however I note the matter was not considered of such significance as to warrant inclusion within the reasons for refusal. In this regard, in relation to foul drainage, I would note the comments of Irish Water. They seek clarification on the construction of the 150mm foul drain and have concerns about the gradient suggesting the possibility of relaying the drain to an improved gradient. The structural integrity of the existing private drains and access to same are also questioned. I consider that the most appropriate means of addressing these concerns is to condition that consultation with Irish water is required and that the works are carried out according to their requirements.

In relation to surface water, the Water Services Division had sought further information seeking to clarify the methodology for the new 150mm surface water drain. The other matters are standard conditions. I consider that the applicant should be requested to carry out the works following consultation with and in according to the requirements of the Water Services Section of the Council.

8.4.3 Traffic and Parking

In relation to traffic and parking, it is proposed to provide a car parking space within the front curtilage of the property which is acceptable with on-street parking also available. A new gate is noted to the rear of the property at ground level adjoining the studio with no access for vehicles.

8.4.4 Development Contribution

The Fingal Development Contribution Scheme provides at Section 10. (i) (a) that the first 40 sq metres of domestic extensions are exempt. This exemption is cumulative and limited to 40 m² in total per dwelling. I would note that notwithstanding the appellant's assertions that the extension to the property is only 9.4 sq.m there has been extensive extensions to the property most of which are unauthorised but some have permission i.e. the studio. This application seeks to retain the side and rear extensions. The calculation of the contribution relates to the cumulative extensions on site and does not exempt

unauthorised extensions which this permission seeks to retain. Therefore I would consider that the area proposed in the current application for both new build area and retention area in excess of 40 sq.m is calculable with the existing authorised extension also included in the calculations.

8.5 Appropriate Assessment

Having regard to the nature and scale of the proposed development, nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and proximity to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9. CONCLUSION

As I outlined above, one of the clear considerations in the subject appeal is whether the development as proposed is an improvement on the existing situation in respect of visual and in particular residential amenity. This is central to the matter of whether the proposal is acceptable in principle given the planning status of elements on site. I consider that the amendments made to the property by way of the side and rear elevations improve the amenity of the property. The privacy measures proposed go some way to minimising overlooking from the side and rear elevations. The amendments which I have suggested above require some significant changes to the design including creating long horizontal opes at the first floor on the side elevation and omitting the front porch structure proposed. Subject to these amendments I consider that the revised roof profile and revised internal layout would reduce overlooking and improve significantly the visual amenity of the area.

10. RECOMMENDATION

Having regard to the foregoing I recommend a grant of planning permission in accordance with the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the land use zoning objective for the site, as set out in the current Development Plan for the area, the pattern of existing development on the site and in the vicinity, the design of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not detract from the visual amenity of the area, would not be prejudicial to public health 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 in accordance with the plans and particulars lodged with the application as amended by the drawings received by An Bord Pleanála on the 16 day of November, 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) the porch structure proposed on the front elevation shall be omitted from the proposal and the resultant internal changes required to the ground and first floor plans to internalise the stairwell within the house.

(b) The three windows on the first floor of the side elevation shall be replaced with openings of c.400mm x 1600mm similar to the existing window on the side elevation at ground floor below the deck and within the studio.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Full details of the connection to the public sewerage system shall be submitted to the planning authority for written agreement prior to commencement of development.

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

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and lighting cables) shall be run underground within the site.

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

6. Development described in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 shall not be carried out within the curtilage of the proposed house without a prior grant of planning permission.

Reason: In the interest of residential amenities.

7. Construction works shall be restricted to between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No works shall take place outside these hours or on Sundays or Bank or Public Holidays.

Reason: In the interest of residential amenity.

8. 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.

Una Crosse
Senior Planning Inspector
February 2016.