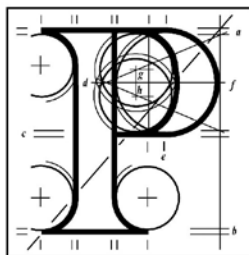


# An Bord Pleanála



## Inspector's Report

**Development:** Demolition of the existing one and two storey extension to the side and rear and garden wall to the side of the detached two storey five bedroom dwelling house and the construction of a new part single storey and two storey over basement extension to the side and rear of the original dwelling house to create a detached two storey over part basement six bedroom dwelling house, along with revised access arrangements to the property known as St Peter's (a protected structure) at 91 Ailesbury Road, Dublin 4.

### Application

Planning authority: Dublin City Council  
Planning application reg. no. 3754/15  
Applicant: Karen Reihill  
Type of application: Permission  
Planning authority's decision: Grant, subject to 9 conditions

### Appeal

Appellant: Pat Desmond  
Type of appeal: Third party -v- Decision  
Observers: Ailesbury Road Residents Association  
Date of site inspection: 4<sup>th</sup> April 2016  
Inspector: Hugh D. Morrison

## Site

The site is located at the western end of Ailesbury Road, which forms part of the R824 and which runs on an east/west axis between Merrion Row (R118) and Anglesea Road at a point close to its junction with Donnybrook Road/Stillorgan Road (N11). This site is of roughly regular shape and it extends over an area of 1248 sq m.

Ailesbury Road is characterised by substantial houses set within established grounds. The appeal site accommodates an example of such a house, St. Peter's, a two storey Victorian residence with ground and first floor bay windows on its principal elevation under, variously, a gabled roof end and a tower like feature. This house has been extended on its eastern side and to its rear by means of a two storey extension. There is also an inter-connected single storey extension to the rear. It is in use as a single dwelling.

Vehicular and pedestrian access to the site is from Ailesbury Road via a pair of gates and a single gate, respectfully, and the house is served by a front garden, which has as its centre piece a large mature specimen coniferous tree, and a rear yard with a shed built into its south eastern corner.

The site is accompanied to the east by a two storey period house, the appellant's, and to the west by a three storey block of apartments, which front onto the cul-de-sac, Ailesbury Court.

## Proposal

The proposal would entail the following elements:

- Demolition of the existing one and two storey extension to the side and rear of the house.
- Demolition of the existing east/west garden wall that lies in a position forward of the two storey side extension.
- Demolition of the single storey boiler house and shed on the eastern and western sides of the original house.
- Demolition of the single storey garden store in the south eastern corner of the rear yard.
- Construction of a new part single storey and part two storey over basement extension to the side and rear of the original house. The basement would be accompanied to the front and to the rear by sunken areas with external steps down into the same. The former area would be enclosed at ground level by means of a low wall and railings and the latter area would, likewise, be

enclosed by means of glazed panels. A replacement external shed would be constructed as a lean-to structure on the western side of the original house.

- Internal reconfigurations to the original house would include works at ground and first floor levels to close existing and reopen original opes, as well as creating new opes between rooms and to the new extension.
- A new vehicular entrance gate to the north west would replace the existing pedestrian entrance and the existing vehicular entrance to the north east would be widening and fitted with new gates. The existing driveway would be reconfigured and extended in conjunction with the new and widened entrances. Gateway piers would be raised in height and railings would be added to the front boundary wall.

The floor space of the original dwelling house is 223 sq m and this floorspace would be retained. The floorspace of the existing extensions, which would be demolished, is 318 sq m. The floorspace of the proposed extensions would be 474 sq m. Thus, the proposal would result in a net increase in floorspace of 156 sq m, from 541 sq m to 697 sq m.

### **Planning authority's decision**

Permission granted subject to 9 conditions, including one that omits the proposed additional vehicular access and restricts the loss of on-street parking space.

### **Technical reports**

- Roads and Traffic Planning: No objection, subject to conditions.
- Drainage: No objection, subject to conditions.
- Conservation Officer: No objection, subject to condition.

### **Grounds of appeal**

The appellant begins by reviewing/summarising his letter of objection at the application stage, relevant provisions of the CDP, and the case planner's report and subsequent decision of the planning authority. He then proceeds to state the following grounds of appeal:

- Attention is drawn to Section 17.9.11 of the CDP which addresses basements. This Section states that basements can be used for leisure or storage purposes, it acknowledges that they are prone to flooding, and it undertakes to discourage their introduction to protected structures and/or residential conservation areas. The current proposal would entail the construction of a basement which would include bedroom accommodation and which would

be sited beside a protected structure and within a residential conservation area. This section would thus be materially contravened.

- If the area of the sunken gardens is aggregated with that of the proposed basement, then the total area may exceed 50% of the garden area. The floor to ceiling height of the basement would be 3.2m and the depth of the ground slab would be 0.8m. Thus, the potential displacement of ground water would be considerable and yet such displacement is not addressed.
- The appellant supports the planning authority's position with respect to access arrangements and the retention of on-street parking.
- The applicant's engineering report addresses flood risk at a high rather than a site specific level. No details of any site investigations to ascertain ground water level or the presence of springs and/or underground water courses have been submitted. In the absence of the same, the generic basement construction method statement only allows for seepage during any construction phase.

During heavy rainfall, the OPW flood defence measures to the River Dodder may affect the ground water level underneath the appeal site and/or the ability of such water or underground water courses to reach this River. Displaced ground water from underneath this site could affect adjoining properties, including the appellant's one at 89 Ailesbury Road. Underpinning of his property may even be necessary.

The appellant's engineer reports that there is insufficient information in the submitted engineer's report to determine how the proposed basement may impact ground water and/or underground water courses.

## **Responses**

The planning authority has no further comments to make.

The applicant has responded. He begins by describing the appeal site and, in particular, the smallness of the rear garden to the existing dwelling house and the proximity of a three storey apartment block to the western boundary. These characteristics of the site restrict its amenity potential and distinguish it from other residential properties on Ailesbury Road. He then proceeds to discuss the rationale for the design and layout of the proposal and the absence of objection to the same, with the exception of the basement.

If the CDP is interpreted in the round then its references to kitchens, bathrooms, and utility rooms in basements mean that habitable accommodation is not excluded from the same. Furthermore, the proposed basement would site almost entirely

within the footprint of the extensions to be demolished and it would comply with Section 17.9.11 as follows:

- It would extend over c. 30% of the rear garden only.
- It would not have any significant effect upon existing planting.
- Site investigations undertaken at the appeal stage concur with mapping and local knowledge to the effect that there is no stream underneath the site. Displaced ground water would flow to the River Dodder. Given the permeability of the sub-soil, any increase in the ground water level would be negligible.
- Any reduction in the natural storm water infiltration would be mitigated by additional planting and the installation of SuDS.
- A tried and tested structural construction methodology would be employed to ensure the stability of the applicant's and the appellants' protected structures.
- The southern orientation of the basement and the generous floor to ceiling height would ensure the availability of adequate sunlight/daylight.
- All habitable rooms in the basement would be served by windows and the staircase within the overall extension would ensure a good circulation of air. Additionally, heat recovery ventilation will be considered at the detailed design stage.
- The basement would be served by three possible escape routes, in the event of an emergency.

The applicant has responded to the grounds of appeal as follows:

- Contrary to the appellant's view, the CDP does contemplate habitable accommodation in basements. Likewise, their proneness to flooding does not apply to areas that are outside the 1: 1000 year flood zone and where best practice construction techniques are employed. Furthermore, they are not debarred from protected structures and/or conservation areas where their extent would be below 50% of the rear garden area.
- The CDP does not invite the aggregation of basement floor area and court yard area as undertaken by the appellant.

While the appellant contends that 1130 cubic metres of ground water could be displaced by the proposed basement, this figure is an over estimate on several grounds. The applicant, drawing upon a high ground water level

recorded on 5<sup>th</sup> January 2016, estimates that this figure would be only 230 cubic metres.

- The applicant has not appealed the planning authority's condition with respect to access arrangements.
- The River Dodder CFRAM shows the site as lying outside the 1 in 1000 year flood zone. Flood defence works are not predicted to effect ground water conditions underneath the site due to its distance from the same and the incidence of clay sub-soil between the River and this site.

All foul water from the basement would be pumped to ground level from where it would pass through a non-return valve into the public sewer.

- Both the applicant's and the appellant's dwelling houses have foundations composed of materials that function in a similar manner to concrete. No significant change on ground water regime is anticipated and so the need to under pin either dwelling house would not arise.
- The applicant's engineer has critiqued the report prepared by the appellant's engineer. Points raised in this critique have been referred to above in the applicant's response. The observer's reference to the Nutley Stream is also addressed. A Dublin Corporation publication from 1994 shows this stream as flowing through a culvert some 340m east of the site.

### **Response to response**

The appellant has responded to the applicant as follows:

- Attention is drawn to the details of site investigations that were only made available at the appeal stage, thus bearing out the appellant's contention that there was insufficient information available at the application stage.
- Attention is drawn to the history of the site, which was formerly larger prior to its sub-division and development for apartments of which the applicant now complains.
- The appellant insists that his interpretation of Section 17.9.11 is reasonable and fair. The applicant's interpretation is in turn critiqued as unduly qualifying the statements in this Section with respect to proneness to flooding, the absence of any reference to bedrooms, and the scale of basements.
- The significance of the proposed basement is illustrated by the applicant's intimation that 936 cubic metres of material would be excavated to facilitate its construction. This volume of material would have implications for ground

water levels. Furthermore, the performance of masonry foundations is not identical to that of reinforced concrete as the former rather than the latter can be subject to movement resulting from changes in ground water conditions.

### **Observer**

The observer concurs with the appellant's grounds of appeal. In this respect, attention is drawn to the Nutley Stream, which is sometimes referred to as the Ailesbury Stream, and the chequered experience of basements on Ailesbury Road.

### **Planning history**

Pre-application consultation occurred on 10<sup>th</sup> June 2015.

### **Development Plan**

Under the Dublin City Development Plan 2011 – 2017 (CDP), the property is identified as a protected structure (ref. 97) and it is zoned Z2, wherein the objective is "To protect and/or improve the amenities of residential conservation areas." Policy SI13 of the CDP states "To retain on-street parking as a resource for the city, as far as practicable." Sections within Chapter 17 of the CDP address works to protected structures, development in conservation areas, basements and parking.

### **National planning guidelines**

- Architectural Heritage Protection
- The Planning System and Flood Risk Management

### **Assessment**

I have reviewed the proposal in the light of national planning guidelines, the CDP, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Conservation,
- (ii) Basement,
- (iii) Access, and
- (iv) AA.

#### **(i) Conservation**

1.1 Under the CDP, St. Peter's is a protected structure that lies within a conservation area – residential neighbourhood. The applicant has submitted an Architectural Assessment and a Photographic Survey of the dwelling house. The former

document includes within it extracts from historic maps of the area, which indicate that the original dwelling house was constructed between 1865 and 1877 and that its grounds originally extended to the west as far as the cul-de-sac known as Ailesbury Court. A further historic map from 1907 shows that the dwelling house was subsequently remodelled and extended to the south east (the existing two storey extension). More recent history of the site indicates that the single storey extension to the south west was added in 1980. The original site was sub-divided to facilitate the development of a block of three storey apartments to the west and south of the site as it pertains today.

1.2 The Architectural Assessment expresses the view that the single and two storey extensions are of no particular architectural merit and so their demolition is in order. The replacement inter-connected single and two storey extensions would be sited in a similar position to that of the existing extensions. They would exhibit a sympathetic design that would entail a gabled element to the front elevation of the two storey side extension and the specification of increased floor to ceiling heights that would be more in keeping with those present in the original dwelling house.

1.3 The Assessment delineates a series of alterations that would be made to the original dwelling house some of which are prompted by the inter-connecting single and two storey extensions now proposed. Thus, for example, the proposed two storey extension would extend further to the north along the eastern elevation of the original dwelling house than the existing one and, as a consequence, three windows would be blocked up.

1.4 Other alterations would not be prompted by the aforementioned extensions, but by the re-designation of rooms. While the majority of these alterations do not pose any conservation issues, several do and these are discussed below:

1.5.1 The existing drawing room is sub-divided into front and rear portions by means of a large arched opening. Under the proposal, this opening would be closed up and a new doorway formed between the said portions, which would be re-designated as a study and a snug. The Architectural Assessment concedes that this alteration would change the character of the drawing room and it expresses the view that the arched opening is a later intervention and so the proposed closure would reinstate the original layout of the dwelling house.

1.5.2 I note that the Assessment does not elaborate on the view thus expressed. I note, too, that the arched opening is an attractive one and that, whether it is original or not, it resonates with similar arches over the main entrance hall and main landing above. Thus, I consider that its retention is of importance in seeking to protect the character of the dwelling house, as a protected structure.



- 1.6.1 The existing first floor vestibule lies forward of the aforementioned arch over the main landing. This vestibule includes within it a corner fireplace/chimney breast, which under the proposal would be removed. It would itself be extended as far as this arch which would be closed up and new doors inserted within the same. Existing openings on either side of the vestibule would be closed and original doors reopened.
- 1.6.2 The Architectural Assessment justifies the removal of the said fireplace/chimney breast on the grounds that it is redundant and it states that the reopening of the said doors would be desirable.
- 1.6.3 The said arch corresponds with the one below and, like this one, it is an attractive feature of the generous circulation space within the dwelling house. I therefore consider that it should be retained as an open and thus clearly legible feature. The applicant's justification for the removal of the fireplace/chimney breast is unpersuasive in conservation terms and so I consider that this feature, too, should be retained.
- 1.6.4 While the reopening of the said doors would be desirable, given the greater importance in my view of retaining the arch and the fireplace/chimney breast, I consider that the vestibule should be retained as it is on the left hand side and the modern arched opening on the right hand side should be closed and a door corresponding with the existing one opposite inserted within the same.
- 1.7 The proposal would entail the widening of the existing vehicular entrance and the replacement of the existing pedestrian entrance with a second vehicular one. (Pairs of new gates would be installed in these entrances). The proposal would also entail the erection of railings, 0.5m in height, above the existing front boundary wall and an associated increase in the height of the gate piers to ensure that their heads clear the line of the railings. I will discuss the former items under the heading of access. The latter items would accord with front boundary adjustments that are evident at 89 Ailesbury Road, the adjoining property to the east.
- 1.8 I, therefore, conclude that the proposal would, subject to certain revisions to internal alterations elucidated above, be appropriate in conservation terms.

**(ii) Basement**

- 2.1 The proposal would entail the construction of a basement underneath the two storey extension to the eastern side and rear of the original dwelling house. This basement would be accompanied by sunken areas to the front and rear.
- 2.2 Section 17.9.11 of the CDP addresses basements. The appellant cites this Section and critiques the proposed basement in the light of the same. Thus, the inclusion

within this basement of bedrooms, its proneness to flooding, and its siting beside a protected structure and within a conservation area – residential neighbourhood are deemed to be material contraventions of the said Section. The applicant has responded by stating that the Section does contemplate the inclusion of habitable accommodation in basements, the site is not prone to flooding as it lies outside the 1: 1000 year flood zone and the basement would be constructed in accordance with best practice techniques, and, as the basement would not extend over 50% of the rear garden area, it would be appropriate beside a protected structure and within a conservation area – residential neighbourhood.

2.3 The appellant draws attention to items within the first paragraph of Section 7.9.11. (The second paragraph sets out a list of factors that should be considered in assessing basements). This paragraph refers to basement leisure and storage uses. It also acknowledges that they can be used for habitable purposes. The paragraph flags up their proneness to flooding and it states that the planning authority will discourage any significant basement development or excavations below ground level of, or adjacent to, residential properties in conservation areas or properties which are listed on the RPS.

2.4 In the light of the first paragraph, I consider that, while there is no outright prohibition on habitable accommodation within basements, flood risk is particularly salient in assessing the same. At the application stage, the applicant submitted an engineering report that included a flood risk assessment. This assessment concludes that the said risk is low, as the relevant CFRAM shows the site and its immediate vicinity as not being at risk of fluvial, coastal, pluvial or groundwater flooding. Additionally, the SuDS proposals for the development would reduce any residual flood risk. In these circumstances, the inclusion of habitable accommodation in the proposed basement does not warrant objection.

2.5 The use of the word “significant” in the first paragraph is undefined. The applicant draws upon the first factor listed in the second paragraph to contend that the proposed basement would not be significant. This factor requires that rear basements should not exceed the footprint of the original dwelling house and that any basement should not exceed 50% of the amenity/garden area. I consider that the applicant’s reference to this factor is appropriate, in the circumstances.

2.6 The proposed basement would comprise rear and side elements. The footprint of the rear portion of the basement would not exceed that of the original dwelling house and the footprint of the rear and side portions would be less than 50% of the amenity/garden area of the site, which comprises the combined area of the front garden and the rear yard. I, therefore, consider that the proposed basement would not be significant and so its construction beside a protected

structure and within a conservation area – residential neighbourhood would not be inappropriate.

- 2.7 In the light of the foregoing discussion I do not consider that the proposed basement would materially contravene Section 17. 9.11 of the CDP.
- 2.8 The appellant expresses concern over the displacement of ground water that would arise from the proposed basement and the potential implications for the foundations of his adjacent dwelling house. In this respect, he draws attention to the absence, at the application stage, of information relating to relevant site investigations, although he acknowledges that such information has been submitted by the applicant at the appeal stage, i.e. his engineer's response to the appellant's grounds of appeal.
- 2.9 The aforementioned response includes details of site investigations, which included trial pits, foundation inspection pits, a soakaway, cable percussion boreholes, and rotary boreholes, and environmental and geotechnical laboratory testing. Based on the level of the water table encountered and an analysis of the voids in the sub-soil, the applicant has calculated that the proposed basement would displace 230 cubic metres of ground water. He comments on this displacement to the effect that, post-construction, ground water levels would equalise and would slowly dissipate around the basement. Ground water would follow a natural flow route towards the River Dodder and, due to the low permeability of sub-soil, any increase in ground water levels would be negligible and there would no increased risk of ground water flooding either upstream or downstream of the site.
- 2.10 The applicant adds that the flood defence measures presently being undertaken by the OPW in the River Dodder would not have a significant affect upon the aforementioned natural flow route. He also draws attention to the recorded route of the Nutley Stream, which passes c. 340m to the east of the site and so it does not impinge upon the same.
- 2.11 The applicant addresses the appellant's concern with respect to foundation stability. He states that the changes to the ground water regime that would result from the proposed basement would not affect such stability and that the increase in ground bearing pressure that would result from this basement would be less than 3% and so the need for underpinning of the appellant's dwelling house would not arise.
- 2.12 (Details of the embedded wall that would be constructed in conjunction with the proposed basement and in a position adjacent to the common boundary between Nos. 91 and 89 are shown on drawing nos. SK05 revision P1 and SK06 revision P1. This wall would be formed by means of a low vibration method and

so, again, it would be compatible with the stability of the foundations to the appellant's dwelling house).

2.13 The other factors listed in the second paragraph of Section 17.9.11 have been addressed by the applicant, too. I am satisfied that the proposed basement would be compliant with the same.

2.14 I conclude that the proposed basement would accord with the provisions of Section 17.9.11 of the CDP and that it would be capable of being constructed and retained in a manner that would be compatible with the stability of the adjacent dwelling house at 89 Ailesbury Road.

### **(iii) Access**

3.1 The proposal would entail the widening of the existing vehicular entrance and the replacement of the existing pedestrian entrance with a second vehicular one. The said widening would extend to 0.6m and it would lead to an extension in the length of existing double yellow lines of 3.4m and an associated reduction of 2m in the length of an existing on-street car parking bay. The new entrance would be 3.65m wide and it would be accompanied by the laying of new double yellow lines over 14.3m of the said bay.

3.2 The planning authority raised objection to the implications of the former item, insofar as a 1m loss to the length of the car parking bay only was seen as being necessary, and to the latter item in principle as it would lead to the loss of effectively three car parking spaces. Policy SI13 and Section 17.40.11 of the CDP seek to ensure that on-street car parking spaces are not removed to facilitate vehicular entrances to residential properties. In this case the entrance in question would be a second one and so the envisaged loss would without any justification.

3.3 In the light of the foregoing paragraph, the draft permission is subject to condition 8(i) and (ii), which limits the loss in the length of the car parking bay to 1m in conjunction with the proposed widening of the existing vehicular entrance and which omits the second vehicular entrance. The applicant has not appealed this condition and the appellant has expressed his support for the same. I concur with its appropriateness.

3.4 I, therefore, conclude that the access provisions of condition 8(i) and (ii), which is attached to the draft permission, should be confirmed.

### **(iv) AA**

4.1 The site is neither in nor near to a Natura 2000 site. The nearest such sites are in Dublin Bay (SAC and SPA). The proposal would be linked to these sites via the combined foul and surface water public sewerage network that discharges to the

Ringsend WWTP. Periodic storm water surges through this Plant can lead to a decrease in the water quality of the Bay. However, the Conservation Objectives of the said Natura 2000 sites do not refer to water quality. Furthermore, the scale of water treatment occurring at the Plant is such that the contribution of the proposal would be negligible.

4.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, 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.

### **Recommendation**

In the light of my assessment, I recommend that the demolition of the existing one and two storey extension to the side and rear and garden wall to the side of the detached two storey five bedroom dwelling house and the construction of a new part single storey and two storey over basement extension to the side and rear of the original dwelling house to create a detached two storey over part basement six bedroom dwelling house, along with revised access arrangements to the property known as St Peter's (a protected structure) at 91 Ailesbury Road, Dublin 4, be permitted.

### **Reasons and considerations**

Having regard to the Dublin City Development Plan 2011 – 2017 and the history of the site, it is considered that, subject to revising conditions, the proposal would be compatible with the character of the original dwelling house on the site, which is a protected structure, and it would be consistent with the visual and residential amenities of the area. The proposed basement would comply with Section 17.9.11 of the Development Plan and the proposed access arrangements would, subject to the omission of the proposed second vehicular entrance, accord with the Plan's emphasis on the retention of on-street car parking spaces. The proposal would not be subject to any appreciable flood risk and it would be capable of being constructed and retained in a manner that would not prejudice the stability of adjacent foundations. No Appropriate Assessment issues would arise. The proposal would thus accord 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 received by An Bord Pleanála on the 27<sup>th</sup> day of January, 2016, 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 development shall be amended as follows:
  - (a) The proposed new vehicular entrance shall be omitted.
  - (b) The proposed contraction of on-street car parking space in conjunction with the proposed widening of the existing vehicular entrance shall be limited to 1 metre.
  - (c) The proposed closure of the arched opening between the front and rear portions of the drawing room shall be omitted.
  - (d) The proposed closure of the arch above the main landing shall be omitted.
  - (e) The proposed alterations, including the removal of the fireplace and chimney breast, to the first floor vestibule shall be omitted. The re-opening of the doors on either side of the proposed enlarged vestibule shall be omitted, too. Within the existing vestibule the arched opening on the right hand side shall be enclosed and a door corresponding to the door on the left hand side shall be inserted in this enclosure.

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 ensuring that on-street car parking spaces are retained insitu and in order to protect the character of the dwelling house as a protected structure.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension and details of the railings proposed for installation above the front boundary wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. 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.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 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.

6. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of 2 metres from the trunk of the tree or the centre of the shrub, and to a distance of 2 metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts,

storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

9. All proposed works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

10. The developer shall pay to the planning authority a financial contribution of €5,011.20 (five thousand and eleven euro and twenty cents) 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 – 2015. 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. 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 the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 – 2015 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.

Hugh D. Morrison

Inspector

7<sup>th</sup> April 2016