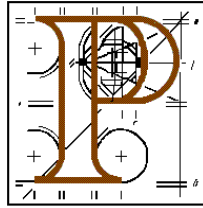


## An Bord Pleanála



## Inspector's Report

**PL29N.246195**

**Development:** Demolition of sheds and construction of 2 no. houses and associated site works, Glasnevin, Dublin 11.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref. 3595/15  
Applicant: Tom McGrath  
Type of Application: Permission  
Planning Authority Decision: Grant with conditions

### Planning Appeal

Appellant(s): John Lyons  
Observers: None  
  
Type of Appeal: Third Party against decision  
Date of Site Inspection: 24/06/16  
**Inspector:** Suzanne Kehely

## **1.0.0 SITE LOCATION AND DESCRIPTION**

1.0.1 The subject site comprises parts of the original rear and side gardens of adjacent properties at 25 and 26 Wadelai Green which together form a corner site at the end of this short cul-de-sac in an established housing development north of Dublin City.

1.0.2 The estate dates from around the 1950s and comprises a fairly ordered geometric and symmetrical layout organised in a grid type layout with terraces of houses forming outward looking squares. The rear gardens of the terraces on each side of the square collectively form a triangle resulting in varying garden depths. Wadelai Green extends partly along the side of this square block where it culminates in an angular cul-de-sac with houses arranged at 90 degree angles to close the cul-de-sac. For example, the terrace of nos. 22-25 face west and mirrors terrace of nos. 28-31. These are linked by the semi-detached houses 26 and 27 which face south at right angles. The plots and rear gardens between both the ends of terraces and the semis are large and irregularly angled. The houses are two-storey and asymmetrically double fronted.

1.0.3 In this case, the sites of adjoining gardens of 25 and 26 form an area of 1217.6 sq.m. and have a combined comparatively narrow site frontage of 22m which curves around the turning circle road end. While houses have generally retained most of the front boundary wall I note in some incidences at the turning circle where the road widens at the expense of the front gardens, boundary walls have been removed altogether to permit angled parking off-street.

1.0.7 At time of inspection the rear gardens were fenced off from raised concrete skirting around the existing dwellings houses. The gardens have overgrown considerably with sections impassable due to nettle and thistle height. The boundary surrounding the gardens consists of a wall of about 1.5m in height and some fencing. The boundary to the east with properties on Ballymun Road consists of a concrete wall and mature trees predominantly on the other side of the wall. It was raining heavily prior to inspection on the day and preceding days. There was no evidence of ponding on site generally or on the cleared area. There were some views of one garden to the rear and the end section was substantially overgrown with weeds in contrast to the cut lawn possibly indicating a problem area.

## **2.0.0 PROPOSED DEVELOPMENT**

- 2.0.1 Permission is sought for
- Construction of 2 no. 145 sq.m. two-storey houses with hipped roof; ridge height at 7.4m, eaves at 5.314m.
  - Demolition of 58sq.m. of sheds and retention of 2no. 95 sq.m. dwellings

- Entrance proposed is via a single 5m wide access to the proposed houses in addition to individual access to the original houses at 26 and 25. (Details are not shown but are clarified in further information)
- Each has four bedrooms with shower en-suite at first floor. A fifth bedroom is proposed at ground level in addition to the open plan kitchen living dining area and separate living room.
- Provision of over 100 sq.m. of private open space for each dwelling including existing original dwellings

2.0.2 The application is accompanied by a cover letter confirming the similarity of the case with that in the previously determined case PL29N.229777. Reference is made to the supporting comments of the inspector in that case in respect of the principle of development in a low density development by reference to the site characteristics and the Residential Density Guidelines.

2.0.3 The application was accompanied by a certificate of exemption from Part V housing.

### **3.0.0 PLANNING HISTORY**

3.0.1 PL29N.221162 refers to a refusal of permission (affirmed on appeal) for 5 houses on the same site. (File attached)

3.0.2 PL29N.229777 refers to a grant of permission (affirmed on appeal) for 2 houses on the subject site. This development is much the same. (File attached)

3.0.3 PL29N.224238 refers to grant of permission (affirmed on appeal) for 4 houses on the subject site. (File attached.)

### **4.0.0 PLANNING AUTHORITY DECISION**

#### **4.1.0 Planning and Technical Reports and Objections**

##### **4.1.1 Drainage Division Engineering Dept.:**

Report of 9<sup>th</sup> October 2015: Further information required:

- Due to lack of adequate drainage information it is not possible to state that satisfactory drainage can be provided for this development. Accordingly the following further information was requested.
  - The developer shall submit an appropriate flood risk impact assessment for the proposed development which identifies and proposes solutions to mitigate the potential risks from all sources including fluvial (Wad River), pluvial and groundwater. Reference should be made to any local knowledge available to the applicant and the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in

November 2009. Flood risks from 30 year and 100 year storms shall be addressed. This assessment shall ensure that the proposals do not increase the risk of flooding to any adjacent or nearby area.

- Drawings also required.

Report of 13<sup>th</sup> January 2016: No objection subject to conditions:

- Compliance with the Dublin Regional Code of Practice for Drainage Works.
- All flood risk mitigation measures proposed by Conor Furey and Associates Consulting Engineers to be implemented.
- The development is to be drained on a completely separate system with separate connections to public foul and surface water systems.
- Connection subject to conditions
- Incorporation of Sustainable Drainage System in the management of storm water Full details for agreement
- All surface water to be attenuated to 2 litres per second
- Verification of drainage services by survey and record in accordance with requirements of Drainage Division.
- All private drains drain fittings such as downpipes, gullies, manholes, and Armstrong junctions etc. to be located within the final site boundary. Private drains should not pass through property they do not serve.

4.1.2 **Roads and Traffic Division:** Issues are raised in respect of details of new entrance for original houses and footpath network. No objection subject to conditions relating to kerbing and dishing of footpath and general compliance with building standards. Driveway for original house to be at least 2.5m and not greater than 3.6m

4.1.3 **External Report from TII:** The site falls within the area set out in the Metro North Section 49 Levy Scheme accordingly a condition should be attached in event of permission.

4.1.4 **Objections:** A total of 24 objections were submitted to the planning authority from residents in the surrounding roads. The main concerns related to, (pluvial) flooding, surface water accumulation and sewage systems, commercial development/intensity of use, parking, overshadowing and overlooking, trees, standard of housing, construction disruption and precedence. The validity of the application was also raised.

4.1.5 **Planning Report:** Regard is given to development plan policies QH18 ad 19 which require compliance with standards set out in section 17.9.1 and which emphasise the need to reflect the character and scale of existing houses in the event of new development. Detailed consideration is given to section 17.9.6 and criteria for assessing development of corner sites which relate to:

- character of street,
- compatibility of design and scale with adjoining dwellings, paying attention to building line (maintenance of front and side where

appropriate), proportion, heights, parapet level and materials of adjoining buildings,

- Impact on residential amenities
- Open space standards, refuse storage ,
- car parking, landscaping and boundary treatment

4.1.4 The policy for backland development as set out in section 17.9.5 is also referred to in detail and this allows, subject to impact on amenity, for provision of comprehensive backland development as defined by its location relative to the established building line.

4.1.5 It is noted that the application is almost identical to that previously permitted and having regard to current zoning, and development standards it is considered to be accepted in principle. However in light of the Flood Risk Management Guidelines since the previous permission further information in accordance with the Drainage division's requirements is required. In addition details of off-street parking for existing houses is identified as a matter needing clarification as is clarification of exact areas of private open space. Overlooking is ruled out as issue having regard gable windows being confined to bathroom use. Further information was accordingly requested on 3<sup>rd</sup> November 2015

4.1.6 Further information was lodged on 21<sup>st</sup> December 2015  
Flood Risk Assessment carried out by consulting engineers. The floor level is proposed to be raised in accordance with recommendations by 450mm and revised drawings show revision to site layout and contiguous front elevations.  
A service layout shows the drainage for the proposed development  
Permission is also sought for off-street parking for no. 26 and a revised site layout drawing I a1-003A shows the proposed site layout. It is pointed out that the off street parking for no.26 was previously permitted. 2235/08. Drawing A1-005 clarifies open space.

4.1.7 Following further consultation with the drainage division in particular there was no objection in principle to the development. Details were considered to be acceptable or manageable by conditions.

#### **4.2.0 Decision**

4.2.1 By order dated 23/2/2016 a notification of intent to GRANT permission subject to 16 conditions was issued.  
Condition 2 financial contribution of €20,062.08 (section 48)  
Condition 3 Financial contribution of €4,000 towards Metro North (section 49)  
Condition 4 – single family dwellings only  
Condition 5 restriction exemption for extensions  
Conditions 6, 7, 8 relate to material and finishes including permeable surfaces for driveways  
Condition 9 requires protection of stability of adjoining property

Condition 10, 11 and 12 relate to construction management and nuisance control  
Condition 13 sets out s details in relation drainage requirements for further agreement  
Condition 14 relates to vehicular access and interface with public road.  
Condition 15 relates to naming and number  
Condition 16 requires bond or security for completion of development.

## **5.0.0 GROUNDS OF APPEAL**

5.0.1 The third party appellant has submitted an appeal against the decision based on the following grounds:

- Pluvial flooding problems due to existing flooding of rear garden of appellant and in neighbouring gardens - note 24 objections. The problem is evidenced by photographic record of personal experiences, e.g. 70% of garden flooded in 2013 (photographs in letter and appendix to appeal illustrate flooding in various gardens)
- The FRA submitted as Further information by consulting engineers is questioned on the basis of its assumptions and having regard to the findings of the appellant's consulting engineers insofar as there are issues with:
  - Antecedent flooding
  - high water table in area
  - issues with soil infiltration
  - insufficiency of proposals
- Drainage problems/ surcharging of combined sewer drain with proposals to deal with surface water due to
  - Extensive retention of surface water in Wadelai Green. (over kerb level)
  - Insufficient detail and errors in proposed drainage connections
  - 10 bathrooms and hard standing will discharge into a combined system that does not have capacity during storm events
  - A trial pit was dug and observed over a 3 day period which showed high levels of groundwater demonstrates SUDs impracticable.
- Impact on insurance policy with respect to possible increase in flood risk
- Deficient access and parking due to
  - Substandard road width
  - No footpath and no kerbs/barriers to houses
  - No turning head
  - Contrary to section 4.6 of Quality Housing for Sustainable Communities document.

- Insufficient space for disabled parking
  - Remaining gardens of 25 and 26 are insufficiently sized for car parking having regard to front door.
  - 16 bedrooms with 6 spaces will result in parking problems for residents in area.
- Substandard accommodation

## **6.0.0 RESPONSES**

### **6.1.0 Planning Authority Response**

6.1.1 No further planning comment report or comment on appeal.

### **6.2.0 Frist Party**

6.2.1 The applicant's planning consultant has responded to the grounds of appeal and makes the following points:

#### **Flooding/Drainage**

- The appellant fails to fully appreciate the comprehensive flood mitigation measures submitted to DCC and which include provision for attenuation and soak areas for containing surface water. This includes permeable fill in the new hard standing areas.
- The site will provide much improved water attenuation and percolation function than the current rear gardens at present.
- The impact on the adjoining gardens will be at worst negligible and arguably slightly improved as it will provide flood capacity in excess of the existing capacity of the area. Mitigation measures means that the development can be accommodated without any further negative impact on adjoining properties.
- The consultant report and DCC assessment and reports address the drainage issues. Conditions of permission have been attached accordingly.
- The development is only for two houses and includes significant attenuation works, far in excess of normal requirements. While some surcharging may exist in the public system during extreme weather events, permission should not be withheld for the scale of development which is otherwise acceptable.

#### **Roads and Parking**

- The objections in relation road and parking are based on out of date management standards that have been superseded by Development Management for Urban Roads and streets 2013 (DMURS). The current scheme adheres to these standards which are particularly applicable to the small infill site.
- Wheelchair access for proposed houses is in accordance with Part M has been incorporated into the design. Parking for existing houses will not be in front but will be to the side.

- 6 spaces for 4 dwellings accords with the development plan standard of a max of 1.5 spaces per dwelling as per Parking Area 3 limits.
- No 26 will now have a car park space where it previously did not.

### **Dwelling Design and layout**

- The houses are not out of character with existing typology by reference to elevations submitted showing similar design, scale and massing of those existing and proposed.
- The private open space to the rear of 113 sq.m. and 135sq.m. exceeds the rate of 15sq.m. per bed space which works out at 90 sq.m. as there are only 6 bed spaces per houses. (This is based on a threshold of 11.4 sq.m. for double room as per Quality housing for Sustainable Communities.) In any event it is noted that the planning report considered the development to meet the standards.
- The houses have adequate storage in 145 sq.m. of accommodation and in addition to bathroom facilities for all bedrooms which could in part be converted to storage use.
- The en-suite arrangement is regularly provided in family houses. The development, it is pointed out, is described as 2 houses in the public notices and condition 4 clarifies the scope of permission for 'single family dwellings'.
- Section 17.9.1 acknowledges it is not appropriate to provide dedicated public open space in cases such as small infill. Public open is in close proximity.
- Overlooking will not arise in gable elevation due to layout and use of obscure glazing in bathrooms.

## **7.0.0 POLICY CONTEXT**

### **7.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017**

7.1.1 The subject site is zoned for Sustainable Neighbourhood Residential use ("Z1") in the current Dublin City Development Plan, with the stated objective "to protect, provide for and improve residential amenities."

7.1.2 Chapter 11 sets out the framework for quality housing in a compact city. QH18 and 19 refer to the requirement for quality accommodation. Section 17.9.6 sets out detailed criteria in respect of development of corner sites.

'In all cases where permitted 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'

## **8.0.0 ASSESSMENT**

8.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of Development having regard to zoning and flood risk



- Drainage
- Impact on residential amenity
- Parking
- Appropriate Assessment

### **8.1.0 Principle of the Development**

8.1.1 The proposed development is substantially a repeat application for 2 houses previously permitted on the same site and for which permission has lapsed. The circumstances in this case are different in so far as:

- There is a new development plan although development objectives have not materially changed for the site as it remains residential.
- The Flood Risk Management Guidelines were issued and provide guidance to planning authorities.

8.1.2 As this is an infill development in a low density development the issue of principle primarily falls on whether or not it constitutes an unacceptable flood risk.

8.1.3 In this case the proposed development has been subject of a flood risk assessment as required by and to the satisfaction of the Drainage Division of the planning authority. The appellant however has submitted a consulting engineers report highlighting concerns with the FRA and proposal arising. The planning authority has made no further comments on the grounds of appeal. The applicant's planning consultant refutes the grounds of appeal including the drainage issues by reference to the FRA submitted as further information. While the Board may wish to seek a further technical response from the planning authority and/or the applicant's consulting engineers to the grounds of appeal I consider the information to be sufficient.

8.1.4 It is clear there is a drainage problem in the area as evidenced by the photographs during pluvial flood events of many gardens along the road and adjacent to the subject site. Ultimately the consulting engineers for the applicant conclude that

'The purpose of the Flood Risk Analysis is to establish if there are any circumstances that if identified would mitigate against a decision to grant planning permission. In this case only a small portion of the site is within the 0.1-.25m flood level as identified in the Dublin City Pluvial Flood Depth Map. The proposed floor levels are well above any possible flood level and it is contended that the proposed mitigation will improve the potential flood risk from the existing dwellings adjoining the site by providing additional water storage in the case of heavy rain fall causing pluvial flooding.'

To clarify this it is previously stated in section 4.3 that

'Mitigation measures are appropriate to providing a suitable private open space free from flooding and to ensure this work will not have any impact on sending flood waters to adjoining sites.... The proposal to provide a compensatory soak away are within the site

to cater for intended total pluvial flooding will mitigate the impact of the flooding on the adjoining properties.'

- 8.1.5 In view of the nature of the development being an urban infill site in an area zoned to protect, improve and provide for residential amenity and the capacity for mitigation against flood risk arising from the development I consider the development of two dwelling houses on this site to be acceptable in principle.

## **8.2.0 Drainage**

- 8.2.1 The concern is that the proposed development will aggravate flooding and ponding in neighbouring plots, although, while the trial pit reveals high levels of water in the gardens, the consulting report does not explain exactly how this would be. I note that the proposals seek to prevent flooding of the proposed development by raising the freeboard to 630mm above a 1 in 200 year flood level. This is dependent on raising the site level in the order of 400-500mm and also by excavating and filling the site with a permeable base that will retain water. Ultimately the proposal is designed to contain storm water and prevent run-off into adjacent sites. This is achieved by constructing a retaining wall as shown in the x-x section. (However this is only shown for the new boundary with no 26.) This is in addition to the concrete boundary walls that already enclose the site. The planning authority is satisfied with these measures. I note there are no sections through boundaries. I consider it appropriate that retaining walls be constructed to a height of 1.8m above finished ground level of the garden in order to ensure enclosure. This may involve constructing an additional wall inside the lower existing one to ensure adequate depth and height. In the interest of clarity a condition of permission should require a system that does not give rise to flooding of adjacent properties.

- 8.2.2 With respect to the nature of connection to sewage system it is unclear as to whether or not there is a shared surface water and foul water drainage system serving the road. If this is the case the additional loading of bathrooms onto a system does seem questionable particular where flood waters rise above the kerb level. However I note that the Drainage division is satisfied with the details submitted and on this basis the proposed seems acceptable.

## **8.3.0 Impact on Residential amenity**

- 8.3.1 The existing ground generally falls to the northern and eastern boundaries from a level of about 55.3 to a level of 54.30m OD with the existing houses being slightly elevated above the respective gardens. It is proposed to raise the ground to just over 55mOD at its highest. It is also proposed to raise the finished floor level by 450mm with finished floor levels of 55.18mOD. This will result in a relatively elevated window height in relation to the adjoining gardens and boundaries to the north (Wadelai) and east (Ballymun Road) While it

is consistent with existing houses which are already slightly elevated; the proposed houses are considerably closer to the boundaries which raises amenity issues such as overlooking, overshadowing and overbearing impact.

- 8.3.2 The kitchen in House Type B which incorporates an angled elevation will have fairly direct views into the adjacent rear gardens to the north-east. While there are trees this may change. The proposed house will increase the potential for overlooking particularly if the boundary wall is not raised. This matter however could be addressed by a condition requiring suitable boundary treatment and setting back of house B from the boundary.
- 8.3.3 The raising of the ground floor is also an issue in respect of the overbearing impact as viewed from the adjacent properties on Ballymun Road. The gable (at a height up to 7.4m) of House B is proposed at a distance in the order of 600mm at its closet point to the eastern boundary. While this widens to about 2.3m at the front elevation it is, I consider very close in the context of its proposed height, proposed raising of ground level and relationship with an existing c.1.5m boundary wall. Its location to the west of Ballymun Road dwellings would also potentially reduce evening sun to varying degrees depending on the time of the rear.
- 8.3.4 Having regard to the potential for overlooking and the overbearing impact arising from a combination of proposed dwelling height and set back relative to the eastern boundary I consider it appropriate to increase the setback. This could be done by either joining the houses and seeking a revised layout – this may involve omitting some en-suites and confining them to external walls or inserting rooflights. Alternatively houses or just House Type B could be narrowed. While both semidetached and a terraced pattern are consistent with the estate layout generally, I consider the narrowing of one by way of a stepped elevation in this back land location would be acceptable.
- 8.3.5 With respect to comments about the design approach I do not consider the objections can be reasonably constitute grounds for refusal. While I note some deviances in detail, I consider the overall design in terms of height, profile and proportions to accord with the character of the area and to be appropriate to its backland setting. While I note the absence of a family bathroom I do not consider the provision of en-suites to be especially objectionable. It is the number of occupants that generate the demand on utilities and not necessarily the provision of utilities. Ultimately the restriction by condition to a single family unit will provide clarity and control the nature of use.

## **8.4 Car parking**

- 8.4.1 With respect to concerns about car parking and detailed site layout I concur with comments in the applicant's response in this regard with particular reference to DMURS. Ultimately the small scale of the

development and provision for 6 car park spaces accords with the quantitative requirements of the development plan. It is also noted that the site is within the Metro North catchment and is well served by public transport. I note the general satisfaction of the Roads and Traffic Division subject to conditions. I do not consider an objection on grounds of traffic hazard can be sustained. In terms of details I consider a landscape plan consistent with DMURS would be submitted to restrict haphazard parking and ensure safe pedestrian and vehicular access and orderly development. I refer to partial reinstatement of the front boundaries of each of the existing houses in addition to dedifferentiation between plots and soft landscaping. Due to the curved frontage and angled nature of the entrance and parking I do not consider a restriction to the conventional 3.6m is necessarily applicable although some boundary reinstatement is appropriate.

### **8.5.0 Appropriate Assessment**

8.5.1 Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

### **8.6.0 Conclusion**

The proposed development is considered acceptable in principle subject to fairly standard conditions and subject to modification of House Type B and its relationship with the c. 1.5m high eastern boundary wall in the context of its proximity, orientation of windows and proposed ground and floor levels consequent on the flood risk analysis. In these terms, the proposed development will not significantly injure the residential amenities of the subject or surrounding dwellings and is I consider in accordance with the proper planning and sustainable development of the area.

### **9.0.0 RECOMMENDATION**

I have read the submissions on file, most notably these relating to flooding, the Flood Risk assessment and reports of the Drainage Division, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 - 2017, Flood Risk Guidelines,(2009), the planning history on the subject all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not pose a significant flood risk, nor would it injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

## 10.0.0

## REASONS AND CONSIDERATIONS

- 10.1.0 Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not pose a flood risk in the area, would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further information submitted to the planning authority 21<sup>st</sup> December 2015 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 in respect of house type and site layout shall be revised, by narrowing the footprint of House Type B such that no part of the house is less than 2m from the eastern boundary.

Details of the revised layout shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of properties along the Eastern boundary of the site.

- 3 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. In this regard,

(a) All flood risk mitigation measured by the applicant's consulting engineers shall be implemented. The developer shall confirm in writing to the Drainage Division that the development has been designed and constructed such that the risk of flooding to the development has been reduced as far as is reasonably practicable and that the proposals do not increase the risk of flooding to adjacent properties or nearby area.

(b) The development shall be drained on a completely separate system with separate connections to the public and foul and surface water systems.

(c) Prior to commencement of any development on site the developer shall submit for written agreement with the planning authority, details (including plans and sectional drawings) of measures to ensure that surface water and groundwater volumes and flow are managed internally within the site and directed away from the adjacent residential development.

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

4 All four houses within the site shall be single family occupancy only.

**Reason:** In the interest of clarity

5. The entrance and driveway layout and dishing of footpaths shall be in accordance with the requirements of the planning authority.

**Reason:** In the interest of pedestrian safety.

6 A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

- (a) Provision of a 1.8m high boundary retaining wall (as measured from the higher adjacent ground level) along the site perimeter to the rear of the existing dwellings
- (b) details of all proposed hard surface finishes, including the front gardens (including those of existing dwellings) and including samples of proposed paving slabs/materials for footpaths and kerbing and road surfaces within the development;
- (c) proposed locations of landscape planting in the development;
- (d) details of proposed boundary treatments at along, site boundary, site frontage and between rear gardens, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and comply with the requirements of condition 3 of this permission.

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

7. (a) 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.

(b) Site development and building works shall be carried only out between the hours of 08.00 to 18.30 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.

**Reason:** In the interest of residential amenity

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling and In the interest of the amenities of the area.

- 9 The window on the eastern elevation in House Type B at first floor level shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

- 10 Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 11 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.

- 12 The developer shall pay the sum of €4,000 (four thousand euro) to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of Metro North. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority

may facilitate and shall be 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.

**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.

13. 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 of roads, footpaths, drainage systems and boundary treatment and other services required in connection with the development, coupled with an agreement empowering the Planning 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 agreed between the Planning Authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

**Suzanne Kehely**  
**Senior Planning Inspector**  
**27/06/16**