



An
Bord
Pleanála

Inspector's Report PL 29S 247675

Development	Demolition of garage and out houses and construction of single storey canopy and extension to the front and side and construction of a two storey extension to the side and rear, widening of front entrance, insertion of roof lights and ancillary works.
Location	10 Merlyn Road, Ballsbridge, Dublin 4.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	3696/16
Applicant	Christopher and Joan McHugh.
Type of Application	Permission.
Decision	Grant Permission.
Appellant (1)	Select Vestry of St Bartholomew's Church and Andrew McCloskey of No. 12 Merlin Road and Derek and Tara Merry. No 8 Merlin Road.
Appellant (2)	Peter Murphy and Siobhan van Eesbeck,
Date of Inspection	24 th February, 2017
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site which has a stated area of 466 square metres is that of a semi-detached two storey house with rear and front gardens with off street parking. s located mid-way long the south-east side of Merlyn Road on the north-east side of Merrion Road a short distance to the north of the intersection with Ailesbury Road. The dwelling has a stated floor area of 184 square metres and was unoccupied at the time of inspection. The adjoining house in the semi-detached pair, (No 12) which is to the north-east side is the property of one of the appellant parties. It has a two storey extension to the rear for which permission was granted under P. A. Reg. Ref. 3242/14 No 8, the property to the south west side has been upgraded and extended at ground floor level to the rear. Several houses have been upgraded and extended to the side and rear.
- 1.2. This residential area comprises Merlyn Road and Merlyn Park and some connecting roads and circa sixty to seventy houses. It is characterised primarily by two storey semi-detached houses constructed in the late 1930s and while there are three different roof and eaves profiles detail there is a fully recognisable homogeneity in architectural character and streetscape at this area.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on, 12th September, 2016 indicates proposals for:
 - Demolition of the garage and outbuildings. (23 square metres.)
 - Construction of an entrance canopy and front and side extension at ground floor level.
 - Construction of a two storey extension to the side and rear, the total stated floor area of which is 118 square metres and,
 - Widening of the front entrance to 3.6 metres, installation of roof lights and ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 4th November, 2017, the planning authority decided to grant permission subject to nine conditions with of which are of a standard nature. Condition 3 include the following requirements for modifications:

Condition No. 3 (a) Omission of the entrance canopy and front extension.

Condition No. 3 (b) Amendment to the side elevation so that it is flush with the study room extension: to exclude overhang of the side passage and installation of obscure glazing for the bathroom window.

Condition No. 3 (c) Restriction of depth of Kitchen dining extension to a maximum external depth of 5.5 metres.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer, taking into account the third-party submissions, (see para 3.2.3 below) and guidelines in Appendix 17 of the current development plan concluded that the proposed development is acceptable subject to the modifications required under Condition No 3 attached to the decision.

3.2.2. Third Party Observations

Five submissions by third parties were lodged with the planning authority. The main concerns expressed include that of:

- Adverse impact on the original design and character of dwellings on Merlyn Road, especially due to the front extension and elevation treatment.

- Overdevelopment due to significant size of the extensions relative to the existing dwelling and surrounding dwellings. Overbearing impact at the rear of adjoining properties.
- Overshadowing and obstruction of access to daylight at adjoining property.
- Encroachment onto the side passageway

4.0 Planning History

According to the planning officer report there is no record of planning history for the appeal site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective: Z1: “Sustainable residential neighbourhoods”, with the objective, “To protect, provide and improve residential amenities.”

Chapter 16 provides for policies, objectives and standards for residential development. Appendix 17 (Residential Extensions) supplements and provides elaboration on the policies, objectives and standards within Chapter 16.

6.0 The Appeals

6.1. Appeal by Select Vestry of St Bartholomew’s Church and Andrew McCloskery of No 12 Merlin Road and Derek and Tara Merry of No 8 Merlin Road.

- 6.1.1. An appeal was received from, Auveen Byrne Associates on behalf of the appellants who own and/or occupy Nos 8 Merlyn Road on the south west side and No 12 Merlyn Road the on the north-east side of the appeal site property on 1st December, 2017. The appeal contains a comprehensive description and commentary on the site location, the proposed development, the planning application and the planning

context and background and it includes a sunlight and daylight study as an attachment.

6.1.2. According to the appeal the appellants would support renovation and upgrade works to include extensions at the appeal site but in their view, the proposed development would have significant adverse impact on the residential of No 12 Merlyn Road and No 8 Merlin Road and on the distinctive 1930s/1940s architectural character and style of houses on the road. The assessments and conclusions as to insignificant potential adverse impacts reached to support the proposed development within the architectural report included with the application in respect of several elements of the proposed development are disputed and rejected. It is submitted that there is no justification for the proposed development in the application. An outline of the appeal grounds follows:

- The proposed rear extensions amounting to approximately 74% increase in floor space, concentration of living space at upper level to the sides of a central void, height is over dominant rather than subordinate relative to the original house.
- The proposed development is and overbearing on the adjoining properties to either side. There is additional cumulative impact on No 12 due to the long blank elevation facing No 12 exceeding the existing eaves height and proximity over a narrow side passage.
- A proposed balcony facing towards No 12 at the rear will also materially overlook and diminish amenity at No 12. There is no condition attached to the planning authority precluding installation of a balcony.
- The proposed development would materially diminish access to light moderately and access to sunlight slightly at the ground floor living room of No 12 as concluded in the sunlight and daylight assessment report (BPG3) included with the appeal. (The assessment of the proposed development is on the proposed development as setback in accordance with Condition No attached to the planning authority decision.) No assessment based on appropriate criteria was included in the application. (eg. Littlefair, P. J. *Site Layout Planning and for Sunlight and Daylight*, (2011))

- The proposed development which is excessive does not satisfy the requirements of Appendix 17 of the development plan, especially Appendix 17.7. It does not harmonise with the existing development: breaches the eaves line; has a flat roof in contrast to the pitched roofs in varied orientation and is predominantly finished in a brick whereas the existing building is primarily in a render finish.
- The front single storey extension and front elevation of the side extension emphasize cubic rectilinear forms in contrast to the gabled curved presentation of the existing finish. The existing vertical emphasis in fenestration is not recognised in the proposed fenestration. The fenestration is particularly problematic with regard to the architectural style and expression of the building and the area. The front building line is breached.
- It is not accepted that the architectural style is not eclectic, as submitted in the applicant's architectural report and the assessment supporting the application. The semi-detached pair (No 10 and No 12) should be seen as a composition of symmetrical buildings which are within a street where there is a lack of significant modifications since the original construction. Although the location is not an architectural conservation area the policies in the Appendix 17 and section 16.2.2.3 of the development plan apply.
- The criteria in Appendix 17 is not dissimilar to that which is in Appendix 15 of the Dublin City Development Plan, 2011-2016 which is referred to in the applicant's architectural report. The proposed development materially contravenes the guidelines in failing to respect the architectural character of the building and the road in which it is set.
- The cumulative impact of the rear extensions at No 10 and No 14, which are overbearing on either side of No 12, creating a tunnel effect would be too high. The height of a flat roofed extension is related to the existing walls and not the ridge of pitched roofs when acceptability of height is to be considered. The extension is one metre higher than the existing walls and concentrated

towards the boundaries is not subordinate to the existing dwelling and is over dominant.

- It is agreed that there is room for contemporary treatment the rear of the house but the scale height and architectural expression are incompatible. The argument in the architectural statement that the contemporary design is justified by facilitation of large windows (maximising solar gain at the rear), avoidance of pastiche and achievement sensitive treatment to the front is rejected.

6.2. Appeal by Peter Murphy and Siobhan Van Eesbech, 3 Merlin Road.

6.2.1. An appeal was received from Peter Murphy and Siobhan Van Eesbech of No 3 Merlyn Road on their own behalf on 1st December, 2016. According to the Appeal the appellants do not agree with the case made in the architectural statement accompanying the application. In summary their objections are outlined below.

- Sixty-three houses were built on Merlyn Road and Drive which is a beautiful classical art deco architectural character with a lovely aspect between 1938 and 1946. There are five semi-detached house types and there are a few infills and detached houses and residents take great pride in the houses and the character of these roads.
- No 10 is very much in its original state and does require extensive refurbishment, modernisation and an extension which is supported but the proposed development is overdevelopment that would constitute an ugly eyesore and would damage the visual amenities on the road.
- Condition no 3 (a) (omission of front extension) is supported because this extension is out of keeping with the houses on Merlin Road and Drive, none of which have bay windows. breaches the building line and the existing porch is sufficient in size.
- The extension over the garage and new side passage are out of keep in with existing development. The front building line should be preserved along the road and any extensions should be flush with existing or recessed. The clay brick external finish is inappropriate and should be replaced with white plaster

with red brick decorative detail. Condition 3 (b) would be accepted if this element of the development is to be retained.

- The rear extension is too large, high and is overdevelopment which is overbearing on neighbouring property where light will be obstructed. It would have a disproportionate negative impact on the adjoining properties. No other house has a similar extension in the road. The garden size serves to emphasise the disproportionate size of the rear extension.
- The Velux window on the front should be omitted or relocated
- The rear balcony is out of keeping with the existing houses which do not have balconies. Overlooking of the adjoining gardens and the rear gardens of properties on Merlyn Park would occur. Solar panels are acceptable if there are confined to the rear or else relocated.
- The internal layout and design is bizarre and gives rise to serious concern about the intended future use of the property.
- The proposed development would set precedent for future development of similar scale and nature.
- It would be unusual for a garden shed to be allowed as exempted development as requested in the application.
- A single storey rear extension at a maximum depth similar to that of the rear reception room and an extension to the side in the area of the garage on or recessed behind the building line, with the original roof extended over the proposed extension (not a flat roof) including attic conversion with Velux windows at the rear would be acceptable.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

6.4. Applicant's Response

A submission was received from Manahan Planners on 9th January on behalf of the applicant, which includes a comprehensive description and account of the planning

application, planning context and appeals. Attached is a Shadow Study prepared by ARC consultants on behalf of the applicant. The contents of the submission are outlined in brief below:

- The built form and character on Merlyn Road is mixed and there is considerable variety in the characteristics of the dwellings of contrasting character including the materials, finishes, fenestration and roof profiles. Alterations to existing dwellings have had impact on the character along the road over time. Various relevant extracts from the architectural design statement included with the application are included in the submission.
- Conversion of the garage and the stepping forward of the building line is in keeping with other extensions in the area and consistent with Appendix 17, Section 17.10 of the development plan which encourages contemporary extensions as positive contributions to a streetscape. Rather than a pastiche the recessed position of the upper floor box style extension which is subservient to the original dwelling is acceptable. The applicant is willing to accept a condition for the brick finish to be agreed by condition.
- The reduction of the rear and side extension by condition attached to the planning authority decision is harsh and there is no substantive reason to support the reduction. The remaining rear garden at more than 140 square metres is more than adequate. The depth of the rear extension at No 14 should be taken into consideration.
- It is normal for increase in built form to increase overshadowing at some stage over a day. The issue is whether the degree of overshadowing is reasonable. The Appellants (at No 12) constructed a similar extension the overshadowing impact would be the same. According to the shadow study (attached to the submission) the windows at the rear of No 12 Merlyn Road will continue to receive sunlight in excess of the minimum standards in BRE Guidelines and there will be no undue adverse impact on sunlight access to the rear garden of that property.
- The omission by condition of the upper floor bathroom over the side passage is overly harsh. It is four metres from the first floor of No 8 and has a small

window and no shadow impact. It is reasonable that the condition be omitted.

- It would be unreasonable for a condition to be included, as sought in the appeal, prohibiting exempt development in the back garden.
- The proposed development is consistent with the character of the street, not injurious to residential amenity and consistent with the development management policies of the planning authority.

6.5. Further Submission Select Vestry of St Bartholomew's Church and Andrew McCloskey of No 12 Merlin Road and Derek and Tara Merry of No 8 Merlin Road. (Appellant 1)

- A further submission was received from, Auveen Byrne Associates on behalf of the appellants on 14th February, 2017. Attached are observations prepared by BPG3 on the sunlight and daylight analysis submitted by the applicant. According to the submission:
 - It is not open to the applicant, (through the agent in the response to the appeals) to appeal the conditions attached to the planning authority decision. A separate appeal should have been submitted.
 - The argument in the appeal as to the homogeneity in the original architectural expression, lack of later significant modifications, lack of justification for alterations to the fenestration and finishes, absence of precedent for breach of building line, scale, height and relationship to the existing dwelling and proximity to the site boundaries are reiterated.
 - The conclusions reached in the sunlight and daylight study included with the applicant's submission are rejected and contention in the appeal as to material adverse impact on sunlight and daylight at the ground floor living room of No 12 is defended and reiterated in the attached observations prepared by BPG3. It is contended that the methodology and level of detail is deficient.

- A conservative approach, as prescribed in para 16.2.2.3 of the Development Plan and Appendix 17 of the development plan is advocated.

6.6. Further Submission of Peter Murphy and Siobhan Van Eesbech, 3 Merlin Road. (Appellant 2)

- 6.6.1. A submission was received from the appellants on their own behalf on 13th February, 2017 in which the original case made in the appeal is confirmed and the case made in the response to the appeals is rejected. The appeal grounds are reiterated and it is submitted that there is no justification for the proposed development in the applicant's submission particularly by way of the zoning objective for gross development: the scale, size and extent of the proposed development, the design and materials, breach of the front building line which it is contended is incompatible with the existing built environment and the residential amenities of the area. It is also submitted that insensitive internal interventions are also proposed.

7.0 Assessment

- 7.1. There issues considered central to the two appeals and to the determination of a decision are that of

Impact on established architectural character and pattern of development in the area. (Footprint, Scale, form, height, design features and finishes and Velux window),

Impact on residential amenities of adjoining properties. (Footprint, scale, mass and height)

Nature of Use

Exempt Development entitlements.

Widening of front entrance.

Appropriate Assessment.

The impact on the architectural character and pattern of development in the area and on residential amenities of adjoining properties are considered in respect of each proposed extensions below followed by the other matters identified above.

7.2. Impact on established architectural character and pattern of development in the area and residential amenities of adjoining properties.

7.2.1. There is a very distinctive form and architectural expression to the residential area of Merlyn Road and Drive and Merlin Park on the north east side of Merrion Road to the north of Ailesbury Road. Even though there are no statutory designations as an architectural conservation area (ACA) or protected structures, sensitivity to the homogeneity in the house design and features and to distinctive streetscape formed by these houses is essential in considering future infill developments, extensions and refurbishments. Development that has taken place to date in the area has successfully allowed for the retention of the clearly recognisable distinctive characteristics of the streetscape and the houses within while accommodating additional dwellings and the extensions sought by occupants to facilitate their modern day living requirements.

7.2.2. Extension to the front.

The footprint of the dwelling as proposed results a double step forward of the main building line taking into account the existing step forward which incorporates the existing porch/canopy being approximately two thirds of the width of the plot of the existing dwelling. The proposed additional step forward incorporating proposed bay window at ground level is a major departure from the original definitive front building line for the existing and adjoining dwelling in the semi-detached pair in which symmetry is a strong feature and along the street where the front building line is strongly defined.

7.2.3. The proposed front bay elevation, particularly the front elevation canopy and bay element fails to complement or integrate with the existing or adjoining dwelling. At this location there is minimal scope for variation to both ope size and fenestration

detail. This element of the proposed development is visually unacceptable and out of character with the existing and adjoining dwellings and the streetscape. This is due to the combined adverse impact of the step forward of the established building line, width to the side of the existing dwelling, (notwithstanding the pre-existing footprint for the garage), window size and glazing composition, and contemporary brick finish undermines the symmetry of the pair of semi-detached houses, especially the façade and roof profile. While the garages to the side feature and contribute to the streetscape character in their own right, there is no objection to a sensitively designed extended habitable space in replacement of the existing garage facilitating modern living requirements.

7.2.4. Given the foregoing the decision by the planning authority to reject to proposed front extension which it omitted by condition attached to the decision to grant permission is considered reasonable.

7.2.5. Side/Rear Extension – Adjacent to No 8.

The 900 mm width for the side passage adjacent to the side extension adjacent to No 8 Merlin Road is considered deficient given the proposed depth of the footprint of the adjoining side elevation which exceeds fourteen metres and over nine metres at first floor level which incorporates the bathroom overhang. To this end, the contention in the appeals as to a tunnel effect is reasonable. It is noted that the elevation on the boundary at No 8 Merlin is single storey only over the entire depth. This concern could be satisfactorily addressed by an increase to a minimum separation distance of 1.2 metres between the footprint and first floor level accommodation, (omitting the overhang for the bathroom). Omission of the front extension and any reductions in the depth of the rear extensions would also reduce the depth.

7.2.6. In addition to the concerns about the tunnel effect, is also considered that the proximity to the boundary of the bathroom at first floor level is unacceptable in that it reduces development potential at adjoining property and precludes scope for maintenance from within the property boundary. If the first floor level is setback to a 1.2 metre distance, a small bathroom could be fitted out within the reduced space

or alternatively the space could be extended into the landing and hot press space and opaque glazed fenestration in the side elevation.

7.2.7. In views from the street, there is no objection to the first floor rear side extension, with the overhanging bathroom element omitted and at a setback of 1.2 metres from the boundary inclusive of the materials and finishes selected subject to the modification discussed above. The setback from the existing front façade (with or without the proposed ground floor front extension omitted) would be approximately four metres.

7.2.8. The nine metre depth of this side extension at two storey level gives rise to adverse impact on the adjoining property by reason of the length and height of the elevation and proximity. It is considered that this concern can be addressed by omission of the overhang and the minor increase in separation distance from the boundary as recommended above in conjunction with some reduction in the depth at first floor level to the rear. It is recommended that the high level side elevation window be omitted in that it would give rise to perceptions of overlooking. Sufficient sunlight and daylight for the internal space can be provided from the south west facing rear elevation window.

7.2.9. Side and rear extension – adjacent to No 12.

As pointed out in the appeals, a two storey extension has been constructed at the rear of the detached house located to the other (north east) side of No 12 Merlin Road, the adjoining house with the appeal site property in the semi-detached pair. It is accepted that the proposed development in conjunction with the existing extension at No 14 would give rise to sense of enclosure at the rear of No 12 although it would continue to have the benefit of well configured and good sized south west facing rear garden. The combined effect of the at four metres depth and height to eaves of the first floor element beyond the rear building line of the existing dwellings is considered to be overbearing and obtrusive in impact and therefore would lead to diminution of the residential amenities of the adjoining property at No 12. The amenities of the internal accommodation at No 12 at ground floor level and the private open space immediately to the rear of the house would further be

diminished by obstruction of sunlight. To this end, the conclusions reached in study submitted with the appeal of Appellant 1 is persuasive. To this end, acceptance of the first floor rear extension subject to reduction in depth of one metre by condition provides for a reasonable balance in effectively mitigating adverse impact to the residential amenities of the properties to either side.

7.2.10. The rejection of the proposed balcony at the rear, although set behind the rear building line is also supported for reasons of protection of the residential amenities of the adjoining properties. The space allocated would be reduced almost in entirety by a one metre reduction in depth of the first floor rear extension. The internal space can be reconfigured so that the balcony area is incorporated into study office.

7.2.11. There is no objection to the proposed depth to the ground floor dining extension given the size of the rear garden. However, a reduction in depth of 1.5 metres. (as required by condition attached to the planning authority decision) is supported because a seven metre depth adjacent to the common boundary contributes to enclosure of the adjoining property and some diminution in access to sunlight at the rear of the house from the south west the perception of which is potentially greater due to sense of enclosure.

7.2.12. Velux Roof-light.

The square shaped roof light proposed for the front roof slope is considerable in size and subdivided and by itself a sizeable and visually dominant structure. The purpose of the roof-light appears to be to provide for daylight and sunlight to the entrance hall. It would appear that the roof-light would not be essential to provide natural light to the hall below should it be decided that the planning authority decision to omit front extension from the development be upheld. If erected on the roof slope of the dwelling it would be particularly obtrusive in views along Merlin Road in either direction detracting from the continuity, homogeneity and simplicity of the roof materials above the eaves along the streetscape. The objection of the appellant in this regard is supported. The roof light can be omitted by condition.

7.2.13. In view of the foregoing, it is concluded the planning authority decision to grant permission subject to modification by condition and some additional modifications would be appropriate.

7.3. Nature of Use.

- 7.3.1. According to the application, the applicants' intention is that ground floor would be suitable for all living accommodation needs apart from the upper floors if required a a future date whereas it is contended that future proposed use other than as a single dwelling unit may be intended. On review of the internal layout of the accommodation, it is considered sufficient, in the event that permission is granted, that a condition that limits the use to use a single dwelling unit be attached, for the purposes of clarity. To this end, no modifications to the internal layout or reconsideration of the proposed development are considered necessary.

7.4. Exempt Development Entitlements.

- 7.4.1. The argument that no further development in the rear garden should be permitted by way of exempt development in one of the submissions has been noted but it is not accepted that there is any justification for removal of entitlements provided for in respect of such development under Class 3, Part 1, Schedule 2 of the Planning and Development Regulations 2001- 2015.

7.5. Widening of the entrance to the front

- 7.5.1. There is no objection to the proposed widening of the entrance which is included in the application. The additional width can be accommodated without significant adverse impact on the continuity of the front boundary treatment along the street frontage.

7.6. Appropriate Assessment.

- 7.6.1. Having regard to the location of the proposed development which entails development extensions to an existing house in an established residential area it is considered that no appropriate assessment issues arise. 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.

8.0 Recommendation.

- 8.1. It is concluded that the decision to grant permission by the planning authority with the modifications required by condition attached to its decision should be upheld but that the additional requirements for a one metre setback at first floor level at the rear and an increased separation distance to 1.2 metres boundary with No 10 Merlin Road also be included by condition. It is therefore recommended that permission be granted on the basis of the draft reasons and considerations and conditions set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective Z1 "*Sustainable residential neighbourhoods*", with the objective, "*To protect, provide and improve residential amenities.*" to the policies, objectives and standards within Chapter 16 supplemented by Appendix 17 in the Dublin City Development Plan, 2016-2022, it is considered, subject to compliance with the conditions set out below, that the proposed development would not be seriously injurious to the visual amenities and the established architectural character and pattern of residential development constructed along Merlin Road and Drive or to the residential amenities of the adjoining properties. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 following modifications shall be made to the proposed development:
 - (A) The front extension at ground floor level shall be omitted in entirety.
 - (B) The velux window in the front roof slope shall be omitted in entirety.
 - (C) The separation distance from the boundary with No 8 Merlin Road shall be increased to a minimum of 1.2 metres at ground and first floor level. The first floor overhang of the passage space adjacent to the boundary with No 8 Merlin Road shall be omitted. An opaque glazed fitted side elevation window may be provided for the first floor bathroom.
 - (D) The upper floor rear extension including the glazed roof canopy shall be reduced in depth by one metre. The balcony space shall be incorporated into the internal study office space.
 - (E) The ground floor rear extension shall be confined to maximum depth of 5.5 metres beyond the rear building line of the existing house.

Prior to the commencement of the development, the applicant shall submit and agree revised ground and first floor plan, section and elevation drawings with the planning authority.

Reason: In the interest of the protection of the visual amenities and established architectural character of development on Merlin Road and in the interests of the protection of the residential amenities of adjoining properties.

3. The development shall be occupied as a single dwelling unit only.

Reason: in the interest of clarity and residential amenity.

4. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

5. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. 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

Jane Dennehy
Senior Planning Inspector
6th March, 2017.