



An  
Bord  
Pleanála

## Inspector's Report PL06D.248429

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<b>Development</b>	Change of use of Protected Structure from office to residential use, demolition of extension and construction of new extension & 2 no. townhouses.
<b>Location</b>	Mountainview House, Beaumont Avenue, Churchtown, Dublin 14.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown Co. Council
<b>Planning Authority Reg. Ref.</b>	D16A/0783
<b>Applicant</b>	Mountainview Properties Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	(1) Samantha Kelly & Keith Bradley (2) Mountainview Properties Limited
<b>Observers</b>	Irish Georgian Society
<b>Date of Site Inspection</b>	2 <sup>nd</sup> of August 2017

**Inspector**

Siobhan Carroll

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located at Beaumont Avenue, Churchtown, Dublin 14. It lies on the western side of the Beaumont Avenue which links Churchtown Road and Barton Road East. Beaumont Avenue is predominantly residential. The house types mainly comprise single-storey detached cottages.
- 1.2. The site has a stated area of 0.10 hectares and contains Mountain View House which is a Protected Structure. Mountainview House is a detached two/three-storey Georgian property. The front elevation addresses the north and the eastern gable wall of the property directly adjoins the public road. The property has been extended with a glass conservatory located to the southern elevation. The building is currently in commercial use as an Architect's office.
- 1.3. Also within the site there are a number of outbuildings and sheds to the west of the house. The area to the front and rear of Mountainview House is hardsurfaced with concrete. There is a small grassed area to the north-western corner of the site. The main vehicular access to Mountain View House is located on the northern boundary. There is a second gated entrance to the south of the house.
- 1.4. The northern site boundary adjoins a block of three dormer bungalow dwellings. The southern boundary adjoins a detached single storey cottage. Nutgrove Enterprise Park is situated immediately to the west of the site.

## **2.0 Proposed Development**

- 2.1. Change of use of Protected Structure from office to residential use, demolition of extension and construction of new extension & 2 no. townhouses.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 18 no. conditions.

### 3.2. **Planning Authority Reports**

- 3.2.1. Planning Reports – Following the submission of further information regarding the proposed vehicular access and details of proposed external finishes and clarification of further information in relation to design of the proposed vehicular access, the Planning Authority were satisfied with the details provided and it was considered that the proposed development was acceptable.
- 3.2.2. Other Technical Reports
- 3.2.3. Conservation Officer – No objections.
- 3.2.4. Transportation Section report of 23/3/17 – No objections subject to conditions.
- 3.2.5. Drainage Planning Section – No objections subject to conditions.

### 3.3. **External Reports**

- 3.3.1. Irish Water – No objections subject to conditions.

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received two submissions/observations in relation to the proposed development. The main issues raised are similar to those set out in the third party appeal and observations on the appeal.

## 4.0 **Planning History**

- 4.1.1. There is a comprehensive planning history on the site which is detailed in the Planner's report. The most recent cases which relate to the subject site are;
- 4.1.2. Reg. Ref. D15A/0374 & PL06D.245829 – Permission was granted by the Planning Authority and refused on appeal for the demolition of extension to rear of Mountainview House (Protected Structure), alterations and renovations to house and removal of outbuildings and construction of 3 no. houses. Permission was refused for the following reason;

*Having regard to its scale, extent, materials/finishes and location within the curtilage of a protected structure, it is considered that the proposed development would constitute the overdevelopment of a restricted site, and*

*would have a detrimental and irreversible impact on the character and setting of Mountainview House. The demolition of the boundary walls and of the walls bounding the front curtilage of the house, the removal and replacement of the existing entrance, the removal of landscaping, and the incorporation of the front curtilage into a car park, would result in the removal of the features that frame the setting of the protected structure and that contribute significantly to its character, and would, by the nature and intensity of its proposed uses serving four houses, seriously detract from the visual amenity of the front curtilage and of Mountainview House. The proposed development would, therefore, be contrary to the provisions of the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht (2011) and would be contrary to the proper planning and sustainable development of the area.*

- 4.1.3. Reg. Ref. D14A/0445 – Permission was granted for the demolition of derelict outbuildings.

## **5.0 Policy Context**

### **5.1. Development Plan**

The subject site at Mountainview House, Beaumont Avenue, Churchtown, Dublin 14, is located on Map 1 of the Dún Laoghaire Rathdown Development Plan 2016-2022 and is identified as being Zoned Objective A ‘to protect and/or improve residential amenity’.

- Mountain View House is a Protected Structure (RPS No. 1007)
- Policy AR 1 refers to Protected Structure

It is Council policy to Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

- Section 8.2.3.4 (vii) refers to infill development

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the

area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

## 5.2. **Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011**

- Section 13.8 refers to Development affecting the Setting of a Protected Structure or an Architectural Conservation Area.

## 5.3. **Natural Heritage Designations**

- 5.3.1. Dublin Bay SAC is 4.6km to the east of the appeal site.
- 5.3.2. South Dublin Bay and River Tolka SPA is 4.6km to the east of the appeal site.
- 5.3.3. Rockabill to Dalkey Island SAC is 11km to the east of the appeal site.
- 5.3.4. Dalkey Island SPA is 10km to the east of the appeal site.
- 5.3.5. Wicklow Mountains SAC is 6.2km to the south.
- 5.3.6. Wicklow Mountains SPA is 6.4km to the south.

## 6.0 **The Appeals**

### 6.1. **Grounds of Appeal**

A third party appeal was submitted by Samantha Kelly & Keith Bradley on the 3<sup>rd</sup> of May 2017. The main issues raised concern the following;

- The third party appellants raised concern at the impact the proposed development would have on their residential amenity in terms of overlooking and loss of privacy. The condition attached by the Planning Authority requiring frosted/opaque glazing to the upper floor windows does not mitigate the presence of the large buildings.
- The proposed development is out of character with the surrounding development in terms of design and building height.
- It is considered that inadequate car parking has been proposed to serve the two townhouses. 4 no. spaces are proposed which is considered insufficient. No provision has been made from spaces to serve persons who have

impaired mobility. Two garages are proposed, however the parking area is narrow and the western garage appears narrow also with insufficient area for turning manoeuvres.

- It is stated that the adjoining road is and would be used as an overspill parking area and therefore would reduce visibility for motorists exiting the properties. The appellants refer to the difficulties they experience in accessing and exiting their driveway. The intensification of use at Mountainview House would result in additional vehicles parking outside the development which would cause congestion and restrict access.
- The appellants highlight the lack of a footpath along the western side of Beaumont Avenue and that vehicles park on the footpath along the eastern side of the road which impact pedestrian safety.
- The traffic survey is noted, the appellants consider that it should have been carried out at rush hour. They also disagree with the suggestion that the traffic likely to be generated by the two houses would be less than that generated by the staff and visitors to Mountainview House.
- The proposed design of the two new dwellings is not considered appropriate for the site in terms of the form and massing of the buildings. The proposed dwellings would appear overly dominant and detract from the character of the Protected Structure. The proposed design and finishes of the dwellings is considered out of character. It is contended that the design is overly modern and would not harmonise with the existing finishes of Mountainview House.
- The loss of mature trees and the reduction in the curtilage of the Protected Structure are of concern.
- The appellants have concerns regarding proposed alterations to the boundary wall which is part of the Protected Structure.
- It is considered that the proposed scheme does not provide appropriate access for emergency service vehicles.
- The appellants request that the Board refuse permission for the reasons set out in their appeal.

## **Applicant Response**

A response to the third party appeal was received from Manahan Planners on behalf of the applicant Mountainview Properties Limited on the 2<sup>nd</sup> of June 2017. The main issues raised concern the following;

- Under the previous application Reg. Ref. D15A/0374 permission was sought to change the use of the House from office to residential use and to construct three houses. The Planning Authority in that case sought further information to address the matter of overlooking.
- Amendments were made to the design of the scheme to provide angled windows and were deemed acceptable by the Planning Officer.
- The Conservation Officer accepted the principle of the development and was satisfied with the separation distance provided between the new and old buildings.
- In relation to the current proposal the applicant seeks to change the use of the house from an architect's office to its original residential use. It is proposed to use the existing vehicular access which will be unaltered.
- The area to the front of the Protected Structure will be kept as a front garden in line with the Direction of the Board. The existing gate and front walls will be retained. The driveway has an area of 75sq m and a front lawn of 63sq m and a side garden of 30.5sq m will serve the dwelling. A rear garden of 30.5sq m is also proposed.
- The current proposal would involve the construction of 2 no. dwellings within the grounds a reduction from the previously proposed 3 no. dwellings. The dwellings will be constructed at a lower level than the Protected Structure and the upper floor windows are designed to ensure no overlooking to the northern and southern properties.
- The proposed vehicular access is proposed from the existing southern entrance which is in line with the Direction from the Board. Two car parking spaces are proposed for each dwelling with space for visitor parking to the



front. Mountainview House will have a rear garden and a front garden. It is considered that the proposed large front garden will retain an appropriate setting for the Protected Structure.

- The third party appeal refers to the appropriate residential development of the site in a manner which is in keeping with the overall character of the road. The first party state that the development of single storey units is not a realistic option in this urban context where planning policy seeks to densify the city.
- The first party disagree with the assertion of the third party appellants that the current proposal is similar in all material respects to the scheme which was previously refused permission. The number of houses has been reduced and the front garden of Mountainview House is maintained and enhanced.
- The third party appellants refer to inadequate car parking. The proposed car parking is in accordance with the Development Plan requirements.
- The matter of the height and massing of the proposed development is also raised. The two dwellings are set back from Beaumont Avenue and therefore will have very little visual impact. Regarding the proposed contemporary design of the dwellings, it is generally accepted in planning practice that a contemporary building should be of its time and not seek to copy other designs of previous eras.
- The third party appellants refer to the difficulties they have encountered with their vehicles accessing and exiting their property. It is considered this is a matter from them and should not be considered a matter to prohibit the development of the subject site.
- In relation to the traffic survey carried out on behalf of the applicant, the third party appellants consider it was carried out during an off peak time and they state that it should have been carried out during rush hour. They also stated that the office entrance is rarely used. The first party do not accept this.
- The loss of trees is raised in the third party appeal. It is acknowledged that the development will result in the loss of some trees, however it is proposed to replace those that are lost.

- Regarding the boundary wall, the boundary wall along the northern section of the site will be retained. There will be minimal alterations to the wall to the south of Mountainview House.
- Reference is made in the third party appeal to inappropriate accessibility for emergency service vehicles. It is confirmed that the proposed vehicular access arrangements ensure that there will be no difficulty for emergency service vehicles to access the two dwellings or Mountainview House.

## 6.2. First Party Appeal

A first party appeal was submitted by Manahan Planners on behalf of on behalf of the applicant Mountainview Properties Limited on the 4<sup>th</sup> of May 2017. The main issues raised concern the following;

- The first party appeal is made against condition no. 2 of the permission granted under Reg. Ref. D16A/0783 which states,
 

*“The four front/south elevation bedroom windows at first and second floor levels of the two proposed dwellings shall be fitted with obscure glazing. The four first floor terraces (two to the front/south and two to the rear/north) shall be fitted with obscure glazing to a height of 1.8m. This glazing shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.*

*Reason: In the interest of residential amenity of adjoining properties.”*
- It is contended that the condition is unreasonable and superfluous. The Architects of the scheme have designed it to ensure that there will be no unacceptable overlooking of adjoining properties from bedroom windows. The requirement to fitted opaque glazing is excessive and unnecessary.
- The applicant has been advised by Estate Agents that the condition would render the dwellings unsellable. A letter submitted from Herman White Estates advises that the required opaque glazing to the bedroom windows would greatly diminish the value of the houses and would create a very uncomfortable and unpleasant living space.

- A feature of particularly suburban living is that there is a degree of overlooking of neighbouring gardens.
- It is considered that the architectural design of the scheme will prevent overlooking from the bedrooms.
- Condition no. 7 of the permission requires bathrooms and en-suites to have obscure glazing. This is also considered excessive and unnecessary however the applicant is willing to accept the condition in this circumstance.

### 6.3. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they have no further comments regarding the proposed development and subject appeal.

### 6.4. Observations

An observation to the appeals was submitted by the Irish Georgian Society on the 22<sup>nd</sup> of May 2017. The main issues raised concern the following;

- Under Reg. Ref. D15A/0374 & PL06D.245829 the Board refused permission for a similar application on the site.
- It is considered that the proposed development is similar in all respects to the scheme which was refused permission in terms of the design, materials and proposed finishes to the dwellings, the extent of development and the extend of the curtilage of Mountainview House which would serve the dwellings.
- Under the previous proposal it would have removed curtilage to the front of the dwelling to facilitate access to the dwellings. The current proposal would sever the curtilage to the rear.
- While the current application proposed two dwellings and the previous proposed three, the scale and extent of development proposed is greater that what was refused.

- It is considered that the proposed development involving development within the rear garden of the Georgian property would adversely impact upon character and setting of the Protected Structure.
- It is considered that the design of the dwellings does not integrate with the design and character of the Georgian property. The proposed development would result in a significant and material change to Mountainview House. The proposed scheme is considered excessive in scale, bulk and height and therefore it would negatively impact upon the architectural heritage.

### 6.5. Further Responses

A further submission was received from Samantha Kelly & Keith Bradley on the 30<sup>th</sup> of May 2017 in response to the first party appeal. The main issues raised are as follows;

- They are of the opinion that condition no. 2 is necessary.
- They consider that the bedrooms are primarily occupied at night and therefore the curtains would be closed and therefore obscure glazing to the windows would be immaterial.
- The first party submission stated that condition no. 2 would create an uncomfortable and unpleasant living space. However, in the absence of the condition the third party appellants consider that their residential amenity would be detrimentally impacted.
- The first party state that condition no. 2 would make the sale of the properties difficult. However, the third party appellants contend that in the absence of condition no. 2 it would impact the saleability of their property.
- The third party appellants request that the Board consider the full extent of the appeals and the Observation from the Georgian Society of Ireland and overturn the decision of the Planning Authority.

## 7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Design and layout
- Impact of the Proposed scheme on Mountainview House Protected Structure
- Impact upon amenity
- Traffic and car parking
- Appropriate Assessment

### 7.1. Design and layout

7.1.1. The proposed scheme provides for the demolition of the existing outbuildings and construction of 2 no. semi-detached dwellings. It is also proposed to demolish the rear extension to Mountainview House and construct a new extension and refurbish the property.

7.1.2. In relation to the 2 no. dwellings it is proposed to site them 2.4m to the west of Mountainview House. The dwellings are three storey and are proposed to be built circa 1.387m below the finished floor level of Mountainview House. The proposed scheme is contemporary in design it includes a rendered external finish, flat roofs, and narrow fixed angled windows and the use of obscure glazing fitted with aluminium fins. In relation to the proposed contemporary design of the dwellings, I consider it is acceptable as it differentiates the new development from the existing Protected Structure on site. Furthermore, I note that there is a variety of design styles in the surrounding area. Having regard to the design and siting of the proposed dwellings which includes their flat roofs being below the roof ridge of Mountainview House by 2.8m and their set back from the public road and the I am satisfied that they will integrate into the site and surrounding streetscape.

7.1.3. Section 8.2.8.4 of the Development Plan sets out the standards for private open space. The submitted plans indicated that all dwellings would have four bedrooms. In the case of four bedroom houses a minimum of 75sq m is required under the Development Plan provisions. The area of garden proposed to serve Mountainview House is 63sq m to the front with 30.5sq m to the rear. The new dwellings are served by rear gardens with an area of over 70sq m and two terraces at first floor with a total area of 11sq m. Having reviewed the site layout plans, I am satisfied that the areas of the gardens and terraces have been provided in accordance with the required standards set out in 8.2.8.4 of the County Plan.

## 7.2. Impact of the Proposed scheme on Mountainview House Protected Structure

- 7.2.1. Mountainview House is a Protected Structure (RPS No. 1007). The property was constructed in the late Georgian period. The exterior of the building appears to be well maintained with the original design features substantially retained. The main alteration to the structure was the construction of a glass conservatory located to the southern elevation. The building is a prominent within the streetscape as the gable wall directly adjoins the public road.
- 7.2.2. As indicated on Map no. 1 of the Dún Laoghaire Rathdown Development Plan 2016-2022 the house is a Protected Structure while the outbuildings on site to the west of the house are not protected. The extent of the appeal site i.e. 0.10 hectares represents the present curtilage of Mountainview House. The current proposal differs from the scheme previously refused by the Board under Reg. Ref. D15A/0374 & PL06D.245829 particularly in relation to the use of the area to the front of Mountainview House. The Board in the Direction issued with the refusal advised that they might be minded to give consideration to proposals that would retain the front curtilage of the house intact, to serve the Protected Structure only.
- 7.2.3. Under the previous application the area to the front of Mountainview House was proposed for access and parking to serve the scheme. Under the current proposal the front curtilage of the house would be kept intact to serve the property. The proposed site layout indicates that a grassed and landscaped garden would be provide with the existing northern vehicular entrance proposed solely to serve Mountainview House. I consider that the currently proposed scheme addresses the Board's concerns regarding the retention of the front curtilage of the house. A

ground floor extension is proposed to the rear of Mountainview House to accommodate a kitchen. This will replace the existing conservatory which it is proposed to demolish. The conservatory is a later addition to the property and I consider these proposals will not impact upon the character of the Protected Structure.

- 7.2.4. It is proposed to demolish the outbuildings on site to the west of Mountainview House. They are not Protected Structures and are not of particular historic or architectural interest. It is proposed to construct two semi-detached dwellings roughly within the footprint of those buildings. I would have no objection in principle to the proposed development provided it would not unduly impact upon the character or setting of the Protected Structure.
- 7.2.5. Having inspected the site and reviewed the proposed elevations I am of the opinion that the proposed new development has been designed having specific regard to protecting the character and context of Mountainview House. Having regard to the fact that the proposed new development occupies roughly the footprint of the existing outbuildings and that the proposed flat roof design and a finished floor level 1.5m below that of Mountainview House ensures that the new dwellings appear visually subordinate to the Protected Structure.
- 7.2.6. Accordingly, having regard to the overall design of the scheme I am satisfied that it can be appropriately integrated into the site and that it would fully respect the character and context of Mountainview House.

### 7.3. Impact upon amenity

- 7.3.1. The third party appellants have raised concern regarding overlooking of their property to the north of the site. The first party have appealed condition no. 2 which states,

*2. The four front/south elevation bedroom windows at first and second floor levels of the two proposed dwellings shall be fitted with obscure glazing. The four first floor terraces (two to the front/south and two to the rear/north) shall be fitted with obscure glazing to a height of 1.8m. This glazing shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.*

*Reason: In the interest of residential amenity of adjoining properties.”*

- 7.3.2. Firstly, in relation to the rear (north facing) elevation, I note that while the proposed dwellings are three-storey the level of the ground floor would be circa 1300mm below the ground level of Mountainview House. Therefore, the buildings would appear two-storey when viewed from the appellant's property to the north.
- 7.3.3. The proposed first floor windows to the rear elevation serve an en-suite bathroom. The windows proposed to the family bathrooms are east and west facing and would address the wall of the proposed terraces. Therefore, I am satisfied that there would be no undue overlooking from this floor level. In relation to the proposed rear terraces, condition no. 2 as attached by the Planning Authority required that *'the four first floor terraces (two to the front/south and two to the rear/north) shall be fitted with obscure glazing to a height of 1.8m.'* Having regard to the separation distance of between 7.5m between the proposed rear terraces and the appellant's boundary I consider the attachment of this requirement by condition is appropriate.
- 7.3.4. At second floor level there are 2 no. north facing bedroom windows. One at each dwelling. The windows are inset from the main building line and would be located between 10m and 11.5m from the appellant's boundary. Given that there are no opposing upper floor windows, I consider this is a satisfactory separation distance and therefore will not result in any due overlooking of the appellant's property.
- 7.3.5. Condition no. 2 attached by the Planning Authority required that the 4 no. bedroom windows to the front (south facing) elevation at first and second floor levels be fitted with obscure glazing. The closest residential property to the south no. 84 Beaumont Avenue is located 8m from the front of the dwellings. The proposed front elevation of the dwellings is illustrated on Drawing No: 1505-L(-)103A submitted with the further information. This drawing indicates that it is proposed to prevent overlooking at first and second floor levels with the use of an aluminium fins and opaque glazing. Having regard to the limited separation distance, I consider that it is appropriate that opaque glazing and fins are provided to these windows to protect the residential amenities of the neighbouring dwelling to south. Accordingly, should the Board decide to grant permission I would recommend the attachment of a similarly worded condition to condition no. 2 attached by the Planning Authority.



- 7.4. Traffic and car parking
- 7.4.1. The proposed scheme differs from that previously refused by the Board under Reg. Ref. D15A/0374 & PL06D.245829. Under that proposal the vehicular access to Mountainview House and the three proposed dwellings was via the existing entrance to the north of Mountainview House. It was also proposed to set back the roadside boundary wall to provide sightlines. In response to the refusal issued by the Board and the accompanying Direction which advised, *'the Board might be minded to give consideration to proposals that would retain the front curtilage of the house intact, to serve the Protected Structure only. The Board considers that the front entrance and gates, the boundary walls with the public road and the walls bounding the front curtilage of the site should be retained. The existing rear entrance would be acceptable to serve a reduced scale of development that would be adequately served with bin storage, bicycle parking, and suitably-sized car park spaces.'* the applicants have addressed these issues in terms of the current access proposals.
- 7.4.2. It is proposed to retain the vehicular entrance serving Mountainview House including the retention of the boundary walls with the public road. It is proposed to use the existing rear entrance to serve the 2 no. new dwellings.
- 7.4.3. Table 8.2.3 of the Dun Laoghaire-Rathdown Development Plan 2016-2022 refers to Residential land use car parking standards. It is required under the Development plan that for a two bedroomed dwelling that a minimum of 1 no. car parking space be provided and for a three bedroom or larger dwelling a minimum of 2 no. car parking space be provided. The proposed dwellings contain 4 no. bedrooms. The proposed site layout indicates that 2 no. on-site car parking spaces, one to the front of each dwelling and a garage to the side therefore providing 2 no spaces per dwelling which is in accordance with development plan requirements.
- 7.4.4. A 4.88m wide access drive is proposed to serve the dwellings and I note that the hard surfaced area to the front of the dwelling has a width of 6.5m which will allow space for a vehicle to manoeuvre in and out of the site safely. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.
- 7.4.5. The site plan indicates two car parking spaces to the front of Mountainview House and a separate grassed area with path to the entrance. There is adequate space for

the 2 no. car parking spaces and for turning manoeuvre of vehicles in and out of the site safely.

7.4.6. In relation to the overall traffic generated by the change of use from office to residential in Mountainview House and the construction of two new dwellings, I am satisfied having regard to the details contain on file including the reports of the Transportation Planning Section and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.

#### 7.5. Appropriate Assessment

7.5.1. The appeal site is situated circa 4.6km to the south of the closest European sites South Dublin Bay and Tolka River Estuary SPA and South Dublin Bay SAC. Having regard to the nature and scale of the proposal, the nature of the receiving environment, namely a suburban and fully serviced location and the separation distance 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

## 8.0 Recommendation

8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and having regard to the pattern of development in the area, the layout of the scheme, and the planning history on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character and setting of Mountainview House a Protected Structure, would not seriously injure the amenities

of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 plans and particulars received by the planning authority on the 8th day of February, 2017, 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 windows on the front (southern) elevation serving the bedrooms at first and second floor levels shall be glazed with obscure glass. The first floor terraces to the front (southern) elevation and rear (northern) elevation shall be fitted with obscure glazing to a height of 1.8m.

Reason: To prevent overlooking of adjoining residential property.

3. 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. The new driveway/parking

areas shall be constructed in accordance recommendations of Sustainable Drainage Systems (SuDS) and to the satisfaction of the Planning Authority.

Reason: In the interest of public health.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 noise management measures and

off-site disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

Reason: In the interest of public safety and residential amenity.

7. A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Siobhan Carroll  
Planning Inspector

8<sup>th</sup> of August 2017