



An
Bord
Pleanála

Inspector's Report PL29N.248570

Development	Construction of two no. mews-type dwellings.
Location	Rear of No. 57 Howth Road, Clontarf, Dublin 3.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2470/17.
Applicant	Robert Mullins.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v. Refusal
Appellant	Robert Mullins.
Observers	None.
Date of Site Inspection	18 th July, 2017.
Inspector	Paul Caprani.

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1.0 Introduction

PL29N.248570 concerns a first party appeal against the decision of Dublin City Council to issue notification to refuse planning permission for the construction of two dwellings on Charlemont Lane to the rear of No. 57 Howth Road, Clontarf, Dublin 3. Dublin City Council in its single reason for refusal states that the proposal does not complement the character of the residential conservation area in terms of design and external finishes and would detract from the residential amenities of adjacent property in terms of overlooking, overshadowing and overbearing. The proposal is therefore deemed to be contrary to the provisions of the development plan.

2.0 Site Location and Description

- 2.1. No. 57 Howth Road accommodates a two-storey 19th century brick dwelling facing directly onto Howth Road. The subject site is located directly opposite Copeland Avenue along the Lower Howth Road approximately 350 metres north-east of its junction with the Clontarf Road. The existing building on site accommodates a number of residential flats with off-street surface parking within the curtilage of the front of the site. No. 57 forms part of a pair of semi-detached houses fronting onto the Howth Road. A small lane, Charlemont Lane runs along the north-eastern boundary of the site along lands to the rear of the site. An embankment separates Charlemont Lane from the DART suburban rail line further to the rear. The site itself comprises of a rectangular plot of land to the rear of No. 57. The plot of land has a depth of 27.6 metres and a width of 10.5 metres. The subject site is currently vacant. The northern portion of the site closest to the rear boundary of No. 57 is currently used for surface car parking. Large metal gates traverse the central section of the site cordoning off the car parking area from an area to the rear which is currently not in use. A small ESB substation is located along the rear boundary of the site.
- 2.2. Charlemont Lane which runs along the rear and north-eastern perimeter of the site is between 4 and 5 metres in length and accommodates one-way traffic in a north-easterly direction exiting onto the Howth Road adjacent to No. 57.

- 2.3. In terms of surrounding land uses the buildings fronting onto Howth Road in the vicinity of the site are exclusively residential some of which are single occupancy while other buildings have been converted into flats and apartments.
- 2.4. Along the rear of Charlemont Lane many of the dwellings accommodate lock-up sheds with access onto the Lane. Some of the sheds have been converted into garages and car repair outlets etc. Further to the south-west approximately 100 metres from the site a number of rear gardens have obtained planning permission for mews type dwellings along Charlemont Lane.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of 2 no. semi-detached mews type dwellings centrally within the site. The dwellings arise to a height of three storeys and accommodate living and dining room accommodation at ground floor level, two bedrooms at first floor level and an additional bedroom at second floor level together with a storage area to the front of the building at second floor level. In the case of both houses the proposed floor area is 129 square metres.
- 3.2. The structures rise to a ridge height of 8.836 metres. The dwellings are to face north-westwards towards the rear of No. 57. The separation distance between the front elevation of the proposed dwelling and the rear of No. 57 ranges from 21 metres to a maximum of 24.75 metres. Two staggered car parking spaces are to be provided to the front of the dwellinghouse. The boundary configuration to the front in order to accommodate two-off street car parking spaces results in the dwelling on the western side incorporating a significantly larger front garden than the adjoining dwelling to the east. (See drawing no. 16/313/06). The existing ESB substation to the rear of the site is to be retained and two small rear gardens are also provided which are 7 metres in length and just over 5 metres in width. Details of the elevational treatments are not set out in the drawings submitted. It appears however that the front elevation is to incorporate a brick finish at ground floor level with a lighter plaster render finish at first floor level and a velux windows within the slated roof pitch on the front elevation. The rear elevation is to incorporate a red brick type finish on the ground and first floor level with dormer type windows incorporated in the roof pitch serving the bedrooms at second floor level.

4.0 Planning Authority's Decision

4.1. Decision

Dublin City Council refused planning permission for the proposed development for a single reason which is set out below.

The proposed development is inconsistent with permitted mews development on Charlemont Lane (Plan Ref. 4421/07) would establish an undesirable building line for future mews development, does not complement the character of the residential conservation area in terms of design and external finishes and would detract from the residential amenities of adjacent property in terms of overlooking, overshadowing and overbearing. The proposed development would therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

4.2. Documentation Submitted with the Application

- 4.2.1. A covering letter submitted with the application indicates that the proposed plot ratio and site coverage complies with the requirements of the development plan. The report also contends that the building fully complies with floor areas, natural lighting requirement and open space requirements set out in the development plan.
- 4.2.2. Details of other examples of mezzanine development granted along Charlemont Lane the majority of which are three storeys are set out. It is also stated that there is no established building line for any of the developments that have been granted permission along Charlemont Lane.
- 4.2.3. Reference is also made to a large block of apartments to the immediate north-east of the site to the rear of Nos. 59 and 61 Howth Road which was granted permission by An Bord Pleanála. Finally, the covering letter sets out details of the character of the area and suggests that there is no coherent development strategy and suggests that the proposal fully accords with the existing character of the area.

4.3. **Assessment by Planning Authority**

- 4.3.1. A report from the Engineering Department Drainage Division states that there is no objection to this development subject to conditions.
- 4.3.2. A letter of objection from the resident of No. 53 Howth Road (two doors down) argues that the proposed development is of an unacceptable design, will impact on the privacy and amenity of adjoining neighbours and is out of character with the area.
- 4.3.3. An observation from Iarnrod Eireann Infrastructure Section sets out requirements for construction in close proximity to railway lines.
- 4.3.4. The planner's report sets out a description of the subject site, the relevant planning history and the planning policy context as it relates to the site.
- 4.3.5. In terms of appraisal the planner's report states that the proposal complies with the minimum floor areas set out in the development plan. In terms of natural lighting, ventilation and sunlight penetration it is stated that an assessment of overshadowing and sunlight penetration was not submitted. It is noted however that all habitable rooms are naturally ventilated and lit. Concern is also expressed that there is a shortfall in private open space provision and concern is expressed that the proposal will result in an overintensification of the site.
- 4.3.6. Having regard to the separation distances it is considered that the proposed development would cause undue overlooking of third party private open space. It is considered that the proposed development does not complement the character of Charlemont Lane. It is stated that permission was granted under Reg. Ref. 4421/07 which was subsequently extended and establishes a building line for seven mews dwellings fronting onto Charlemont Lane. There are concerns regarding the proposed building line of the subject site which is set back from the lane due to the ESB substation and this is inconsistent with the permission granted under Reg. Ref. 4421/07. Access and car parking is considered acceptable and it is noted that the Roads and Traffic Planning Division have no objection to the development subject to conditions (the Board will note that this report does not appear on file).

4.3.7. In conclusion therefore it is considered that the proposed development would be unacceptable and Dublin City Council refused planning permission for the single reason set out above.

4.4.

4.4.1. One appeal file is attached.

4.4.2. Under PL29N.228190 (Reg. Ref. 4421/07) the Board upheld the decision of Dublin City Council to grant planning permission for the construction of seven houses to the rear of existing houses on Charlemont Lane approximately 100 metres to the south-west of the subject site near the junction of Charlemont Lane on Clontarf Road.

4.4.3. Under Reg. Ref. 3743/16 Dublin City Council refused planning permission for 2 three-storey three-bedroom semi-detached dwellings together with two vehicular entrances onto Charlemont Lane on the subject site.

5.0 **Grounds of Appeal**

5.1. The decision of Dublin City Council to issue notification to refuse planning permission was the subject of a first party appeal on behalf of the applicants by KDA (Killiney Design Associates).

5.2. The grounds of appeal make reference to the planning history associated with the site and the fact that planning permission was refused for a similar development under Reg. Ref. 3743/16. The first section of the appeal specifically refutes the contents of the planning report in respect of the previous application on site.

5.3. The second party of the appeal specifically relates to the current application before the Board. It is stated that on foot of the previous refusal a number of modifications were made in respect of the current application made to Dublin City Council (Application 2470/17).

5.4. It is argued that the current application represents active land management and it is argued that it complements the characteristics of the area more so than previously granted planning permissions in the wider area. The proposal complies with development standards in relation to floor area aspect, natural lighting and

ventilation. The proposal would constitute a more unified framework than some of those which have been granted in the wider area.

- 5.5. With regard to minimum floor requirements it is stated that the proposal adheres to and in many cases exceeds the minimum requirements set out in the development plan. This is confirmed in the planner's report.
- 5.6. It is considered that an overshadowing analysis is not required on the grounds that to the north of this site permission has been granted for four floors of accommodation with car parking in the form of 34 apartments. The height of the development is 8.8 metres which is lower than the block proposed to the north. It is suggested that the production of a daylight/sunlight assessment will not be warranted in this instance. In terms of open space provision it is argued that 50 square metres of open space would be required to serve five bedrooms. The grounds of appeal point out that only five bedspaces are proposed in this instance and not six as stated in the planner's report as the bedroom at second floor level is a single bedroom only. The amount of private open space that would be attached to the main residence will be accommodated when the existing garage is removed and the space will then revert back to private open space that will meet the needs of the parent block. The appellants have no objection to a condition being included to reflect this.
- 5.7. Details of mews developments along Charlemont Lane are set out and it is concluded from the assessment that there is very little consistency in terms of providing a building line. It is also stated that there is no consistency in the attempt to retain the character of the conservation area.
- 5.8. In conclusion therefore it is stated that the proposal complies with development plan standards and will contribute to the character of Charlemont Lane and therefore should be granted planning permission.

6.0 Appeal Responses

- 6.1. A response submitted by Dublin City Council states that the Council has no further comment to make and considers that the planner's report on file adequately deals with the proposal.

7.0 Development Plan Provision

- 7.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022.
- 7.2. The zoning objective relating to the site is land use zoning objective Z2 “to protect and/or improve the amenities of residential conservation areas”. The house in question is not a protected structure.
- 7.3. Chapter 5 of the development plan specifically relates to housing. Policy QH5 seeks to promote residential development addressing any shortfall in housing provision to active land management and a coordinated planned approach to developing appropriately zoned land at key locations including regeneration areas, vacant sites and underutilised sites.
- 7.4. In terms of conservation areas Dublin City Council seek to ensure the development proposals within all architectural conservation areas and conservation areas complement the character of the area and comply with development standards.
- 7.5. Specific policies in relation to mews dwellings are set out below.
 - (a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.
 - (b) Development will generally be confined to two-storey buildings. In certain circumstances three-storey mews developments incorporating apartments will be acceptable where the proposed mews is subordinate in height and scale to the main building and where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for resulting traffic conditions and where the apartment units are a sufficient size to provide a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.
 - (c) Mews buildings may be permitted in the form of terraces but flat blocks are not generally considered suitable in mews laneway locations.

- (d) New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposal would represent an innovative architectural response to the site and should be informed by the established building lines and plot width.
- (e) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible. All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One-off street car parking space should be provided for each mews building subject to conservation and access criteria.
- (f) New mews development should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. The provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.
- (g) The potential mews laneways must have a minimum carriageway of 4.8 metres in width and 5.5 metres where no verges or footprints are provided. All mews lanes will be considered to be shared surfaces and footpaths need not necessarily be provided.
- (h) In terms of private open space such space shall be provided to the rear of a mews building and shall be landscaped so as to provide a quality residential environment. The depth of the open space for the full width of the site will not generally be less than 7.5 metres unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5 metres standard is provided, the 10 square metre of private open space per bedspace standard may be relaxed.
- (i) If the main house is in multiple occupancy, the amount of private space remaining after the subdivision of the garden for mews development shall meet both the private open space requirements for multiple dwellings and for mews developments.

- (j) The distance between opposing windows of mews dwellings and the main house shall generally be a minimum of 22 metres. This requirement may be relaxed due to site constraints. In such cases innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space for both the main building and the mews dwelling.
- (k) Chapter 16 of the development plan sets out details of development standards. Standards are contained for minimum floor areas for dwellings, requirements for natural lighting and ventilation, private open space standards, safety and security and acoustic privacy. These standards will be referred to where relevant in my assessment below.

8.0 Planning Assessment

8.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the overall design of the proposed development and the Planning Authority's reason for refusal. I consider that the critical issues in determining the current application and appeal are as follows:

- Impact on the Character of the Residential Conservation Area
- Compliance with Development Plan Standards
- Impact on Residential Amenity
- The Appropriateness of the Building Line

8.2. Impact on the Character of the Residential Conservation Area

8.2.1. I have examined the appeal site and its surroundings and I note that the subject site is located in an area governed by the zoning objective Z2 which seeks to protect and/or improve the amenities of residential conservation areas. It is therefore important that the Board in assessing the current application and appeal have particular regard to the potential impact arising from the proposed development on the architectural and visual character of the area.

8.2.2. The first point in relation to this issue is that there is little discernible defined character associated with this section of Howth Road. While the area is characterised by a mature residential environment there is no distinctive uniformity in

terms of building height, design and finishes. The area could not be compared with the more historic Georgian area or more uniformed Victorian terraced streetscape associated with other parts of Dublin Inner City. While this section of the Lower Howth Road accommodates buildings of a similar age and layout. There is significant variation in the design of individual dwellings incorporating different finishes and different features including projecting bay windows, different ridge heights, roof profiles and garden lengths. Thus the uniformity in style associated with other conservation areas and architectural conservation areas is not apparent to the same extent in the case of the Lower Howth Road. It is also worth noting that No. 57 is located almost directly opposite a petrol filling station on the Howth Road.

- 8.2.3. Furthermore, precedence has been set with the granting of recent development in the vicinity which would not reflect or mimic the character of the existing houses along Howth Road. Three-storey mews type developments incorporating velux windows etc., have been granted along Charlemont Lane to the south-west of the subject site. Furthermore, infill more suburban type development has been granted on an infill site to the immediate north of Charlemont Lane the layout of which is indicated in drawings submitted as an appendix with the grounds of appeal.
- 8.2.4. Finally, in relation to this issue the Board will note that the proposed development will be located to the rear of the existing building facing onto Howth Road and will not be readily discernible from any public vantage points along the road. The building will only be visible from vantage points along Charlemont Lane which incorporates very modest traffic levels and footfall volumes. Thus it can also be reasonably argued in my view that the development of the lands in question will generally improve the visual amenities of the area by transforming a vacant plot which is currently used for surface car parking into a residential development with appropriate associated landscaping and boundary treatment etc. Thus I do not consider that the proposed development will have any adverse material impact on the character of the residential conservation area. In fact, having regard to the existing plot it could be reasonably argued that the development of the lands in question would positively contribute to the residential conservation area.

8.3. Compliance with Development Plan Standards

- 8.3.1. Both the planner's report and the grounds of appeal illustrate that the proposed development comply with and in most cases exceed the minimum room standards set out in Chapter 16 of the development plan.
- 8.3.2. In relation to natural lighting, ventilation and sunlight penetration the planner's report notes that an assessment in accordance with "Site Planning for Daylight and Sunlight – A Good Practice Guide" was not submitted as part of the application. However, the applicant points out that the application complies with the development plan requirements relating to glazing being not less than 20% of the floor area of the room thus complying with the principles of site layout planning for daylight and sunlight.
- 8.3.3. Furthermore, the proposed building rises to a maximum height of 8.8 metres which is typical of building heights in the area and therefore would not be excessive in terms of size. The separation distances between the proposed buildings and surrounding structures are on the whole quite generous ranging from 17 to 20 metres. The subject site and surrounding sites are surrounded by high boundary walls over 2 metres in height. Having regard to the surrounding urban environment, the separation distances between the proposed structure and the existing structures and the overall modest height of the proposed structure, I do not consider that the proposed development would warrant a detailed daylight/sunlight assessment.
- 8.3.4. With regard to open space standards there is a requirement in the development plan that rear gardens be a minimum of 7.5 metres in length. The rear garden in this instance is 7.63 metres in length which is above "albeit marginally" the minimum standards specified. The overall size of the rear garden amounts to c.40 square metres. The development plan requires in general 10 square metres of private open space per bedspace. However, specifically in respect of mews developments the development plan states (page 339) "where the 7.5 metre standard is provided, the 10 square metres of private open space per bedspace standard may be relaxed". The plan therefore specifically allows dispensations in private open space provision in the case of mews developments. The Board will also note that open space provision is provided to the front of the dwellings in question and the open space provision in the case of the western dwelling is reasonably generous. I consider the

Board could therefore come to the conclusion that the open space provision in this instance is acceptable.

- 8.3.5. Where the Board considers that the open space provision is not acceptable rather than refusing planning permission on these grounds the Board may consider omitting the additional bedspace at second floor level thereby reducing the need for a second storey. This would also comply with the overall policies in the development plan which seeks to ensure that mews development will generally be confined to two-storey buildings.
- 8.3.6. However, on balance I would consider that the Board should consider maintaining the three-storey element having regard to the negligible impact the proposal has on existing residential amenities and the fact that precedent exists in the vicinity for similar three-storey mews type developments.
- 8.3.7. In respect of parking the planner's report notes that one off-street car parking space is provided for each dwelling which is considered to be acceptable. I would agree with this conclusion. The site's proximity to high quality public transport networks both along the DART line and the Howth Road Quality Bus Corridor together with its overall proximity to the town centre would reduce the need for car parking provision and as such one parking space per unit notwithstanding the number of bedspaces to be provided would be acceptable in my view.

8.4. Impact on Residential Amenity

- 8.4.1. The Planning Authority's decision makes reference in its decision that the proposed development will result in overshadowing, overlooking and will have an overbearing impact on adjoining residences.
- 8.4.2. I have already argued that the proposed development will result in modest levels of overshadowing having regard to the built-up nature of the existing environment, the height of the proposed development and the separation distances between the proposed building and existing buildings. The proposed dwellings will give rise to some levels of increased overshadowing particularly in respect of the adjoining gardens of No. 55 and to a lesser extent No. 53 Howth Road. However, the area most likely to be affected in terms of overshadowing is the yard area to the rear of No. 57 and the front gardens of the proposed mews dwellings themselves. Where overshadowing occurs to a material extent it will be on the whole confined to the

winter months where the use of a garden as an amenity is much reduced. Any increase in overshadowing must be balanced against the wider objectives set out in national guidelines and the development plan which seek to develop serviced brownfield sites which are currently put to little economic use at key locations close to high quality public transport routes.

8.4.3. In terms overlooking I am likewise satisfied that the proposed development will give rise to limited levels of overlooking. Both Nos. 55 and 57 Howth Road incorporate two-storey rear returns neither of which incorporate windows on the rear elevation at first floor level. Therefore, in the case of directly opposing windows a minimum of 24.7 metres can be achieved. This is in accordance with development plan standards which requires a minimum separation distance of 22 metres and is therefore acceptable in my view. The development plan also notes that in the case of mews development this requirement may be relaxed due to site constraints.

8.4.4. With regard to the overall design of the building including the external finishes I consider that the drawings submitted with the application fail to adequately detail the design and external finishes associated with the proposed structure. The drawings submitted of the front and rear elevation are somewhat generic and fail to explicitly indicate the materials to be used in the external cladding. Furthermore, the side elevations of the buildings are not indicated in the drawings submitted. The Board may wish to seek further details in this regard before determining the application. However, if the Board accept the principle of development on the subject site it is equally appropriate in my view that the Board would incorporate a condition explicitly requiring that all details in respect of external elevations and conditions be agreed in writing with the Planning Authority prior to the commencement of development. In relation to the side elevations I note that the side elevations comprise of blank gable walls and therefore external finishes in relation to same can be agreed in writing with the Planning Authority.

8.5. **The Appropriateness of the Building Line**

8.5.1. Dublin City Council's reasons for refusal states that the proposed development is inconsistent with permitted mews development on Charlemont Lane as it would establish an undesirable building line. In relation to the building line I would comment as follows: The building line as it relates to frontage onto the lane is to remain

unaltered in that the ESB substation is to be retained along the rear wall of the site thus the proposal will not involve a setback along Charlemont Lane.

- 8.5.2. Furthermore, the applicant has adequately demonstrated in my view that there is no uniformed building line along existing mews developments fronting onto Charlemont Lane. A staggered building line exists in respect of the mews developments further south-west of the subject site.
- 8.5.3. Lastly, the Board are requested to note that the nearest mews development to the south-west of the site is c.150 metres away. In my view such a separation distance allows an alternative building line to be incorporated into a development without in any way impacting on the overall building line associated with the mews developments to the rear.

9.0 Conclusions and Recommendation

Arising from my assessment above I consider that the development of two mews units on the subject site is acceptable in principle as it complies with the zoning objectives, does not adversely impact on the character of the area and will not have any material impact on surrounding residential amenity. The Board might consider omitting the top floor in order to comply with the statement in the development plan which generally requires mews developments to be two-storey. However, as the three-storey nature of the proposal will not significantly impact on surrounding residential amenity in terms overshadowing or overlooking etc., the three-storey nature of the development would in my view be acceptable. Further clarification however is required in relation to the overall design and external finishes. This issue in my view could be adequately addressed by way of condition. Therefore, arising from my assessment above I consider that the Board should overturn the decision of the Planning Authority and grant planning permission for the proposed development.

10.0 Decision

Grant planning permission in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the Z2 residential zoning objective associated with the site together with the nature and extent of the development proposed and the pattern of development in the area, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be generally 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.

12.0 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 further plans and particulars submitted on the 15th day of March 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 the 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. Full details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Details of the proposed car parking arrangements to the front of each of the dwellings shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity, traffic and pedestrian safety.

4. Details of all external boundaries shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. Details of the amount of private open space and the layout of the open space that will be attached to the main residence (No. 57) shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

6. All water closets, bathrooms and en-suite windows shall be fitted and permanently maintained with obscure glazing.

Reason: In the interest of residential amenity.

7. Any storage floorspace which does not comply with relevant building regulations in respect of habitable standards and floor to ceiling heights shall not be used for human habitation and shall only be used for storage purposes.

Reason: In the interest of orderly development.

8. 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 interests of visual and residential amenity.

9. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on the adjoining Charlemont Lane or Howth Road during the course of construction works. All loaded lorries and skips leaving an entering the site shall be covered with appropriate tarpaulin and this covering shall be tied down.

Reason: To protect the visual amenities of the area.

10. Any damage to surrounding public roads shall be made good to the satisfaction of the planning authority.

Reason: In the interest of public safety and orderly development.

11. Areas of private open space shall be level soiled, seeded and landscaped in accordance with a landscaping scheme which shall be the subject of written agreement with the planning authority. This work shall be completed.

Reason: In the interest of residential amenity.

12. Construction works shall only take place between the hours of 0800 hours to 1700 hours Monday to Friday and 0800 to 1400 on Saturday and not at all on Sunday or Bank Holidays. Work outside the above times shall only take place with the written agreement of the planning authority.

Reason: To safeguard the residential amenities of the surrounding area.

13. 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.

Paul Caprani,
Senior Planning Inspector.

11th September, 2017.