



An
Bord
Pleanála

Inspector's Report PL28.248806

Development

Retention of second floor rear extension of existing dwelling house, along with permission for alterations to existing second floor rear extension to new mansard-type roof, together with new dormer windows to existing dwelling house.

Location

No. 35 Douglas Street, Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

17/37367

Applicant(s)

Donal O'Riordan

Type of Application

Permission & Permission for Retention

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Marie Dillon

Observer(s)

None.

Date of Site Inspection

6th October, 2017

Inspector

Robert Speer

1.0 Site Location and Description

The proposed development site is located along the southern side of Douglas Street, approximately 200m south of George's Quay on the outer fringe of Cork City Centre, in a predominantly residential area interspersed with a variety of local services, including commercial / retail units, public houses, educational facilities and ecclesiastical services, which provides for a gradual transition between the City Centre to the north and the Central Suburbs further south. The immediate site surrounds are characterised by a terraced streetscape of two and three storey buildings whilst the lands to the rear (south) of the application site comprise a small area of parkland (Parkowen) although this is identified as 'St. John's Graveyard (disused)' in earlier OS mapping. It is of further relevance to note that the proposed development site is located within the 'South Parish Architectural Conservation Area'. The site itself has a stated site area of 0.004 hectares, is rectangular in shape, and is presently occupied by an asymmetrical two / two and a half storey (with attic conversion) mid-terrace two-bay dwelling house which would appear to form part of a pair with the adjacent dwelling to the immediate west (The adjoining dwelling house to the east of the application site is of a two-storey construction with a lower ridge height and a symmetrical elevation onto the streetscape). The chimney stack that formerly occupied a position at the easternmost end of the roof structure of the existing dwelling house has been removed whilst a box dormer / extension has been constructed to the rear of roof pitch.

2.0 Proposed Development

The proposed development involves the retention of a second floor extension (floor area: 21.7m²) to the rear of the existing dwelling house and the subsequent alteration of same through the replacement of the existing 'box'-dormer construction with a new mansard-type roof together with 2 No. new rear dormer windows. It is also proposed to replace the existing external cladding to the eastern elevation of the new extension with a plaster finish.

3.0 Planning Authority Decision

3.1. Decision

On 1st June, 2017 the Planning Authority issued a notification of a decision to grant permission & permission for retention of the proposed development subject to 8 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires all works to the roof and dormer area to be completed within two months of the date of the grant of permission.

Condition No. 3 – Requires the external finishes to match those of the existing dwelling house insofar as is practicable.

Condition No. 4 – Refers to drainage works.

Condition No. 5 – Refers to drainage works.

Condition No. 6 – Refers to surface water runoff.

Condition No. 7 – Refers to surface water runoff.

Condition No. 8 – Refers to the payment of a development contribution in the amount of €1,134.37.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

States that a box dormer extension has been constructed across the full extent of the roof area to the rear of No. 35 Douglas Street and that the subject application has been lodged in response to enforcement proceedings commenced by the Planning Authority. It is subsequently noted that it is proposed to alter the existing roof construction through the insertion of 2 No. rear dormer windows and the substitution of the existing timber cladding with a slate roof and smooth plastered walls. The report proceeds to state that the proposed dormer windows will reduce the overall bulk of the proposed extension and that the amended external finishes will be more in keeping with the existing dwelling house and adjoining properties. The report then

concludes by stating that the proposed alterations will be visually acceptable before recommending a grant of permission & permission for retention subject to conditions.

3.2.2. Other Technical Reports:

Drainage: No objection, subject to conditions.

Roads Design: No objection, subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

A single submission was received from the appellant and the contents of same are reiterated in the grounds of appeal.

4.0 **Planning History**

On Site:

PA Ref. No. 1637241. Application by Donal O'Riordan for retention planning permission for as built dwelling house at No. 35 Douglas Street, Cork. This application was withdrawn.

5.0 **Policy Context**

Development Plan

Cork City Development Plan, 2015-2021:-

Land Use Zoning:

The proposed development site is located in an area zoned as 'Local Centres' with the stated land use zoning objective 'To protect, provide for and/or improve the retail function of local centres and provide a focus for local centres'.

Explanatory Note:

Local centres provide for convenience shopping, with anchor units of 400 net sq. m. or less and a similar amount of associated small units containing convenience, lower order comparison shopping and local services outlets. Limited retail offices will be acceptable in these local centres to serve local needs, subject to guidance on scale and extent (paragraph 3.28) including a cap of limit of 75 sq. m. per unit. Residential uses are also acceptable within this zone. Where neighbourhood centres are located in areas of historic significance, for example former villages now within the suburbs of the city such as Blackrock, policies to protect and enhance their architectural character will be applied.

Other Relevant Sections / Policies:

Chapter 9: Built Heritage and Archaeology:

Objective 9.1: *Strategic Objectives: Built Heritage and Archaeology:*

- a) To promote the protection of the heritage of the city and the implementation of the Heritage Plan;
- b) Ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain;
- c) Promote the retention reuse, and enhancement of buildings and other elements of architectural or other significance;
- d) Ensure that development reflects and is sensitive to the historical importance and character of the city, in particular the street layout and pattern, plot sizes, building heights and scales;
- e) Improve and encourage access to and understanding of the architectural heritage of the city.

Objective 9.29: *Architectural Conservation Areas:*

To seek to preserve and enhance the designated Architectural Conservation Areas in the City.

Objective 9.30: *Demolition in Architectural Conservation Areas:*

Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

Objective 9.31: *Recording of Structures in Architectural Conservation Areas:*

Where in exceptional circumstances a structure or a part of a structure which is considered to contribute to the special character of the area, is permitted to be demolished, it should first be recorded prior to demolition, and where appropriate should be monitored during demolition.

Objective 9.32: *Development in Architectural Conservation Areas:*

Development in ACAs should take account of the following:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not be generally permitted;
- Acceptable design, scale, materials and finishes for new developments;
- Original materials and methods of construction should be retained. For example, timber barge boards, windows and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.;
- Features of historic or architectural value should not be removed.

N.B. The proposed development site is located within the ‘*South Parish Architectural Conservation Area*’.

Chapter 16: Development Management:

Part D: Alterations to Existing Dwellings:

Section 16.72: *Extensions:*

The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing. Extensions should:

- Follow the pattern of the existing building as much as possible;
- Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it;
- Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. Given the high rainfall in Cork the traditional ridged roof is likely to cause fewer maintenance problems in the future than flat ones. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials;
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not be permitted where visible from a public area;
- Traditional style dormers should provide the design basis for new dormers;
- Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof;
- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.

Section 16.132: *Architectural Conservation Areas:*

The requirements for planning application documentation for development within Architectural Conservation Areas and for their subsequent assessment are set out in the Architectural Heritage Protection Guidelines (DOEHLG, 2004). Further refinement in respect of development management policies will be provided through subsequent special planning control schemes detailing relevant development requirements for each selected area. The overall guiding principle is positive

enhancement of the unique qualities that make a place special because of its particular character. Detailed policies are set out in Chapter 9: Built Heritage and Archaeology (paragraph 9.14-9.29).

National and Regional Policy:

The '*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*' provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect protected structures and development within their curtilage or attendant grounds.

5.1. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant / developer continued to engage in unauthorised development despite the appellant's concerns as regards same and the commencement of enforcement action by the Planning Authority.
- Inadequate consideration was given to the contents of the appellant's previous submissions in the Planning Authority's assessment of the subject application.
- The Board is referred to its previous determination of ABP Ref. No. PL28.248040 wherein permission was refused for the retention of alterations to a dormer dwelling house. In that instance it was held that the dormer development was entirely unsympathetic to the existing character of the area, was overbearing and had a negative impact upon the visual integrity of the existing established pattern of development in the area. It is considered that the circumstances of the subject proposal are similar to those detailed in ABP

Ref. No. PL28.248040 and that a precedent has been set whereby permission should be refused.

- The works already carried out on site have resulted in considerable damage to the appellant's property, with specific reference to the party wall, chimney etc., whilst water ingress has also damaged internal ceilings and walls etc.
- The relocation of the internal staircase serving the dwelling house on site to a position alongside the party wall shared with the appellant's residence (in addition to the reorganisation of the internal layout of the existing house as a whole) will serve to further increase the levels of damage, nuisance and disturbance etc. experienced within her property.
- The subject application is invalid on the basis that the description of the proposed development contained in the public notices is inadequate, unclear and does not accurately refer to the entirety of the works undertaken on site.
- The drawings submitted with the planning application do not correctly distinguish between the proposed works and those aspects of the proposal for which permission for retention has been sought. Furthermore, the submitted drawings do not acknowledge the significant changes to the internal layout of the property which have been carried out as unauthorised development.
- In light of the site location within an Architectural Conservation Area, and contrary to the requirements of Article 23(2) of the Planning and Development Regulations, 2001, as amended, the subject application has not been accompanied by such photographs, plans and particulars as are necessary to show how the development would affect the character of the structure.
- The proposed development does not respect the built heritage and prevailing architectural character, including the roof form, of the surrounding area which forms part of an Architectural Conservation Area.
- The overbearing scale, mass and bulk of the proposed development will have an adverse impact on the residential amenity of the appellant's property.
- The intensification of use on site arising from the reorganisation of the internal layout of the subject property and the proposed development will have a detrimental impact on the residential amenity of the appellant's dwelling house

by reason of overlooking, loss of privacy, overshadowing, encroachment, visual impact, and increased noise and general disturbance.

- The proposed development will result in the devaluation of the appellant's property.
- The proposal conflicts with the requirements of the Cork City Development Plan, 2015 and all guidance relating to urban development as published by the Department of the Environment, Heritage and Local Government (including the '*Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities*').
- There are serious concerns as to whether the applicant will abide by any conditions attached to any grant of permission.
- The proposal is contrary to the proper planning and sustainable development of the area.

6.2. Applicant's Response

- The Board is advised that the appellant is a tenant of No. 34 Douglas Street and that the registered owner of the property would appear to have no issue with the development and has not objected to the subject application.
- It is submitted that the applicant maintained an extremely cordial relationship with the appellant throughout the renovation of the subject site.
- During the renovation of No. 35 Douglas Street, the applicant removed the chimney of No. 34 Douglas Street with the agreement of the appellant and subsequently undertook additional works to the gable end of his property in order to prevent any water ingress to the neighbouring dwelling thereby weather-proofing same. He also offered to block up the fireplaces in the appellant's dwelling house in order to stop debris falling down the chimney during the works and to find contract cleaners to perform an internal cleaning of her house following the completion of the development works. These offers were declined by the appellant.
- Following his acquisition of the subject site, the applicant informed the appellant that it would be necessary to renovate and extend the property and

Ms. Dillon subsequently acknowledged that an extension was needed and that she would have no objection to same.

- The attic space of the existing dwelling house was always accessible and in support of same the Board is referred to the accompanying imagery which details the rooflights to this space.
- In order for the existing dwelling house to satisfy modern-living standards as a family home it would only be reasonable to permit the proposed extension.
- Having regard to the differences in the respective site contexts, it is not accepted that any comparisons may be drawn between the subject proposal and the development previously refused permission under ABP Ref. No. PL28.248040.
- There is an existing extension similar to that proposed located a number of doors away from the subject site.
- Contrary to the assertions contained in the grounds of appeal, the applicant protected the roof of the appellant's property throughout the course of the construction works. Furthermore, the suggestion that the works gave rise to any damage or disturbance of the appellant or her property is disputed.
- Whilst it is acknowledged that the building works undertaken on site gave rise to dust emissions, it is reiterated that the applicant offered to bring in contract cleaners to clean up the appellant's property and that this offer was refused.
- In relation to the appellant's concerns as regards the alteration of the internal layout of the dwelling house, including the repositioning of the staircase, it is submitted that these works constitute exempted development.
- It was the applicant's understanding that the proposed extension constituted exempted development, however, having been advised by a representative of Cork City Council that it required planning permission it was agreed that the applicant could make the property weather-proof after which he immediately ceased works.
- Upon being advised of the need to obtain planning permission the applicant immediately undertook all the necessary steps to rectify the situation through the lodgement of an application for permission for retention.

- With regard to the assertion in the grounds of appeal that the subject application is invalid, the Board is advised as follows:
 - Drg. No. PD03 is marked as *'Proposed Drawings'* as it details the proposed alterations to the existing rear dormer roof. The elevational area subject to these proposed works is clearly distinguished by a dashed red outline and the reference to a *'Second floor rear extension to be retained'* has been included for purposes of clarity. The floor area of the second floor to be retained is similarly outlined in red on Drg. No. PD02 and there is also a clear notation on this drawing referring to the proposed alterations to the existing rear box-dormer roof and windows.
 - Drg. No. PD02: *'Existing Ground Floor Plan'* indicates 'no change' as this is a survey of the existing ground floor and no works are proposed to same. In this respect it is reiterated that regardless of the outcome of the subject application, the internal works completed at ground and first floor levels within the dwelling house would be categorised as exempted development.
 - Drg. No. PD02: *'Proposed Second Floor Plan'* clearly indicates the floor is to be retained by means of a dashed red outline and notation. The proposed alterations are also clearly highlighted.
 - Drg. No. E01 is an accurate reflection of the on-site survey. It is not a requirement of the submitted drawings to outline the extent of the unauthorised works.
- It is proposed to remove the cladding from the existing extension and to re-plaster the rear elevation in a smooth rendered finish. Furthermore, the windows will be converted into dormer windows with a slate finish from eaves level. It is considered that these alterations will dramatically reduce the massing of the extension and will bring it into line with the surrounding properties. The new dormer windows will also be similar in form to those featured to the front of those buildings on the opposite side of Douglas Street.
- The cladding to the side of the building will be painted white in order to match the colour of the rendered wall.

- The accompanying photomontage shows the building after the completion of the proposed works.
- During the course of pre-planning discussions, the applicant was advised that it would not be necessary to engage the services of a conservation architect.
- With regard to the suggestion that the proposed development will have an excessively overbearing impact on the appellant's property, it is submitted that the construction of an extension at roof level was the only feasible option to extend the existing dwelling house as the provision of a two-storey extension within the rear yard area would have a much greater impact on the neighbouring property.
- The proposed development maintains the rear building line of the existing dwelling house and no windows overlook the appellant's property.
- The views from the second floor rear windows are the same as those available from the first floor.
- Due to the south-facing aspect of the rear elevations of Nos. 34 & 35 Douglas Street the proposed extension will not result in the overshadowing of the appellant's rear garden area.
- Prior to its renovation, No. 35 Douglas Street was a derelict dwelling house and thus it is submitted that the works carried out to date have served to increase the value of the appellant's property. In addition, the improvement works carried out by the applicant to No. 34 Douglas Street have served to increase the value of the appellant's residence.

6.3. **Planning Authority's Response**

No further comments.

6.4. **Observations**

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Overall design and layout / visual impact
- Impact on residential amenity
- Appropriate assessment
- Other issues

These are assessed as follows:

7.2. **Overall Design and Layout / Visual Impact:**

At present, the existing second floor extension to the rear of No. 35 Douglas Street comprises a flat-roofed box 'dormer' construction which extends across the entirety of the roof pitch of the dwelling house. Externally, this has been finished in wood-effect horizontal PVC cladding on its southern and eastern elevations which is somewhat out of character with the surrounding pattern of development whilst it is also of particular relevance to note that the existing construction extends above the original ridge line of the main dwelling house (contrary to the detailing shown on the submitted drawings). The subject proposal seeks to retain the existing extension by modifying its overall design through the replacement of the 'box'-dormer construction with a new mansard-type roof together with 2 No. new rear dormer windows. It is also proposed to replace the existing external cladding to the eastern elevation of the new extension with a plaster finish. Notably, the amended construction (as detailed on Drg. No. PD03) is shown as maintaining the ridge line of both the main dwelling house and the adjacent property to the immediate west and thus I propose to assess the submitted proposal on the basis of same.

Having reviewed the submitted information, and following a site inspection, in my opinion, the proposed revisions to the existing construction will serve to substantially

improve the overall visual appearance of the extension on being viewed from vantage points within the adjacent parkland area to the immediate south in the cul-de-sac of Parkowen (*N.B.* This space is identified as ‘St. John’s Graveyard (disused)’ in earlier OS mapping) through a reduction in the general bulk and massing of the construction, the provision of 2 No. new ‘conventional’ dormer windows, and the replacement of the PVC cladding with a plaster finish more in keeping with the established pattern of development in the area. In this regard whilst I would acknowledge that the new mansard-type roof construction will continue to be somewhat at variance with adjacent properties, I am inclined to suggest that the visual impact of same is within acceptable limits and that it will not unduly detract from the amenity of the wider area or the character of the South Parish Architectural Conservation Area. Indeed, it is of further relevance to note that provided the ridge line of the original dwelling house is maintained (as is detailed on the submitted drawings) the proposed works will not be visible to any significant extent from Douglas Street and thus the impact on the streetscape will be minimal. In addition to the foregoing, it should be noted that there is considerable variety in the roofscape of the wider area whilst there are several instances of both conventional and box-dormer windows fronting onto Douglas Street in the immediate vicinity of the application site. Furthermore, the visual amenity and setting of the subject site on being viewed from the south is already compromised considerably by the palisade fencing which has been erected along the boundary with the adjoining parkland area.

With regard to the appellant’s reference to ABP Ref. No. PL28.248040 and the assertion that the Board’s previous determination of same has served to set a precedent whereby permission should be refused for the subject proposal, having reviewed the specifics of that application, and in light of the differences in the respective site contexts, I am satisfied that it is entirely appropriate to assess the proposed development on its own merits.

On balance, I would concur with the assessment of the Planning Authority that the retention of the existing extension, subject to the completion of the proposed amendments detailed on the submitted plans and particulars, will not detract from the visual amenity or character of the surrounding area, will not impinge on the prevailing built heritage qualities of the South Parish Architectural Conservation

Area, and satisfactorily accords with the relevant provisions of the Cork City Development Plan, 2015 and related guidance.

7.3. **Impact on Residential Amenity:**

The proposed development involves the retention of a second floor extension to the rear of the dwelling house at No. 35 Douglas Street and the alteration of the existing construction by replacing the existing box-dormer roof construction with a new mansard-type roof arrangement together with a pair of dormer windows. In this respect concerns have been raised by the occupant of the neighbouring dwelling house to the immediate east of the subject site that due to the overall design, proximity and orientation of the existing (and proposed) construction relative to her residence, it will have a detrimental impact on the residential amenity of her property by reason of overlooking, loss of privacy, overshadowing, encroachment, visual impact, increased noise, and general disturbance.

At this point, I would advise the Board that it is necessary to clarify that the subject application relates solely to the carrying out of works at second floor level and does not concern any remaining works which have already been undertaken at both ground and first floor level within the existing dwelling house. In this regard, it is of relevance to note that the appellant has raised various concerns in relation to the impact of the reconfiguration of the internal layout of the existing dwelling house on the enjoyment and residential amenity of her property, with particular reference to the relocation of the internal staircase to a position alongside the party wall shared with the appellant's residence which has seemingly resulted in the appellant experiencing increased levels of noise and disturbance etc. within her property. It has further been alleged that these internal works constitute unauthorised development and that the subject application should have addressed same. In my opinion, such matters are beyond the remit of this appeal whilst the Board has no function with regard to enforcement. More notably, I would refer the Board to Section 4(1)(h) of the Planning and Development Act, 2000, as amended which states that *'development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures'* shall be exempted development for the

purposes of the Act. Accordingly, I do not propose to comment further on those grounds of appeal which concern matters beyond the specific development under consideration in the subject application.

With regard to the potential for the proposed development to give rise to an unacceptable degree of overlooking of the appellant's property with a consequential loss of privacy, in my opinion, cognisance must be taken of the site context within a built-up urban area and the level of overlooking already associated with the existing first floor windows within the rear elevation of the dwelling house. In this regard it is evident that some degree of overlooking of the appellant's property will be unavoidable given the site location, however, having considered the available information, I am satisfied that given the orientation of the windows within the extension in question relative to adjacent residential properties and the site location in an urban context where some degree of overlooking would be not unexpected, the proposed development is unlikely to give rise to any significant impact on the residential amenities of the appellant's property.

In relation to the concerns expressed in the grounds of appeal as regards the potential for the proposed development to result in the overshadowing of the appellant's property, in my opinion, it is evident that the rear of that property will continue to benefit from its southerly aspect and that it will receive notable amounts of direct sunlight throughout a significant proportion of the day notwithstanding the construction of the proposed extension. Accordingly, it is my opinion that the impact of any loss of direct sunlight arising as a result of the proposed development would be of limited consequence given the wider level of amenity enjoyed by the property.

With regard to the allegations of damage to property and any instances of or potential for trespass or interference with the appellant's property consequent on the subject proposal, I am inclined to suggest that such issues would amount to civil matters for resolution between the parties concerned. I would also draw the Board's attention to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

In respect of the concerns raised in the grounds of appeal that the proposed development will have a visually overbearing influence / impact on the appellant's

property, having regard to the site location in a built-up area, the surrounding pattern of development, the limited size and scale of the subject proposal, and the positioning of the proposed construction relative to the appellant's dwelling house, I am inclined to conclude that the subject proposal will not give rise to such an overbearing appearance / influence as to significantly impact on the level of residential amenity presently enjoyed by the appellant's property.

Therefore, on the basis of the foregoing, I am satisfied that the overall development proposal will not give rise to any significant impact on the residential amenity of neighbouring property nor will it result in the devaluation of same.

7.4. Appropriate Assessment:

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.5. Other Issues:

Procedural Issues:

With regard to the appellant's concerns pertaining to the unauthorised works undertaken on site, in the first instance, it should be noted that the subject application would seem to have been purposely lodged in order to regularise same. Secondly, the Board has no function in respect of issues pertaining to enforcement (including compliance with any conditions that may be attached to a grant of permission) and the pursuit of such matters is the responsibility of the Planning Authority.

In relation to the adequacy of the submitted plans and particulars, in my opinion, there is sufficient information on file to permit a balanced and reasoned assessment of the proposed development which in turn supports a recommendation to grant permission. Furthermore, having conducted a site inspection, I am satisfied that the description of the subject proposal, including those aspects which are proposed for retention, as set out in the public notices and the accompanying application documentation, complies with the requirements of the applicable legislative provisions.

Finally, in the interests of clarity and for the purposes of completeness, it should be noted that all information on file, including the appellant's submissions, have been given due consideration in the assessment of the subject application.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission for retention and permission be granted for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, and to the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be visually obtrusive. 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 retained, 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 alterations to the second floor rear extension, including the provision of the mansard-type roof and the dormer windows, as detailed on the plans and particulars lodged with the application, shall be carried out within six months of the date of this order.

Reason: In the interest of residential and visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. 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 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.

Robert Speer
Planning Inspector

12th October, 2017