



An  
Bord  
Pleanála

## Inspector's Report PL29N.248828

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<b>Development</b>	2 no. apartments in a three-storey building together with communal garden and 1 parking space at ground floor level and associated works.
<b>Location</b>	Blessington Place (to the rear of 24/25 Blessington Street), Dublin 7.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	2687/17.
<b>Applicant</b>	Stuart Ramke.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellants</b>	Blend Residents Association.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> October, 2017.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

PL29N.248828 relates to a third party appeal against the decision of Dublin City Council to issue notification to grant planning permission for the construction of two apartments in a three-storey building on lands to the rear of a building on Blessington Street in the north inner city. The grounds of appeal argue that the proposed development is of an inappropriate size, design and scale and will adversely impact on the residential amenities of the area.

## 2.0 Site Location and Description

- 2.1. The appeal site is located to the rear of Nos. 24 and 25 Blessington Street near its junction with Mountjoy Street in Dublin's north inner city. Nos. 24 and 25 Blessington Street comprise of a pair of three-storey Victorian buildings with retail development at ground floor level and residential development above. The rear of Nos. 24 and 25 which comprises the subject site comprises of an open yard area which is used for surface car parking. The area also appears to provide pedestrian access to the residential units at first and second floor level. Circa 2-metre-high walls surround the subject site and metal gates provide a pedestrian and vehicular entrance to the subject site.
- 2.2. The site backs onto a series of small narrow residential streets. The streets accommodate small single-storey type cottage terraced dwellings located to the rear of Blessington Street, Dorset Street and St. Joseph's Parade. Lands on either side of the subject site comprise of rear yards associated with the buildings fronting onto Blessington Street. These yards are used as informal parking areas. The site fronts onto the south gable of No. 66 St Joseph's Place, one of the small single-storey cottages located to the immediate north of the site. The site has a stated area of 181 square metres.

### 3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a three-storey building containing two apartments on the subject site. The ground floor is to accommodate one off-street car parking area together with a shared access path leading to the residential apartments at Nos. 24 and 25 Blessington Street. Also at ground floor level it is proposed to provide an entrance hallway and bedroom associated with the apartment at first floor level. This entrance is to be located along the eastern boundary of the site. A separate entrance is located adjacent to the western boundary of the site and this provides a segregated entrance to a separate apartment at second floor level (Apt No.1).
- 3.2. A communal area of open space is also provided to the rear between the rear elevation of Nos. 24/25 and the rear elevation of the proposed apartments. Two separate storage areas for each of the apartments is also provided for at ground floor level as well as a separate segregated bin storage area.
- 3.3. At first floor level two additional bedrooms one of which is en-suite and a living room/kitchen/dining area is proposed for apartment no. 2. It is also proposed to provide a terrace (16 square metres in size) to the rear of apartment no. 2 at first floor level.
- 3.4. Apartment no. 1 at second floor level comprises of a living/kitchen/dining area together with two bedrooms, one en-suite and a bathroom. It is also proposed to provide a smaller terraced area (9 square metres at the north-eastern corner of the site looking northwards onto the single-storey terrace cottages at Blessington Place).
- 3.5. The building comprises of a flat roofed structure rising to a maximum height of 8.349 metres. The external treatment comprises of a mixture of selected brick finishes and a painted sand/cement render. The selected brick finish is dominant on the front and rear elevations whereas the painted render finish is more prominent on the side elevations.

## 4.0 Planning Authority's Decision

### 4.1. Decision

- 4.1.1. Dublin City Council issued notification to grant planning permission subject to 14 conditions.

### 4.2. Planning Authority Assessment

- 4.2.1. The planning application was received by Dublin City Council on 12<sup>th</sup> April, 2017. The planning application from indicates that the applicant has a freehold interest in the lands in question. A covering letter submitted with the application sets out the proposed development and the planning rationale behind the development.
- 4.2.2. A report from the Engineering Drainage Department states that there is no objection to the proposed development subject to a number of standard conditions.
- 4.2.3. A number of observations were submitted objecting to the proposed development including a letter of objection from the current appellants which is signed by numerous residents in the vicinity.
- 4.2.4. A report from the Roads and Traffic Planning Division states that there is no objection to the proposed development subject to 3 standard conditions.
- 4.2.5. The planner's report details the proposed development in the context of the standards set out in the development plan for internal room sizes etc. It notes that the size of the apartments and internal room size are generally compliant with the standards set out in the development plan. It is also noted that the apartment design is contemporary and acceptable and the stepping back of the northern elevation is likely to eliminate the impact of overshadowing with regard to the residential units on St. Joseph's Place. Revised plans shall be submitted as part of this compliance. Overall therefore it is considered that the proposed development is acceptable and it is therefore recommended that planning permission be granted for the proposal.
- 4.2.6. In its decision dated 6<sup>th</sup> June, 2017 Dublin City Council issued notification to grant planning permission subject to 14 conditions.

## 5.0 Planning History

- 5.1. Details of pre-application consultations are contained on file.
- 5.2. The planner's report also makes reference to application 3235/17 which was invalidated by the Planning Authority.

## 6.0 Grounds of Appeal

The decision of Dublin City Council to issue notification to grant planning permission was the subject of a third party appeal by the Blend Residents Association. The grounds of appeal are outlined below:

- It is stated that the proposed development is within the curtilage of a Georgian building governed by the Z2 conservation zoning objective. It is argued that the proposal has implications for surrounding structures whether they have protected status or not. There is no evidence on file to suggest that there was any consultation with the Conservation Department of Dublin City Council.
- Concerns are expressed in relation to the proximity of the proposed south facing balcony to the rear of the adjoining building at No. 23 Blessington Street and to the apartments of Nos. 24 and 25. The degree of overlooking to adjacent properties would be unprecedented. The opposing windows would be less than 22 metres which is contrary to the provisions of the development plan. A reduction in separation distance to 7.3 metres is inappropriate as it reduces this minimum distance by two-thirds. The views from the north facing windows at No. 23 will be directly into the proposed first floor terrace. The Council is derelict in its duty to protect residential amenity in this instance.
- Concerns are also expressed in relation to the plot ratio. According to the development plan the plot ratio permitted is between 0.5 and 2. It appears in this instance that the plot ratio is being calculated by splitting the site. It is recommended that additional information be requested by the developer giving a breakdown of the plot ratio calculation to show how it is being arrived at.
- Likewise, the site coverage is identified as 63.8% which is above the permitted maximum coverage of 45%. The north inner city is already burdened with

significant social issue and further poor planning will only exacerbate these issues.

- In terms of public open space, it is stated that the original buildings to the front of the proposed development have entitlements to open space. It is argued that the design of the open space is grossly insufficient in terms of quality and quantity and is therefore unsatisfactory in every respect.
- The proposed development is contrary to the zoning objective for both the Z2 and Z1 areas as existing residents should expect to have their residential amenity protected. It is argued that the residential amenity of the houses at St. Joseph's Place particularly, No. 66 (directly opposite the site) would be severely compromised by the height, scale and proximity of the development. The distance between the single-storey cottage and the proposed development is a mere 5.8 metres at its greatest distance, and it is argued that No. 66 would be substantially compromised by overlooking.
- It is argued that the proposed development in this instance is not subordinate in height and scale to the main buildings on site. It is 8.34 metres in height which is almost as high as the 9-metre-high Georgian houses to the front of the site.
- The width of the laneway is 5.8 metres including the footpath and at its narrowest point is a mere 3.8 metres. The Development Plan states that potential mews laneways must have a minimum carriageway of 4.8 metres in width.
- It is argued that the proposed backland development will result in a significant loss of amenity to existing properties including loss of light, privacy, overlooking etc. It could also inhibit future development on adjoining sites.
- While it is acknowledged that there are three storey buildings in the area, it is stated that these buildings are located further away at Blessington Court to the south and planning permission for these three storey developments were granted in the 1990s, a different era than the current application. The proposals have also impacted on the amenity of Georgian buildings at the end of Blessington Street.

- Finally, it is argued that there is a need to maintain and enhance the intrinsic quality of Dublin as a low rise city and there is a recognised need to protect the conservation area and architectural character of the existing buildings. The proposed development adversely impacts on the existing Georgian houses and will impact on the residential amenity of the existing residents living at Nos. 24 and 25 Blessington Street. The proposal incorporates many infringements on the standards set out in the Development Plan and is therefore contrary to the proper planning and sustainable development of the area.

## 7.0 Appeal Responses

7.1. A response was received on behalf of the applicant by Horan Rainsford Architects and this is summarised below.

- There is no statutory requirement for the Conservation Department to be consulted in respect of development on Z2 zoned lands. The Conservation Department are made aware of all such applications and comment where deemed appropriate. It is assumed in this instance that the Conservation Department did not consider the proposal detrimental to the grainier character of the area.
- Plot ratio and site coverage are blunt instruments which fail to appreciate a site specific context. It is considered that the density of the proposed development is relatively low when concerned with other city centre developments.
- The utilisation of backland sites is totally appropriate having regard to the site's location in the city centre. Furthermore, there is a very significant need for housing and the proposal seeks to provide two good quality residential units.
- In terms of separation distances, it is stated that the distance between opposing windows is 9 metres and not 7.3 metres as suggested by the appellant. It is suggested that the entire terrace could be screened to a height of 1.8 metres. This could be dealt with by way of condition.



- The average width of the laneway is 6.24 metres and is thus suitable for mews development. It is also argued that the proposed configuration of No. 66 St. Joseph's Place will not result in any undue overlooking. Again an opaque screen could be incorporated to reduce any perceived overlooking. The proposed development would not block or inhibit any potential development of adjoining sites.
- It is stated that three storey structures are apparent on Blessington Court and planning guidance with regard to building heights have not changed at all since these buildings were constructed.
- The open space provision is appropriate and the applicant has never suggested that cycle parking, car parking or waste storage areas would constitute open space. It is suggested that the existing open space is poor and offers little amenity value.
- By way of conclusion it is considered that the proposed development presents a high quality infill development which has been carefully considered having particular regard to the amenity of adjoining properties.

## 7.2. **Appeal Response from the Planning Authority**

It appears that the Planning Authority has not submitted a response to the grounds of appeal.

## 8.0 **Development Plan Provision**

- 8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.
- 8.2. The subject site is governed by the zoning provisions Z2 – “*residential neighbourhoods conservation areas*”. The lands to the immediate north of the subject site associated with the single storey 19<sup>th</sup> century cottages of Blessington Place and St. Joseph's Place are zoned Z1 - *to protect, provide and improve residential amenities*.
- 8.3. Policy QH5 seeks to promote residential development addressing any shortfall on the housing provision through active land management and a co-ordinated planned

approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and underutilised sites.

- 8.4. Policy QH7 seeks to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy having regard to the need for high standards of urban design and architecture to successfully integrate with the character of the surrounding area.
- 8.5. Policy QH8 seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.
- 8.6. Indicative plot ratio's are set out in Section 16.5 of the development plan in Z1 and Z2 zones in the inner city. The indicative plot ratio is 0.5 to 2.0.
- 8.7. In terms of site coverage Section 16.6 of the development plan suggests an indicative site coverage of 45% in the case of Z2 zonings.
- 8.8. Section 16.10.1 sets out residential quality standards for apartments. The minimum floor areas for two and three bedroom apartments are 73 and 90 square metres respectively. Minimum aggregate floor area, together with aspects, natural lighting, ventilation and sunlight penetration standards are set out in the development plan. Minimum areas for private open space for two three-bedroomed units are 7 square metres and 9 metres respectively. The minimum area for community amenity space in the case of two and three bedroomed apartments are 7 and 9 metres respectively.
  - Section 16.10.16 of the development plan relates to mews dwellings. The relevant policy and standards as they relate to the subject application are set out below.
  - 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.
  - Development will generally be confined to two-storey buildings. In certain circumstances three-storey mews development incorporating apartments will be acceptable where:
    - the proposed mews building is subordinate in height and scale to the main building and

- where there are sufficient depths 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 of 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.
  - New buildings should complement the character of both the mews lane and the main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovated architectural response to the site and should be informed by established building lines and plot width.
  - All parking provision associated with mews developments will be in off-street garages, forecourts and courtyards.
  - Potential mews laneways must have a minimum width of 4.8 metres (5.5 where no verges or footpaths are provided).
  - Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 metres unless it can be demonstrably impractical to achieve and shall not be obstructed by off-street parking.
  - The distance between opposing windows of mews dwellings and main houses shall be generally 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.

## 9.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider that the principle issues in dealing with the application and appeal are as follows:

- Principle of Development
- Z2 Conservation Zoning
- Overdevelopment of the Subject Site
- Open Space Provision
- Impact on Amenity
- Access Arrangements
- Development Potential of Adjoining Sites
- Overall Conclusions

### 9.1. Principle of Development

- 9.1.1. The subject site is governed by the zoning provision Z2 – “to protect and/or improve the amenities of residential conservation areas”. Residential development is permitted in principle under this zoning. The development plan under various policy provision statements including QH5, QH7 and QH8 seeks to promote residential development and any shortfall in housing provision through active land management of vacant and underutilised sites. The City Development Plan also seeks to promote residential development at sustainable urban densities throughout the city and to consider higher density proposals on vacant and underutilised sites subject to qualitative safeguards. Thus, I consider it reasonable to conclude that the principle of residential development on the subject site is appropriate provided that it represents an acceptable development in terms of design and protects the amenity of surrounding areas. The grounds of appeal do not specifically challenge the principle of residential development on the subject site but in essence argue that the proposed development does not safeguard residential amenity and represents an

overdevelopment of the subject site. These issues will be examined in more detail below.

## 9.2. Impact on the Conservation Area

- 9.2.1. The grounds of appeal suggest on a number of occasions that the existing building on the subject site (Nos. 24 - 25 Blessington Street) constitutes a Georgian building and any development on the subject site should respect the Georgian setting of the existing buildings on site. I refer the Board to the photographs attached that the buildings in question may not date from the Georgian period but are more likely to date from the mid to late 19th century.
- 9.2.2. I refer the Board to Photo No. 1 attached. It is clear that the buildings to the immediate north-west (Nos. 1 Berkley Road) constitute typical 18th century Georgian dwellings. While a Georgian dwelling of a similar design may have once occupied the footprint of Nos. 24 and 25 are a somewhat later infill development as are the contiguous buildings to the immediate east. It is further apparent that the fenestration arrangements both to the front and rear of the development together with the shopfront design at ground floor level, that the structure has been the subject of significant and profound alterations which results in a building of lesser architectural heritage than that associated with a Georgian building. This view is supported by the fact that the adjacent buildings to the north-west on Berkley Street and buildings further south-east on Blessington Street are listed as protected structures. The subject site and the two adjoining sites to the east are not offered protected status under the development plan.
- 9.2.3. Furthermore, it is apparent that the rear elevation of Nos. 24 and 25 Blessington Street has been the subject of significant and profound architectural intervention with new opes created along the rear elevation and the incorporation of a render finish which is generally unsympathetic to the general architectural heritage of the wider area. I can only assume based on the rear fenestration arrangements, that the internal layout has been significantly altered in order to accommodate the apartments. I can only come to the conclusion, based on the evidence of my site inspection that the building is of limited architectural merit and, notwithstanding the fact it is located within a conservation area, it is considered that the subject site and the immediate environs surrounding the subject site cannot be considered

architecturally sensitive. The site is therefore suitable for contemporary style development, again subject to qualitative safeguards.

### **9.3. Overdevelopment of the Subject Site**

- 9.3.1. It is argued that the proposed development constitutes overdevelopment of the site and in support of this argument the applicant states that the proposal contravenes the indicative plot ratios and site coverage permissible under a Z2 zoning objective. The development plan indicates that in the case of plot ratio, an indicative plot ratio of 0.5 to 2.0 is permissible under the Z2 zoning objective. The planning application form indicates that the proposed plot ratio in this instance is 1.17 which is fully in accordance with the indicative plot ratio set out in the development plan.
- 9.3.2. In terms of site coverage, the plan permits an indicative site coverage under the Z2 zoning objective of 45%. The planning application form indicates that the proposed site coverage in this instance is 64% which is above the indicative site coverage standards set out in the plan. However, I would emphasise that the plot ratio and site coverage standards are “indicative” only and in my view should not be slavishly adhered to in assessing any particular development application before the Board. I consider that, where the design approach is deemed to be acceptable and the quality of living accommodation is likewise deemed to be acceptable, and meets the standards set out in national guidelines, a more flexible approach should be adopted in relation to plot ratio and site coverage.
- 9.3.3. The two apartments in this instance comfortably exceed the minimum requirement in terms of apartment sizes set out in the Development Plan and National Guidelines and this is adequately illustrated in Table 1 of the local authority’s planner’s report. In relation to both apartments, the local authority’s planner’s report notes that the internal room dimensions appear to exceed the minimum standards set out in the guidelines in terms of the minimum requirements for living accommodation, private storage and room width etc. All habitable rooms also appear to be served by appropriately sized windows. In conclusion therefore I do not consider it appropriate or justifiable to refuse planning permission for the proposed development on the grounds that the proposal exceeds the indicative site coverage standards set out in the development plan.

#### **9.4. Open Space Provision**

- 9.4.1. I acknowledge that the open space provided in the scheme is somewhat tight and enclosed, but that in my view is an inevitable consequence of the site constraints in this inner city urban location. Notwithstanding this point, it appears that both the communal and private open space standards are met under the current application. Notwithstanding the modest dimension of the communal open space, I consider it nevertheless to be well defined and appropriately overlooked in the context of the existing and proposed apartments. Furthermore, it should be borne in mind that the existing apartments cannot avail of any usable or functional open space associated with the rear of the building. The undeveloped land to the rear of the existing building on site is currently tarmacadamed and used for surface car parking. It has little or no amenity value by virtue of its current layout and the proposed open space provision in my view represents a significant planning gain over what currently exists to the rear of the site.

#### **9.5. Impact on Amenity**

- 9.5.1. The grounds of appeal argue that the proposed three-storey structure is inappropriate on the subject site. Notwithstanding its three-storey height, the proposed development will still be smaller than the existing buildings in the vicinity fronting onto Blessington Street and I consider that the height of the building represents an appropriate transition between the larger three-storey buildings on Blessington Street and the single-storey cottages associated with Blessington Place and St. Joseph's Place. Furthermore, there are examples of three-storey infill type developments further east on Blessington Court c.100 metres to the east. Finally, the Board will note that the environment surrounding the subject site incorporates a very tight and fine urban grain with narrow roads and buildings on small plots. A number of buildings further south-east of Blessington Street (Nos. 4 – 12) incorporate a number of mews type developments to the rear facing onto Blessington Court. In the context of the tight urban grain and relatively high density of buildings in the surrounding area I do not consider that the proposed three-storey apartment structure would have a significant or adverse overbearing effect on existing

development in the vicinity. Regard should be had to the fact that the building only rises to a height on 8.3 metres.

- 9.5.2. In relation to overlooking I would share the appellants' concerns that the proposal will have a material impact in terms of overlooking particularly in the context of the separation distances between the rear of the apartment block and the rear of the existing building.
- 9.5.3. The separation distance between the facades in question amount to just 9 metres. Furthermore, with the incorporation of the first floor balcony to the rear of the proposed development the separation distances reduce to just over 7 metres. This is significantly below the requirement of the 22 metre separation distance required under the provisions of the development plan. However, there can be no doubt in my mind that such separation distances are more appropriate to situations where lower suburban type densities prevail. The site is situated in an inner city urban area close to the Central Business District. Separation distances between windows on St. Joseph's Place and Blessington Place are a mere 8 metres to the immediate north of the site. Furthermore, if the Board seek to incorporate new residential development on vacant or underutilised sites in order to achieve appropriate housing densities, it will necessitate a reduction in the separation distances set out in the development plan. In order to successfully address the issue of overlooking in this instance, particularly in respect of the first floor balcony, I consider that the Board should contemplate the incorporation of a condition requiring a 1.8 metre high obscure glazing panel along the entire length of the first floor balcony. The applicant has indicated that there will be no objection to the incorporation of such a condition. Finally, in relation to this issue I consider that any objective assessment in relation to overlooking should be balanced against the requirement to provide functional private amenity space for the occupants of the apartment at first floor level. I consider that the incorporation of the balcony in question will provide a private amenity space of sufficient dimensions to enable a usable and functional private open space which will greatly enhance the amenity of future occupants.
- 9.5.4. With regard to overlooking issues in respect of the front of the apartment block, I consider that the terraced areas will overlook the surrounding public streets and will not adversely impact on the private amenity of any property in the vicinity.



## 9.6. Access Arrangements

- 9.6.1. Arising from my site inspection, I am satisfied that the roadway onto which the proposed development faces is of sufficient width to accommodate vehicular movements in and out of the site. The road width where the proposed vehicular entrance to the site is located is in excess of 5 metres in width and is therefore suitable to accommodate a turning movement associated with a private vehicle entering and exiting the off-street car parking space. There is a pinch point further west onto Blessington Place. This pinch point currently accommodates cars travelling from Blessington Place past the subject site and as such it is not reasonable in my view to refuse planning permission on the grounds that the roadway narrows at a point to the immediate north-west of the subject site.
- 9.6.2. Finally, I do not accept that the proposed development will have an adverse impact on the potential to develop adjoining sites. There are no windows on either of the side elevations associated with the proposed development which could inhibit or impinge upon the development potential of adjoining sites.

## 9.7. Concluding Comments

- 9.7.1. Arising from my assessment above therefore, I consider that the proposed infill development at this location fully accords with development plan policies which seeks to develop underutilised vacant sites for appropriate residential development in order to create more sustainable and higher densities within the inner city. Furthermore, I am satisfied that the proposed development is of a sufficient standard to fulfil the amenity requirements of future occupants and it is designed in a manner to ensure that adjoining residential amenity is not adversely impacted upon to any significant or material extent. I therefore recommend that planning permission be granted for the proposed development.

## 10.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity 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.

## 11.0 Decision

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

## 12.0 Reasons and Considerations

It is considered that the proposed development of two apartments on the subject site subject to conditions set out below would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally 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.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to 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. The development shall be revised as follows:
  - (a) The fenestration on the western elevation to the second floor landing and bathroom shall incorporate obscure glazing and shall not be openable below 1.7 metres above the finished floor level.
  - (b) The first floor balcony area to the rear of the development shall

incorporate 1.8 metre high opaque glass panelling around its perimeter.

**Reason:** To prevent overlooking and to protect the residential amenity of adjoining property.

3. Details of all external finishes to the apartments will be agreed in writing with the planning authority prior to the commencement of development.

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

4. 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.

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

5. Prior to the commencement of development, the applicant shall comply with the requirements of the Roads, Street and Traffic Department of Dublin City Council in respect of all traffic, parking and road safety requirements.

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

6. The site building works required to implement the development shall only be carried out between the hours of:

- Mondays to Fridays 7 a.m. to 6 p.m.
- Saturdays 8 a.m. to 2 p.m.
- and not at all on Sundays or Bank Holidays.

Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

**Reason:** In order to safeguard the amenities of adjoining residential occupiers.

7. The development works and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on adjoining public roads the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that adjoining roadways are kept in a clean and safe conditions during construction works in the interest of orderly development.

8. The apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of urban legibility.

9. The developer shall pay to the planning authority a financial contribution of €18,317 (eighteen thousand three hundred and seventeen euro) 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. The application of any indexation required by this condition 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.

**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.

10. The developer shall pay the sum of €4,000 (four thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of the Luas Cross City Scheme. (Specify the particular works of public infrastructure and facilities to which the specific exceptional costs relate.) This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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Paul Caprani,  
Senior Planning Inspector.

18th October, 2017.