



An  
Bord  
Pleanála

## Inspector's Report PL06D.248838

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<b>Development</b>	Demolition of existing garage to the side and construction of two storey extension to the side of the dwelling house and widening of existing vehicular entrance.
<b>Location</b>	Ebenezer, Sorrento Road, Dalkey, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0360
<b>Applicant(s)</b>	Muireann McDonnell & Risteard Sheridan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 11 conditions
<b>Type of Appeal</b>	First Party -v- Condition 2 Third Party -v- Decision
<b>Appellant(s)</b>	Muireann McDonnell & Risteard Sheridan Niall & Gillian Hurley

**Observer(s)**

None

**Date of Site Inspection**

4<sup>th</sup> October 2017

**Inspector**

Hugh D. Morrison

## 1.0 Site Location and Description

1.1. The site is located towards the southern end of Sorrento Road, on its south western side. Sorrento Heights lie to the west on elevated ground and Sorrento Park and the People's Park, at the tip of Sorrento Point, lie to the south east. The site lies within an established residential area that is composed of predominantly two storey detached dwelling houses set within their own grounds.

1.2. The site comprises two distinct portions:

- One to the east that is roughly rectangular in shape and which accommodates a two storey, flat roofed, three-bedroom, semi-detached dwelling house (129.72 sqm) and accompanying front garden with drive-in to an attached garage on the north north western side of this dwelling house, and
- One to the west that is roughly rectangular in shape and which accommodates the rear garden on land that rises steeply to the west over the tunnel to the DART line.

These two portions are offset in relation to one another and their combined area is 0.639 hectares.

1.3. The said dwelling house is of shallow width and considerable depth. Its form is elongated on a NE/SW axis. The exposed side elevation of the attached garage abuts the common boundary with the neighbouring residential property to the NNW, The Lodge. This elevation is adjacent to the extended SE side elevation to the dwelling house on this property. The rear garden abuts the common boundary to The Lodge, too. This garden adjoins the rear boundary to its rear garden.

## 2.0 Proposed Development

2.1. The proposal comprises the following items;

- The demolition of the existing garage (12.86 sqm) on the exposed side of the semi-detached dwelling house.
- The construction of a two storey extension (60.83 sqm) on the exposed side of the semi-detached dwelling house. This extension would be constructed in conjunction with the renovation of the existing dwelling house to provide a

four-bedroomed dwelling house with a family room: total floorspace 177.69 sqm ( $129.72 - 12.86 = 116.86 + 60.83 = 177.69$  sqm).

- The existing vehicular entrance to the site would be widened by 750 mm, from 2.35m to 3.1m.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was granted subject to 11 conditions, including the following one, which is the subject of the applicants' appeal:

*2. Prior to the commencement of development on site the applicant shall submit for the written agreement of the Planning Authority revised plans and elevations indicating the following:*

*(a) The proposed first floor Bedroom 4 omitted from the permitted development.*

*The applicant is advised that this may result in the retention of the existing first floor side windows and this should be clarified on any revised plans/elevations.*

*(b) The proposed first floor north-west facing corner window to Bedroom 1 shall be omitted with the proposed window serving this bedroom remaining flush with the rear elevation.*

*Reason: To protect the residential amenities of the adjoining property.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

See above cited condition 2.

##### 3.2.2. Other Technical Reports

- Transportation Planning: No objection, subject to conditions.
- Conservation Officer: No objection.

#### 3.3. Prescribed Bodies

None

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

See third party grounds of appeal.

## **4.0 Planning History**

None

## **5.0 Policy Context**

### **5.1. Development Plan**

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area that is both subject to Zoning Objective A, “To protect and/or improve residential amenity” and designated the Vico Road Architectural Conservation Area (ACA). Sections 8.2.3.4(i), 8.2.4.9, and 8.2.11.3, variously, refer to domestic extensions, the widening of entrances to driveways, and development within ACAs.

### **5.2. Natural Heritage Designations**

None

## **6.0 The Appeal**

### **6.1. First Party Grounds of Appeal**

Condition 2 of the draft permission is appealed.

- Attention is drawn to an estate agent’s brochure that showed indicatively the proposed two storey side extension.
- Attention is drawn to the constrained nature of the site with respect to extension options, i.e. the dwelling house is semi-detached, a front extension would be out of character with the ACA, and the site rises sharply to the rear. Thus, the site of the proposed two storey side extension is effectively the only space within which to extend.

- The footprint of the first floor of the proposed two storey side extension would replicate that of the existing garage and its height would coincide with that of the existing dwelling house.
- Attention is drawn to a two storey rear extension that has recently been constructed to the dwelling house known as “The Lodge” to the north west of the site and in a position adjacent to the site of the proposed two storey side extension.
- To the rear of the aforementioned extension at “The Lodge”, the garden rises steeply. Consequently, the useable portion of this garden is beyond this extension to the north west, in a position at some remove from the said site.
- Attention is drawn to the windows in the rear elevation of the aforementioned extension. Thus, only the nearest ground floor one to a dining room would be affected by the proposed two storey side extension. The first floor windows serve variously an en-suite and a dressing room.
- Attention is drawn to the ground and first floor windows in the south eastern side elevation to “The Lodge”. As at present, these windows would continue to overlook the applicants’ site.
- Attention is drawn to the 3 double first floor windows in the north western side elevation of the applicants’ dwelling house that presently overlook “The Lodge”. Under the proposal, these windows would go and a comparatively small first floor window would be inserted as part of a corner window at the southern extremity of the said elevation. (As proposed this window would be 1500 mm wide. The applicants now propose to reduce this width to 1000 mm). Accordingly, privacy levels at “The Lodge” would improve, markedly.
- Attention is drawn to the impact of the cliff, mature *leylandii*, and apartments to the rear of both “Ebenezer” and “The Lodge” on lighting levels at these residential properties. Attention is also drawn to the fact that three windows serve the ground floor dining room at “The Lodge” and all but one of the rooms potentially affected by the proposed two storey side extension are served by more than one source of natural light.

- From a visual amenity perspective, the design of proposed bedroom 4 and the corner window to bedroom 1 would be appropriate.

## 6.2. Appellant Response

- The estate agent's plans are not relevant to the current application/appeal. That said they show a smaller extension to that which is now proposed.
- The applicants' limited extension options are acknowledged. However, this does not justify the current proposal.
- The applicants' commentary on how "The Lodge" functions are mistaken and so weight should not be given to them.
- The proposed reduction in width of the window to bedroom 1 is dismissed as not overcoming the issue of overlooking.
- The accuracy and adequacy of the submitted plans is queried. Thus, the block plan depiction of the relationship between the dwelling house known as "The Lodge" and the adjacent public footpath is out by 1m with a knock on effect on the depiction of the proposal. This is of concern as it affects the presentation of the relationship between this dwelling house and this proposal. Furthermore, neither an existing block plan nor a depiction of the side elevation of the extension in conjunction with the adjacent side elevation of "The Lodge" have been submitted.
- The appellants suggest that a more considered design could be prepared, one in which the front portion of the side extension is set further back and away from the common boundary and one in which the rear portion extends further back.

## 6.3. Planning Authority Response

The Planning Authority responds to both the applicants' grounds of appeal by reiterating its position that condition 2 is necessary in order to ensure that the proposal is not unduly overbearing and to prevent overlooking. The views of the Council's Conservation Officer are referred to, as is the status of "encroachment and oversailing" as civil matters.

#### 6.4. Applicants' response to the appellants' response

While the applicants reiterate or amplify points previously they made, they do also submit some further plans:

- The applicants have submitted a revised contextual elevation of their dwelling house, as extended, in conjunction with that of the appellants' (image 2). This elevation allows for the slope between these adjoining house plots and so the respective dwelling houses are shown in truer relationship to one another.
- The applicants have submitted a block plan (image 1) onto which is superimposed window positions in the corresponding side elevations of the two adjacent dwelling houses.

#### 6.5. Third Party Grounds of Appeal

- Attention is drawn to the projection forward of the proposed two storey side extension beyond the footprint of the existing garage and how this projection would abut the common boundary with "The Lodge" within the vicinity of windows in the south eastern elevation to the dwelling house.
- Windows in the front elevation of the proposed two storey side extension would afford close range views into habitable ground and first floor rooms in the aforementioned elevation.
- Lighting of the aforementioned windows would be adversely affected.
- The height of the proposed two storey side extension and its proximity to "The Lodge" would cause it to be obtrusive and overbearing.
- The dwelling house known as "Ebenezer" represents an unsympathetic intervention into the streetscape that dates from the 1960s. The enlargement of this dwelling house would thus not be in the interests of the ACA.
- Exception is taken to note 2 of the draft permission, which addresses "encroachment or oversailing". The view is expressed that this note should be the subject of a condition.



## 6.6. Applicants Response

The applicants review their proposal in the light of relevant Sections of the CDP. They have submitted shadow studies that examine the impact of their proposal on lighting in both its originally proposed form and in the form that would arise from the application of condition 2 to it.

The applicants respond to the appellants' grounds of appeal as follows:

- The disputed front portion would continue the line of the existing garage and it would not overlap with windows in the south eastern elevation of "The Lodge". The first floor of this portion would supersede an existing first floor window that directly corresponds with the first floor window in the said elevation. The first floor window in the proposed front elevation would allow for only oblique views of the first floor window in this elevation.
- Further amenity gains for "The Lodge" would arise as a result of the removal of other first floor windows in the side elevation of the applicants' existing dwelling house.
- The applicants' shadow analysis indicates that the proposal would result in only a minor increase in overshadowing of the south eastern elevation of "The Lodge", when the sun is low in the sky.
- The applicants do not accept that their proposal would be obtrusive and overbearing.
- Attention is drawn to the appellants' willingness to enlarge "The Lodge", notwithstanding its proximity to "Ebenezer", a dwelling house that they critique from conservation and visual amenity perspectives. In doing so, they could not reasonably expect that this dwelling house would not itself be enlarged.
- The proposal would complement the applicants' existing dwelling house. It would be discrete within the streetscape and so its impact on the ACA would be minimal, as borne out by the Council's Conservation Officer.
- Making "encroachment and oversailing" the subject of a note is appropriate.

## 6.7. **Planning Authority Response**

The Planning Authority responds to both the appellants' grounds of appeal by reiterating its position that condition 2 is necessary in order to ensure that the proposal is not unduly overbearing and to prevent overlooking. The views of the Council's Conservation Officer are referred to, as is the status of "encroachment and oversailing" as civil matters.

## 7.0 **Assessment**

I have reviewed the proposal in the light of the CDP, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) The submitted plans,
- (ii) Legalities,
- (iii) Conservation,
- (iv) Amenity,
- (v) Access,
- (vi) Water, and
- (vii) AA.

### **(i) The submitted plans**

7.1.1 The appellants express concern over the accuracy of the submitted plans.

Specifically, attention is drawn to the accuracy of the proposed block plan and the omission of an existing one and a combined depiction of the side elevations of the proposed extension and the adjacent existing side elevation.

7.1.2 I note that a comparison of the proposed block plan with the submitted urban place map indicates that the depiction of the extended dwelling house at "Ebenezer" appears to be set slightly further back on the site than the existing dwelling house is. Thus, the relationship between the aforementioned side elevations is, at the margin, distorted. In identifying this inaccuracy, the Board

could request the submission of a fully accurate site plan under further information or the preparation of such a plan could be conditioned.

7.1.3 As part of their response to the appellants' response to their appeal, the applicants have submitted a block plan (image 1), which eases the aforementioned discrepancy. This 1: 200 scale plan draws upon the urban place map and superimposes the footprint of the proposed extension, along with the approximate position of windows in the corresponding side elevations of the two adjacent dwelling houses in question.

7.1.4 At the application stage, the Planning Authority identified some errors in the notation on the proposed floor plans. However, scaling the dimensions in question gave an accurate reading of the proposal.

7.1.5 I also note that, in the absence of a site survey, the submitted contextual elevations may inflate, slightly, the height of "Ebenezer" in relation to "The Lodge". Again, at the response stage, the applicants have submitted a revised contextual elevation (image 2) that allows for the slope between the two adjoining house plots and so depicts the height relationship of the two adjacent dwelling houses in a truer fashion than previously.

7.1.6 I conclude that the submitted plans do not warrant objection.

## **(ii) Legalities**

7.2.1 The appellants express concern over note 2 of the draft permission, which refers to "encroachment and oversailing". They state that this note should be expressed as a condition.

7.2.2 The applicants disagree with the appellants' proposed reassignment of this matter from a note to a condition. The Planning Authority concur.

7.2.3 I recognise that, as encroachment and oversailing come within the ambit of civil law between adjoining landowners, a note rather than a condition is the appropriate vehicle for addressing the same under a planning permission.

7.2.4 The appellants also draw attention to the siting of the proposed extension in a position abutting the common boundary between "Ebenezer" and their residential property "The Lodge". They state that they would withhold consent

for their property to be used during the construction period. Again, this matter is one for the first and third parties, as adjoining landowners, to address.

7.2.5 I conclude that there are no legal impediments for the Board to assess and determine this application/appeal in the normal manner.

### **(iii) Conservation**

7.3.1 The site lies within the Vico Road ACA. The existing pair of two storey semi-detached dwelling houses known as “Ebenezer” and “Maranatha” date from the 1960s and so they are an example of modern residential development within this ACA.

7.3.2 To date neither dwelling house has been extended. The appellants express concern that the proposed extension to “Ebenezer” would enlarge a dwelling house that is unsympathetic to the character of the ACA and that it would established a precedent for “Maranatha” to be extended in like manner.

7.3.3 During my site visit, I observed that the ACA comprises a variety of dwelling house types, sizes, and design styles. I take the view that the pair of semi-detached dwelling houses in question contribute to this mix and thus to the character of the ACA.

7.3.4 The proposal would entail the replacement of an existing, recessed, attached garage to the exposed side of “Ebenezer” with a two storey side extension. The footprint of this extension would replicate that of the garage and project forward of it, while still being recessed, albeit to a lesser extent. This extension would reflect the design and appearance of the existing dwelling house and it would align with its height and openings in its front elevation.

7.3.5 I consider that the proposal would be in keeping with the character of the existing dwelling house and that its recessed siting on the exposed side of this dwelling house would ensure that its presence within the streetscape is discrete. I thus do not consider that it would be inappropriate from a conservation perspective and I am not concerned that it would establish an adverse precedent.

7.3.6 I conclude that the proposal would be compatible with the existing character of the Vico Road ACA.

#### **(iv) Amenity**

- 7.4.1 A comparison of historic maps of the site within its context indicates that the dwelling house “The Lodge” was insitu, prior to the pair of semi-detached dwelling houses “Ebenezer” and “Maranatha”, when the site of these two dwelling houses formed part of the grounds to a dwelling house further to the south. These dwelling houses were built in the 1960s and, in more recent times, “The Lodge” has been extended to the rear and on its northern side (D14A/0133).
- 7.4.2 The existing relationship between “Ebenezer” and “The Lodge” is shaped by the proximity of the exposed, NNW facing, side elevation of the former to the SE facing side elevation of the latter. Thus, the exposed side elevation of the attached garage abuts/is immediately adjacent to the common boundary between these dwelling houses over 5.5m in a position adjacent to the two storey rear extension and the rear garden to “The Lodge”. Furthermore, the exposed side elevation to the existing dwelling house contains a row of 4 first floor windows, 2 of which serve bedrooms, 1 of which serves the landing at the top of the staircase and 1 of which serves a bathroom. The first 3 are clear glazed and the last is obscure glazed. The most easterly of the bedroom windows corresponds directly with the lounge and master bedroom windows in the adjacent, original, two storey, gabled, side elevation to “The Lodge”. The most westerly of the bedroom windows affords oblique views of these windows and direct views into the rear garden and the landing window affords direct views into the rear garden, too. Accordingly, these 3 windows presently overlook and lead to a loss of privacy at “The Lodge”.
- 7.4.3 Under the proposal the aforementioned windows would effectively be removed and the resulting exposed, first floor, side elevation would be blank apart from a corner window at its western end. This window would serve proposed bedroom 1. Its NNW facing light would be 1.5m wide. At the appeal stage, the applicants have stated that it could be reduced to 1m, to mitigate the opportunity that it would afford for overlooking of the rear garden and dining room windows in the rear elevation of “The Lodge”.

7.4.4 The appellants express concern that the proposal would be overbearing, when viewed from within their residential property, it would result in increased overshadowing, and the first floor window in the front elevation, which would serve proposed bedroom 3, would lead to overlooking of their adjacent lounge and master bedroom windows.

7.4.5 Under condition 2 (a) and (b) of the Planning Authority's draft permission, proposed bedroom 4 would be omitted as would the aforementioned NNW facing light to proposed bedroom 1. This condition anticipates "the retention of the existing first floor side windows", which appears to be a reference to the existing westerly bedroom and landing windows. Under such a scenario, the authorised portion of the first floor to the proposed two storey side extension would effectively block views of the lounge and master bedroom windows and so they would overlook the rear garden only.

7.4.6 The applicants draw attention to the nearest openings in the rear elevation of "The Lodge". Thus, at ground floor level these comprise a series of tall dining room windows and at first floor level bathroom and dressing room windows. They also draw attention to the steepness of the rear garden and the greater utility of the side garden to the north of the appellants' dwelling house.

7.4.7 The applicants have appealed the aforementioned condition 2. In doing so, they have submitted a shadow study, which tracks the existing situation and those that would arise under the proposal as submitted and as revised by the said condition. This study shows that the differences that would occur between the "as submitted" and the "revised" versions of the proposal would be slight.

7.4.8 During my site visit, I noted that "Ebenezer" lies at a lower level than "The Lodge" and that the applicants' description of the rear elevation openings in and garden areas to the appellants' dwelling house appear to be accurate. While the corresponding side elevations of the two respective dwelling houses face NNW and SE, the side elevation of the proposed two storey side extension would follow the alignment of the existing garage and so it would face NW, i.e. it would parallel that of "The Lodge's", and it would extend c.4m beyond its rear elevation. Thus, at the margin, the encroachment of this elevation on the

outlook from the dining room windows, the nearest of which would be c.4m away from the extension, would be relieved.

7.4.9 I consider that the questions of overlooking, overshadowing, and overbearing all have an impact upon the amenities of “The Lodge”. Thus, in view of the foregoing factors, I consider that, while an increase in overshadowing would occur, on the basis of condition 2(b), overlooking would be negated, and any sense of overbearing would be limited. With respect to condition 2(b), I consider that this should be reworded to afford the opportunity for the design of the new window at first floor level on the rear elevation of the existing dwelling house to be revisited.

7.4.10 The appellants express concern over the impact of the proposal on particularly the amenity afforded by the lounge and master bedroom windows in the original gabled side elevation to their dwelling house. Image 1, submitted by the applicants at the response stage, illustrates that the front elevation would align with the western jambs to these windows and so views out to the west would be of the front of this extension, including its first floor bedroom window. The appellants express concern over the resulting loss of light, outlook, and privacy.

7.4.11 During my site visit, I observed that there is a narrow strip of land between the elevation within which the said windows are inserted and the common boundary with the application/appeal site. I also observed how the lighting, outlook, and privacy of these windows is presently affected by the proximity of the applicants’ existing dwelling house and the fact that corresponding elevations are offset slightly in relation to one another, i.e. “The Lodge’s” faces SE and “Ebenezer’s” faces NNW.

7.4.12 The applicants’ shadow study illustrates how the said windows would lose some late morning/early afternoon light, as result of the proposal. The outlook from these windows would be reduced, too. However, direct overlooking would be replaced by oblique overlooking, which could be mitigated further by maximising the external reveal to the first floor bedroom window and introducing a privacy screen to its northern jamb. These items could be conditioned.

7.4.13 The appellants have suggested that the proposed two storey side extension should be set further back on the site and be effectively reduced in size thereby. An increased recess could ease slightly any loss of light and outlook. However, it would increase the opportunity for overlooking. The appellants have also suggested that there are other extension options to the rear of the existing dwelling house. However, given the topological and geological constraints that would arise, this appears to be unrealistic.

7.4.14 Ultimately the decision on the proposal turns on the relative weight that can be given to any impact on the amenities of the windows in the SE facing elevation of the appellants' dwelling house. I consider that, given the siting of these windows and the existing level of amenity that they afford, the net loss that they would experience under this proposal would not be excessive.

7.4.15 I, therefore, conclude that the proposal would, subject to certain conditions pertaining to the omission of the NNW facing window to proposed bedroom 1 and adjustments to the window to proposed bedroom 4, be compatible with the amenities of the area.

#### **(v) Access**

7.5.1 The proposal would entail the widening of the existing vehicular entrance by 750 mm, from 2.35m to 3.1m. This would come within the CDP's maximum of 3.5m, under Section 8.2.4.9. It should be accompanied by a corresponding increase in the width of the dished public footpath.

7.5.2 The entrance is gated at present and so any replacement gates should be conditioned to ensure that they do not open in manner that would block the public road and that their design is appropriate to the Vico Road ACA.

#### **(vi) Water**

7.6.1 The existing dwelling house on the site is fully serviced by the public water mains and the public sewerage system.

7.6.2 The CDP's Flood Zone Map for Sorrento does not identify any specific flood risk as pertaining to the site.



**(vii) AA**

7.7.1 The site is neither in nor adjacent to a Natura 2000 site. This residential site is a fully serviced urban one and so Appropriate Assessment issues would not arise.

7.7.2 Having regard to the nature and scale of the proposal, no Appropriate Assessment issues arise and it is not considered that it would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

**8.0 Recommendation**

That permission be granted.

**9.0 Reasons and Considerations**

Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the existing pattern of development in the area, it is considered that, subject to conditions, the proposed two storey side extension would comply with the Zoning Objective for the site and it would be compatible with the character of the Vico Road Architectural Conservation Area and the visual and residential amenities of properties within the vicinity. Likewise, the proposed widening of the vehicular entrance would comply with relevant Development Plan standards. No Appropriate Assessment issues would apply. The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of August, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) A notated block plan of the proposal shall be prepared.
  - (b) The new window in the side elevation of the existing dwelling house, which would serve the bedroom denoted as no. 1 shall be omitted and the new window in the rear elevation, which would serve this bedroom shall be redesigned accordingly.
  - (c) The glazing in the proposed window opening, which would serve the bedroom denoted as no. 3 shall be placed at the rear of this opening, thereby maximising the external reveal, and the northern jamb to the window opening shall be accompanied by a privacy screen. This screen shall be the same height as that of the window opening and it shall project forward of it by 300 mm.
  - (d) Plans of the extension to the dished kerb to accompany the widened vehicular entrance and gates proposed for installation in this entrance shall be prepared. The gates shall be designed to only open inwardly.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These drawings shall be prepared to a scale of 1: 100, except for the cross section required under (b) which shall be to a scale of 1: 50.

The privacy screen shall be retained insitu for the duration of the development.

**Reason:** In the interest clarity and in order to safeguard residential amenity.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to 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. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

8. 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.

#### Notes

- (i) A person shall not be entitled solely by reason of a grant of planning permission to carry out any development.
- (ii) A grant of planning permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.

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Hugh D. Morrison  
Planning Inspector

6<sup>th</sup> October 2017