



An
Bord
Pleanála

Inspector's Report PL 29S 249342.

Development	Demolition of Bungalow and construction of two houses, two vehicular entrances and driveways and pedestrian access, landscaping and associated site works.
Location	16B Kenilworth Road, Dublin 6.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	3441/17.
Applicant	Paul and Linea Brennan.
Type of Application	Permission
Decision	Grant Permission.
Appellant (1)	Linda and Paul Brennan, First Party against Condition No 2 A
Appellant (2)	M and B Construction Third Party Against Grant.
Observer	Philip O'Reilly.
Date of Inspection	29 th December, 2017.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site which has a stated area of three hundred and eighty-seven square metres is that of a large detached bungalow ("Villa Maria") located on the north side of Kenilworth Road and is formed from the gardens of garden area of No 6 Grosvenor Place, a property which adjoins the east side boundary of the site and is located at the corner of Kenilworth Road and Grosvenor Place. The west side boundary faces onto Kenilworth Lane to the west side of which two storey over garden level terraced houses facing onto Kenilworth Road with front and rear gardens, some with mews lane development at the rear. A breezeblock wall is located along the front boundary and a solid wall is located along the eastern boundary of the front garden.
- 1.2. The existing dwelling, which appears to have been constructed in the 1970s or early 1980s has a separate entrance door and pedestrian entrance on the west side boundary onto an enclosed and formerly covered over space which is described as 'a courtyard' serving the existing dwelling on the lodged plans. To the front there are gardens and front curtilage parking and the main entrance to the house.
- 1.3. The area is primarily characterised Victorian houses along residential roads which were developed in the late nineteenth century. Several of these roads have rear access lanes off which some mews development, lock ups and rear entrances to the houses are located. A two storey commercial building is located opposite the site on the south side of Kenilworth Road.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing house, and for construction of a pair of semidetached houses incorporating habitable basement accommodation. The basements are to be used as home offices, utility room and shower room accommodation with all other habitable accommodation on the three floors above. Private open space is to be provided at the front and rear of each unit. A brick faced finish and vertical windows including a corner window and picture window for the unit overlooking Kenilworth Lane are included in the proposed design. An angled rear window and use of opaque glazing at the rear adjacent to the rear gardens and facades of the

properties perpendicular to the site facing onto Grosvenor Place are also included. Photovoltaic panels are to be located on the roofs of each house.

- 2.2. The application includes a shadow study, conservation statement and flood risk assessment report in which consultation of the CFRAM maps are referred to and it is concluded that there is no flooding risk at the site location and in which it is stated that attenuated storage would be required for each of the two proposed properties and submersible pumps to take basement level drainage to the ground level gravity system which is to be connected to the public sewers.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 11th September, 2017, the planning authority decided to grant permission subject to conditions most of which are of a standard nature. Condition No 3 contains requirements for

- (a) modifications which include omission of first floor projections to the rear, provision for a flat green roof at first floor level, over ground floor accommodation and not above a parapet height of 3.3 metres.
- (b) Omission of vehicular access onto Kenilworth Road, (which necessitates a reduction in the supply of on street public parking space) and landscaping of the driveway within the curtilage as private open space.
- (c) Obscure glazing to landing windows in the north west elevation.

The reason provided is for residential amenity and consistency with development plan policy seeking the retention of the supply of on street parking.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning officer indicates in her report that she is satisfied, subject to the requirements for medication under condition No 3 that the proposed development

accords with the zoning objective, is acceptable in terms of traffic safety and is not seriously injurious to the amenities of residential property in the vicinity.

3.2.2. Other Technical Reports

The internal report of the roads and traffic department indicates a recommendation for omission of the vehicular access of Kenilworth Road if permission is granted.

The internal report of the Drainage Division indicates no objection to the proposed development subject to standard conditions.

3.3. **Third Party Observations**

- 3.3.1. Issues of concern raised in the submissions include inappropriate design for the location, potential structural damage, obstruction of light to adjoining dwelling, overlooking, substandard private open space provision, overdevelopment on the site, loss of supply of on street parking spaces and flooding risk.

4.0 **Planning History**

- 4.1.1. P. A. Reg. Ref: 6714/07: Following appeal, the planning authority decision to grant permission for demolition of the house and construction of two, two storey detached houses with a sunken ground floor level, balconies at the front and parking at the front and raised boundary walls and two vehicular and pedestrian entrances onto Kenilworth Road for reasons relating to incongruous design incompatible with the existing development in the residential conservation area and substandard development with deficient amenity for the future occupants.
- 4.1.2. P. A. Reg. Ref: 2939/07: Permission was refused for demolition of the house and construction of two, two storey detached houses with a sunken ground floor level, with off street parking and vehicular access onto Kenilworth Lane to the west side of the site for reasons relating to excessive scale, insufficient private open space provision, inappropriate design resulting in over development, conflict with development plan policies and standards for side garden development and the residential conservation area zoning objective, and, undesirable precedent for similar development.

- 4.1.3. P. A. Reg. Ref: 4967/04: Outline Permission was refused for demolition of the existing house and construction of three “bijou” cottages and a mews dwelling for reasons of encroachment of the building line, overlooking, inappropriate design for the location, insufficient private open space provision and substandard internal accommodation.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development is the Dublin City Development Plan, 2016-2022 according to which:

The site is within an area subject to the zoning objective Z2: *to protect and or improve the amenities of residential conservation areas the protection of the special interest and character of which is policy objective CHC4.* (Section 11.1.5.4 refers).

The properties on both sides of Kenilworth Road, (excluding the appeal site property) are included on the record of protected structures.

The indicative plot ratio is 0.5 - 2.0.10.

There are specific policies, objectives and standards for infill development which are provided for in Section 16.2.2.2 and 16.10.10 and for basement level development which are provided for in section 16.10.15.

6.0 The Appeals

6.1. Third Party Appeal – M and B Construction.

- 6.1.1. An appeal was received from David Mulcahy Planning on 9th October, 2017 on behalf of Ken Morley of M and B Construction occupant of, “Kenilworth Villa”, the adjoining property to the east side at the corner with Grosvenor Place. According to the appeal the impact of the proposed development on his property was inadequately assessed by the planning authority. It is submitted that permission should be refused because:

- The application does not include details of the single storey extension to the side of Kenilworth Villas. The application should have been invalidated.
- The single storey extension which has two openings to a kitchen area is a material consideration in the assessment of the proposed development. Further loss of access to light to the kitchen window in the side annex of the appellant property which is already obstructed by the boundary wall would be detrimental. Mr. Morley intends to revert to the original residential use in time.
- It is not clear if the development is to be on or, inside the east side boundary wall. If the boundary wall is to be relied the applicant would not have sufficient legal interest and the consent of Mr. Morley would be required.
- The drawings indicate an east elevation wall at 6.675 metres in height and 5.6 metres in width. It is an extensive blank wall close to the side annex windows at the appellant's property which would result in overbearing impact and be overlooked.
- The shadow study is inaccurate because it does not address the impact on the side annex. The overshadowing impact on the annex with would be greatly increased by the proposed development. It would be engulfed in shadow after 3 pm on the March equinox.
- The overbearing and dominant appearance is demonstrated in the modelling of the building shown in the photos in the architect's report.
- The contemporary design is inappropriate for the residential conservation area particularly with regard to the roof treatment which does not recognise the existing architectural features in the area and the array of different window openings in the front elevation especially a horizontally aligned window.
- Permission should be refused due to the absence of full information on Kenilworth Villa in the application and the potential adverse impact on the side annex of Kenilworth Villa in respect of overbearing impact, overshadowing and loss of light.

6.2. First Party Appeal

6.2.1. An appeal against Condition No 3 (a) was received from Ciaran Ferrie on behalf of the applicant on 3rd October, 2017. Condition No 3 (a) is reproduced below:

“The development shall be revised as follows:

The first floor projection to the north west of both dwellings, accommodating bedroom no 2 to both dwellings, shall be omitted in its entirety and that portion of the first floor north western wall of the dwellings shall be setback to the line of the main two and three storey north western elevation of the dwellings. No additional first floor windows shall be provided in this elevation and a flat green roof, with the parapet no higher than 3.3 metres shall be provided over the ground floor kitchens of both dwellings....

Reason: In the interests of residential amenity”

6.2.2. According to the appeal, the proposed returns would not diminish the residential amenities at No 8 Grosvenor Place, Kenilworth Villa or other properties in the area because: -

- The projections at first floor level do not impose on residential amenity at adjoining properties to a greater extent than the existing building. The existing single storey pitched roof building rise to 5.5 metres at the apex and the gable abuts the boundary of No 8 Grosvenor Place. The proposed return rises to 3.25 metres where it abuts the adjoining boundary and a further 2.65 metres at first floor level where it is setback by one metre from the boundary with No 8 Grosvenor Place which reduces the apparent scale as perceived from the rear garden.
- From the rear garden of No 8 a surface area of twenty-five square metres of the existing house is visible whereas a surface area of twenty-four square metres of the rear returns of the proposed dwellings would be visible, of which eighteen square metres would be set back by a distance of one metre from the boundary.
- The distance from the rear building line of No 8 Grosvenor Place to the existing house is 5.7 metres whereas the distance between the proposed new

dwelling returns and the existing rear building line of No 8 is increased to 10.3 metres.

- The removal of the windows at first floor level would result in a large expanse of blank wall facing toward the gardens which would be more imposing than the original proposal which is more sensitive to the surrounding environment.
- The scale is appropriate to the context of the density and scale of the residential conservation area. The dwellings on Kenilworth Road North are twice as deep as the two proposed dwellings. Where a return is provided it is a two storey return which steps down in some cases to a single storey structure. The proposed development follows a similar pattern with the main building stepping down with a modest two storey return which steps down to a single storey at the adjoining boundary.
- Omission of the bedroom accommodation would diminish the residential amenity of the proposed dwellings. The omissions would unnecessarily reduce the size of each of the two houses from a three bedroom to a two-bedroom dwelling and a four-bedroom dwelling to a three-bedroom dwelling and this would reduce the residential amenities of the dwellings.
- The concern of the planning officer that the bedroom floor areas are substandard are addressed in the revisions shown in floor plans included with the appeal in which the floor area of bedroom No 2 is increased to 7.2 metres x 2.33 metres and the floor area of bedroom No 1 is increased to 9.3 metres x 3.01 metres which is consistent with the minimum sizes set out in *Sustainable Urban Housing: Design Standards for New Apartments* (DOECLG, 2015)

6.3. Applicant's Response to the Third Party Appeal.

- 6.3.1. A submission was received from the applicant's agent on 8th November, 2017 in which it is stated that the third party appellant's contentions are rejected and the statement that the adjoining property "Kenilworth Villa" is in office use and that the annex is used as an ancillary office is noted. According to the submission:

- The reasons for refusal of permission for prior proposals for development on the site were taken into consideration in drawing and designing the proposed development which includes: -
 - superior quality private open space provision,
 - solid to void ratios and use of materials and distribution, proportions and alignments of the windows all of which are sympathetic to the existing historic context.
 - A roof profile reflecting the transition between the scale of Kenilworth Villa and the terraced houses to the west side of the lane. The design of the roof and window openings is a direct response to the existing context
- The area at the west side of Kenilworth Villa is already overshadowed by the existing boundary wall. The proposed dwellings will be clearly within the site area and consent, (regarding encroachment) is unwarranted.
- There is negligible impact, as demonstrated in the solar analysis, on the first-floor windows for Kenilworth Villa. The 15.00 and 17.00 shadows in March and September extend as far as the east façade of the first floor and do not overshadow the windows.
- The planning officer's detailed assessment was favourable.

6.4. **Planning Authority Response**

There is no submission from the planning authority on file.

6.5. **Observations**

- 6.5.1. A submission was received from Philip O'Reilly of 18 Grosvenor Place on his own behalf on 23rd October, 2017. Attached to the submission is a copy of a Report on Flooding to the members of Dublin City Council prepared on behalf of the Assistant County Manager in 2012. The observations are outlined in brief below:

- The site was part of Kenilworth Villa and bounded by Kenilworth Lane to the west which makes a clear demarcation between the smaller scale houses of Grosvenor Place starting with Kenilworth Villa and the larger three storey houses on Kenilworth Road. The application site is to the east of Kenilworth Lane where the houses are smaller scale.
- The proposed development would be a serious visually incongruous blot in the “Z2”: zoned lands, the objective for which is to maintain and or improve the Residential Conservation area. It towers over other dwellings and overshadows adjoining properties to the north between September and March along with other previously permitted developments in the area including Effra Road. There is clear reasoning for the restriction of the existing development to one storey to protect the residential amenities of the adjoining properties.
- Private open space is severely restricted and the calculation for it should not include the car parking spaces on site and it is diminished in quality in being to the front on a heavily trafficked road. The basement level study / office is a bedroom resulting in a total of bed spaces on the site so 160 square metres minimum ‘quality’ private open space would be required.
- The rear elevation windows of House No1 would overlook the rear gardens of the Grosvenor Place properties.
- The vehicular access would result in loss of the supply of at least 1.5 on street car parking spaces.
- The provision for basement level accommodation is in a high-risk flooding area in the middle of a complicated (Swan River) river system which is culverted but behaves and floods like the Camac, Poddle and Dodder rivers. There have been many instances back to 1963 when the houses have been flooded so flooding has occurred on a regular basis and the drainage infrastructure for the area is not fit for purpose and should be upgraded before further development is permitted. The flood risk assessment is deficient and inaccurate and the proposed attenuated storage will not resolve the issue at the site as flooding occurs nearly every year. The sunken basement at 600 mm below the water table, (which has been interfere with) gives rise to potential for ground water flooding and if the basement is waterproofed water

will build up around the structure and will destabilise it. The existing house is flood free as it does not have a basement. The main branch of the river Swan is sixty metres from the site.

6.6. Further submission of the Third Party appellant:

6.6.1. It is stated in a letter dated 18th October, 2017 that the appellant has no observations to make on the first party appeal.

6.7. Further Submission of the Applicant.

6.7.1. A submission from the applicant's agent in response to the observer submission was received on 4th January, 2018 in which it is contended that the concerns and views in the observer submission are unfounded and that many of the contentions are inaccurate. According to the submission:

- Kenilworth Lane is almost imperceptible in the streetscape. The design proposed is not “unorthodox” or, “uncoordinated and haphazard” and it is demonstrated in the application that the development including the windows is a contemporary response to and integrates in all respects including height and scale with the three storey villas to the west and the two storey Kenilworth Villa to the east side.
- The references to aesthetic qualities of Effra Road are irrelevant.
- The concerns as to flooding risk are addressed in the application and the FRA. The River Swan flows across the southern boundary behind Effra Road and under Grosvenor Place.
- Points made in the response to the appeal regarding impact on views from adjoining properties, on overlooking and on sunlight and daylight access at adjoining properties are reiterated.
- The reasons for refusal of permission of the prior applications to which Mr. O'Reilly refers, were taken into consideration in the current proposal. There is no evidence that the existing house on the site was restricted to one storey.
- The current proposal is two and three storey over basement level and is not four storeys as contended by Mr. O'Reilly. The contention that the basement

accommodation is intended for use as a double bedroom are noted and it would be a matter for enforcement if bedroom use was unauthorised.

7.0 Assessment

7.1.1. There is a third party appeal against the decision to grant permission, a first party appeal, and an observer submission on file. The first party appeal by the applicant and is against Condition No 3 (a) attached to the planning authority decision in which the omissions of the first floor projecting bedroom accommodation at the rear of each dwelling and minor modifications are required. The third party appeal is considered first followed by the first party appeal against condition No 3 taking the views expressed in the observer submission into account.

7.1.2. The issues central to the determination of the decision on the third party appeal by the owner of Kenilworth Villa which adjoins the east side boundary of the application site. and considered below are,

Encroachment on adjoining property at Kenilworth Villa

Private open space provision

Overlooking

Overshadowing

Height and Mass

Fenestration

Vehicular access and off-street parking.

Flooding risk

7.1.3. Subsequently, in the remainder of the assessment the First Party Appeal, Other Issues and Appropriate Assessment are considered.

Encroachment on adjoining property at Kenilworth Villa.

7.2. The footprint shown on the site layout plan indicates construction up to the inner side of the boundary with Kenilworth Villa, the Appellant's property. This boundary would have been created at the time of the implementation of the grant of permission for the existing house in the 1970s. (Marina Villa) which provided for subdivision of the original historic site and private open space for Kenilworth Villa which is positioned at the corner of Grosvenor Place. It would be a matter for the developer

to ensure that encroachment on or over or. any damage to the party boundary does not occur unless the prior consent of the adjoining property owner has been obtained. It should also be borne in mind that dispute over issues of this nature would be a matter for resolution between the parties with, if necessary recourse to the legal system. The matter would not come within the scope of the planning code. In this regard, it should be borne in mind that according to section 34 (13) of the Planning and Development Act, 2000 as amended a grant of planning permission does not necessarily provide for entitlement to carry out a development.

Private Open Space provision.

- 7.3. The dwellings have an extensive footprint leaving very restricted private space provision at the rear, both in terms of total area and configuration especially give the relatively large size of the three and four bedroom dwellings notwithstanding the potential, as contended in the observer submission for the basement level space to be used as additional bedroom accommodation. The lawn areas shown on the plans would not come within private open space provision in that these areas are not to the side or rear of the dwellings and, are limited in terms of amenity potential for the occupants. In the event that the rear kitchen areas were to be omitted, both the total area and amenity potential of the rear private open space would be increased although remaining substandard in total area and consideration could be given to some flexibility in this regard in that there is a front curtilage lawn for each dwelling, neither of which are built up to the road frontage. It is noted that the omission would necessitate significant reordering of the internal layout given the provision for a staircase to the basement level on the ground floor plans.

Overlooking

- 7.4. Given the very limited depth between the rear facades in which the upper floor fenestration would be fitted and side boundary with the adjoining rear garden at No 8 Grosvenor Place it is considered that there is very limited scope for rear elevation fenestration other than at ground floor level. The upper floor fenestration for the bedrooms, particularly for the unit immediately to the east side of Kenilworth Villa, notwithstanding the proposals for opaque glazing would adversely affect the amenity potential of the rear private open space for the residential properties along Grosvenor Place in that they would give rise to perceptions of overlooking and

adverse impact on the privacy. Furthermore, it would be essential for the windows to be fitted and therefore not openable, or fitted with a top opening only.

Overshadowing:

- 7.5. The existing structure gives rise to some overshadowing of the adjoining property at Kenilworth Villa and at the rear of the properties on Grosvenor Place. The proposed dwellings while having increased height to the parapets height and a greater distance from the northern site boundary at upper level whereas the existing dwelling has a low profile 'A' shaped rear façade. While there is variation between the impact of the existing and proposed developments in the extent of overshadowing, the accommodation to the west side of Kenilworth Villa would be more affected due to the side elevation and parapet height of the proposed dwelling adjoining the common boundary relative to the existing dwelling which has a shallow slope and relatively low parapet height. Nevertheless, access to sunlight and daylight to the west side of Kenilworth Villa, as has been pointed out is already obstructed by the party boundary wall and it is more affected by limited access to daylight as opposed to overshadowing. There is sufficient separation distance from the party boundary with No 8 Grosvenor Place, subject to the exclusion of the upper floor bedroom accommodation over the kitchens.

Height and Mass.

- 7.6. The proposed footprint infills the entire width of the site notwithstanding the setback front building line which is the same as that of the existing lower profile dwelling. Given the laneway which has a width up 5.8 metres providing significant separation from the terraced houses to the west, it is considered that the site has the capacity to accept the infill as far as the west boundary at the nine metre height shown on the plans. Subject to use of quality materials and finishes, the finalisation of the details of which can be addressed by compliance with a condition, there is no objection to the form and height of the front and west elevations overlooking the lane.

Fenestration.

- 7.7. It is considered that the upper level fenestration on the front facade requires minor modification to strengthen the integration of the façade design into the streetscape to a satisfactory standard. It is not accepted the range and distribution of fenestration is unacceptable, as contended in the Observer submission. A minor modification to

the upper level vertical windows is recommended whereby the height is reduced by 0.5 metres allowing for a five metre separation distance to the parapet at the upper level. Inclusion of a brick soldier course, similar to that shown on the plans for the lower level fenestration is recommended. This modification can be addressed by condition. The feature window at the corner overlooking the lane is considered to be acceptable.

Vehicular access and off-street parking.

- 7.8. The applicant has sought to provide for two separate vehicular entrances for the proposed development one from Kenilworth Road close to the corner with Grosvenor Place and the other from Kenilworth Lane at circa four metres from the junction with Kenilworth Road. It is noted and agreed with the internal Roads and Transportation Department that the creation of a new opening on the Kenilworth Road frontage to provide for off street parking for one of the dwellings is contrary to the development plan policies for the protection and retention of the supply of on street public parking for the benefit of all road users in that it would necessitate the removal of at least one paid and display space. The area is served by residential permit parking for the benefit of residents many of which occupy properties which do not have curtilage parking. The omission of the entrance off Kenilworth Road by condition attached to the planning authority decision is therefore supported.
- 7.9. The details for the opening and gates, if any, are not shown in detail on the lodged plans and it appears that egress and access in forward gear may not be feasible but would be acceptable if delay or waiting on Kenilworth Lane can be prevented. Should a gate be erected, a sliding or inward opening gate only would be acceptable, in the interests of minimisation of obstruction on the lane which serves development with frontage directly to it and also continues the original purpose of serving as a rear access for some properties on Effra Road and Kenilworth Road. This can be addressed by condition.

Flooding Risk.

- 7.10. The observer party has indicated serious concern as to flooding risk in the area and has provided some comprehensive details both of events and as to the possible causes within the river and watercourses within the area along with a report prepared for the Members of Dublin City Council in 2012.

7.11. The site location is within a Flood Zone C area and a review of the CFRAM mapping provided for in the FRA report indicates some risk of pluvial flooding in the area but not at the site in 2011. The applicant has provided for sufficient design mitigation in the basement and sunken yard construction supplemented by sumps and a pumping system to bring water to surface level in the event of extreme flooding events. These measures are considered reasonable and as such there would be insufficient grounds for rejection of the proposed development over flooding risk, notwithstanding the observer party's concerns.

First Party Appeal.

7.12. It is noted that in the appeal the applicant has provided minor modifications to provide for consistency with the standards in "*Sustainable Urban Housing: Design Standards for New Apartments*" (DOECLG), for the bedrooms in the extended first floor level space over the ground floor level kitchens. However, in view of the concerns indicated above in subsections, 7.2, 7.3,7.4 and 7.5 about proximity to the boundary with the adjoining properties, insufficient and substandard private open space provision at the rear and perceptions of overlooking and overbearing impact relative to adjoining properties, the attachment of Condition No 3 is supported. It is not accepted that difference in impact of the first floor return and the existing dwelling on residential amenity of adjoining amenities is insignificant. The inclusion of Condition No 3 (a) with the planning authority decision to grant permission is supported.

Other issues.

- 7.13. Having reviewed the layout for the internal accommodation, it is apparent that there is some scope for subdivision of the dwellings, notably the basement levels from the remainder of the internal accommodation potentially provide for a separation dwelling unit or commercial unit. Should permission be granted, it is recommended, for the purposes of clarity, and, to allow for further planning review if applicable, that a condition be included, to clarify that each unit be occupied as a single dwelling unit only and not subdivided for residential, commercial or other purposes without a prior grant of planning permission.

Appropriate Assessment

- 7.14. Having regard to and to the nature of the proposed development and the inner urban site location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. It is concluded that the planning authority decision to grant permission can be upheld but with requirements for additional modifications by condition with regard to the façade treatment and occupancy and that the first party appeal should be rejected. Draft Reasons and Considerations and Conditions follow:

9.0 Reasons and Considerations

Having regard to the inner suburban serviced site location, to the zoning objective, To protect and/or improve the amenities of residential conservation areas to established pattern and architectural character of the development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would be satisfactorily integrated with the existing development in the area, would not be seriously injurious to residential amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the further plans and particulars lodged with the planning authority except as may otherwise be required 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.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:
 - (a) The first floor returns beyond the rear facade containing bedroom accommodation for both dwellings shall be omitted and a flat green roof, the parapet height of which shall not exceed 3.3 metres shall be provided over the ground floor kitchen projection to the rear. No additional first floor rear elevation windows shall be provided windows are permissible.
 - (b) The rear elevation landing windows shall be fitted and shall be in obscure glazing.

Prior to the commencement of the development the applicant shall submit and agree revised plan, section and elevation drawings in writing with the planning authority:

Reason: To protect the residential amenities of adjoining properties.

3. The proposed development shall be amended as follows
 - (a) The vehicular access on the Kenilworth Road frontage shall be omitted in entirety.
 - (b) Outward opening gates for the entrance onto Kenilworth Lane shall not be permitted. Inward or sliding gates only are acceptable.

Prior to the commencement of the development the applicant shall submit and agree revised plan drawings in writing with the planning authority.

Reason: To safeguard the available supply of public on street parking for all road users as provided for under Policy MT 14 of the Dublin City Development Plan, and the interests of safety and convenience.

4. The upper floor front elevation vertical windows shall be reduced in height to provide for a separation distance of 0.5 metres to the parapet and soldier string course similar to that proposed for the ground floor windows shall be provided. Prior to the commencement of the development the applicant shall submit and agree revised elevation drawings in writing with the planning authority.

Reason: To enhance the integrity of the proposed development with the architectural character of existing historic streetscape.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the houses without a prior grant of planning permission.

Reason: To allow for further planning review having regard to the restricted site configuration, in the interest of the residential amenity.

6. Details of colours and textures of all the external finishes for all proposed new build, inclusive of samples shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual and residential amenities of the area.

7. Details of hard and soft landscaping within the perimeter of the site including all materials and finishes shall be submitted to and agreed with the planning authority prior to the commencement of the development.

Reason: In the interest of the visual and residential amenities of the area.

8. 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.

Hours of construction shall be confined to the hours of 0800 and 1900 hrs. on Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

- 10 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “*Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects*”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

12 The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in 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.

Jane Dennehy
Senior Planning Inspector
9th January, 2017.