

Inspector's Report PL29S.249401

Development	Partial demolition of dwelling extension, reconstruction of 3 storey extension, roof replacement, dormer enlargement, provision of rooflights and associated site works.	
Location	62 Sandford Road, Ranelagh, Dublin 6.	
Planning Authority	Dublin City Council.	
Planning Authority Reg. Ref.	3505/17.	
Applicants	Orla and Bernard Murphy.	
Type of Application	Permission.	
Planning Authority Decision	Grant.	
Type of Appeal	Third Party -v- Grant.	
Appellants	Ted Harding and Marianne Coakley.	
Observers	Brian Mullins.	
Date of Site Inspection	23 rd January, 2018.	
Inspector	Paul Caprani.	

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1.0 Introduction

PL29S.249401 concerns a third party appeal against the decision of Dublin City Council to issue notification to grant planning permission for a partial demolition of a dwelling extension and the reconstruction of a three storey extension together with associated site works. The grounds of appeal argue that the size and scale of the proposed extension would adversely affect the residential amenity of the adjoining neighbours.

2.0 Site Location and Description

- 2.1. The appeal site is located on the Sandford Road (the R117) south of the village centre of Ranelagh and approximately 3.5 kilometres south of Dublin City Centre. The subject site is located on the eastern side of Sandford Road in close proximity to the junction with Marlborough Road. No. 62 Sandford Road comprises of a two-storey Edwardian-era brick terraced dwelling with a substantial rear return ranging from one to three storeys in height. The subject site is the centre house in a row of seven terraced dwellings. The plot is relatively narrow c.6 metres in width but it relatively long c.37 metres in length. All the houses in the immediate vicinity incorporate substantial rear returns.
- 2.2. The existing dwelling on site comprises of a two-storey structure with a converted attic and dormer window to the rear. The building also incorporates a three-storey rear return, adjacent to the boundary with no.64, which steps down to two-storey and single-storey to the rear. The plans submitted indicate that there are a total of 12 rooms within the overall house. The rear return is approximately 11.5 metres in length and incorporates a height of 9.5 metres which progressively steps down to 5.5 metres and to 2.2 metres to the rear.

3.0 Proposed Development

3.1. Planning permission is sought for the following alterations under the current application.

- A proposed enlargement and reconstruction of the existing dormer window on the rear roof pitch of the main dwelling.
- The incorporation of two new velux type windows on the front roof pitch facing onto Sandford Road.
- 3.2. It is proposed to incorporate the following alterations to the rear return.
 - It is proposed to extend the three-storey element of the rear return from 6 metres in length to approximately 8 metres in length. It is proposed to demolish the twostorey element of the rear return from 9 metres in length to approximately 8 metres in length.
 - It is proposed to infill the entire ground floor level across the entire width of the site. The ground floor extension will extend to a depth of 11.2 metres from the main house. The height of the ground floor extension will range from 3.36 metres in height to 4.025 metres in height at the very rear of the ground floor extension.
 - The existing three-storey return is located on the eastern side of the plot and the area on the western boundary (approximately 2.6 metres in depth) is currently occupied by a yard area and is undeveloped. The yard area is to accommodate an extension to the kitchen and dining room. The upper floor extension at second floor level is to incorporate an enlargement onto Bedroom No. 4.

4.0 **Planning Authority's Decision**

4.1. Planning Authority's Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to five conditions.

4.2. Planning Authority Assessment

- 4.2.1. The planning application was lodged with the Planning Authority on 25th July, 2017.
- 4.2.2. A report from the **Drainage Division Engineering Department** states that there was no objection subject to complying with standard conditions.

- 4.2.3. The **planner's report** considers that the proposed new extension and internal works would not have a significant negative impact on the established character or pattern of development to the rear of the property. The modern design approach to the single rear storey extension is considered to be acceptable. While the proposal would extend beyond the existing rear return, having regard to the pattern of development in the area it is considered that the proposal would not out of character or set an undesirable precedent. Furthermore, it is considered that the proposal would not be excessive nor would it be visually overbearing.
- 4.2.4. In terms of the proposed dormer, it is considered that the design and proportions are broadly acceptable. In conclusion therefore it is recommended that planning permission be granted for the proposed development.

5.0 **Planning History**

No history files are attached and no reference is made to any planning history in the Local Authority Planner's Report.

6.0 Grounds of Appeal

- 6.1. The decision was appealed by the occupants of the adjoining dwelling at No. 60 Sandford Road, Ranelagh. The appeal was submitted on behalf of the appellants by Doyle Kent Planning Consultants.
- 6.2. The grounds of appeal outline the proposed development, the site location and description and the development plan policy as it relates to the site and its surroundings before specifically setting out the grounds of appeal. These are summarised below.
 - It is stated that the terrace of houses is quite constrained with a significant bulk of building and relatively little garden space. The orientation of the houses together with the scale of the existing returns is such that penetration of light particularly sunlight is already limited.
 - The proposal is contrary to the provisions set out in the development plan in that any new extension to a house must not dominate or appear overbearing when viewed from adjoining properties. It is suggested that the Planning

Authority would be unlikely to grant planning permission for returns on the size and scale that already existing particularly having regard to the orientation of the dwellings. It is suggested that the additional length proposed onto the three storey return at the rear of No. 62 would have a disproportionate adverse impact on No. 60. Furthermore, the effect of the new infill ground structure would also have an adverse impact and would result in a new wall c.3.4 metres in height which would be more than 11 metres long along the common boundary all of which will result in an oppressive impact.

- Furthermore, the applicants have indicated to the appellants that they have not decided whether or not the side wall to the new ground floor extension would be rendered. It is argued that the extension in question will have an overbearing and dominating effect when viewed from adjoining properties.
- Concern is also expressed that the proposed window in the rear return at second floor level will give rise to significant overlooking and these constitute a new element which heretofore did not exist in the rear return. Concern is also expressed that the proposed enlarged dormer window on the rear roof pitch will also give rise to significant levels of overlooking.
- It is argued that the penetration of direct sunlight into the rear areas of the houses is very restricted and the additional changes arising from the proposed development will result in incremental diminution of amenity particularly in relation to light penetration. The adverse impacts on light and sunlight are contrary to the policy set out in the development plan that extensions should have no unacceptable effect on the amenities enjoyed by occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.
- The proposed development would entail the demolition of the end gable of No. 62 including the removal of the century old part brick wall and chimneys and the addition of an awkward looking three-storey extension to the end of the house. While the chimney stack will remain, there will nevertheless be a heavy intervention on the overall building fabric which is considered to be unsympathetic. The proposal would have a markedly negative impact on the architectural integrity of the return of the structure. While the dwelling in

question is not listed as a protected structure it is nevertheless of very good quality in terms of design and finished. Concern is also expressed that it is not altogether clear how the proposed dormer window would relate to the existing chimney stack.

- There is a lack of clarity with regard to the treatment of the new single-storey extension running parallel to the boundary. There is a lack of clarity in relation to the treatment of the common boundary wall between Nos. 60 and 62 and it is not clear if the existing drainage works would be affected where the existing drain will be built over.
- Reference is also made to Reg. Ref. 2516/17 which was granted planning permission however, the two-storey element of the extension to the rear was omitted by way of condition. Furthermore, the grant of planning permission for a dormer window associated with the application at No. 66, incorporated a dormer window which is much more modest than that proposed under the current application.

7.0 Appeal Responses

7.1. Response from Planning Authority

Dublin City Council state that it has no further comment to make in respect of the appeal and considers the planner's report on file adequately deals with the proposal.

7.2. Applicant's Response to the Grounds of Appeal

- 7.2.1. A response submitted by OC Architects is summarised below.
 - It states that a proposed refurbishment includes a net 12 square metres increase in floor area at ground floor and second floor levels and also involves a reduction in the first floor area. This is considered to be incremental in the context of the overall development of 230 square metres. It is submitted therefore that the proposal will have no material impact on the amenity of neighbours or the wider residential environment.

- The subject site was purchased in 2016 as a vacant dwelling and is intended to be used as a family home. The house is in some disrepair and is currently uninhabitable. There is a requirement for substantial remedial works throughout the entire structure. The refurbishment works essentially involve the reordering of internal spaces required as part of the refurbishment needs. The proposal involves the partial removal and reconstruction of the rear to provide a modern safe insulated and properly roofed structure. The side wall and flat roof of the extension will be 3.36 metres in height which is a standard height for a flat roof construction with parapet detail which is required to avoid any drainage running onto the adjoining property. It should be noted that the existing wall and hedge have a total height of 3.4 metres.
- Furthermore, the reorganisation of the upper floors will result in a reduction in depth at first floor level and an extension at second floor level and to replace the extant two-storey lean-to extensions.
- The proposal will result in no material increase in overshadowing and therefore no loss of light and this conclusion was endorsed by the local authority planning officer's report which considered that the new extension would not have a significant negative impact on the established character and pattern of development of the area.
- Furthermore, the proposed ground floor extension would be fully inside the property boundary of No. 62. There will be no oversailing of adjoining boundaries.
- The applicants are prepared to discuss and agree the proposed finish to the side wall of the ground floor extension facing onto No. 60. Alternatively, the Board can impose a condition dictating the finish.
- With regard to dormer and gable windows it is stated that there is a very
 recent precedent for the addition of windows at the gable end of the threestorey return where permission was granted to No. 66 Sandford for an
 additional dormer window in the gable overlooking the rear of the property
 (Reg. Ref. 3529/17). It is argued that the proposed dormer will have no
 material impact over and above the current arrangements on site.

- The grounds of appeal make reference to Reg. Ref. 2516/17 as a precedent decision where it is noted that the two-storey element of the extension was omitted by condition. In response it is stated that the applicants have reviewed the above planning application and it is stated that there are material differences in the design and layout and are therefore not directly relevant or comparable to the current application before the Board. In the case of No. 66 Sandford Road the first floor extension occupied the full width of the site and this is not proposed under the current application.
- It is submitted that the proposed design in the case of No. 62 (current application) is a balanced approach to meet the requirements of the applicant while also taking careful consideration of the impact on neighbouring properties.
- It is submitted that the existing annex constitutes "clunky" element that detracts from the main house and also results in a "mish-mash" of spaces internally that will not function for modern living.
- Appendix A of the submission contains a number of photographs indicating that the existing return is not fit for modern living and is structurally poor.

8.0 **Observation**

An observation was received by Brian Mullins of Kilmacud Road Upper, Dundrum, Dublin 14. The observation is summarised below.

- It is stated that the terrace of houses in question are of good architectural quality but are vulnerable to inappropriate change. It is stated that the houses can only be expanded to a modest extent without compromising the quality of architectural composition and the residential environment. It is suggested that the proposal will undermine the architectural integrity of the terrace and set a poor precedent for similar type developments.
- It is noted that the houses have very large returns which reduce much of the sunlight presently experienced. If the development goes ahead there will be a further loss of light and an increase in shadow casting and diagrams are submitted indicating this.

• Finally, it is stated that the observer is making the submission in a personal capacity and has not professional involvement in the planning appeal.

9.0 **Development Plan Provisions**

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is zoned Z1 *"to protect, provide and improve residential amenities"*.
- 9.2. Section 16.10.12 sets out development management guidelines in relation to extensions and alterations to dwellings.
- 9.3. It states that the design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit. Applications for planning permissions to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:
 - Not have an adverse impact on the scale and character of the dwelling.
 - Will not adversely affect the amenities enjoyed by occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- 9.4. Appendix 17 sets out further guidelines in relation to residential extensions.

10.0 Planning Assessment

I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to the issues raised in the grounds of appeal and the observation submitted and I consider the critical issues in determining the current application are as follows:

- The Nature and Configuration of the Existing Extension to the Rear of No. 62
- The Height, Scale and Mass of the Proposed Extension
- Overlooking Issues

- Overshadowing and Access to Daylight and Sunlight
- External Finishes on the Common Boundary
- Precedent Decisions

10.1. The Nature and Configuration of the Existing Rear Return

The appellant indicates in the grounds of appeal that the subject site and the terrace of dwellings fronting onto Sandford Road are somewhat unusual in terms of the size and scale of the rear returns. While the proposed dwellings fronting onto Sandford Road are obstensively two-storey in height the buildings incorporate three-storey rear returns which are only marginally lower than the ridge height of the main dwelling. A number of the dwellings have also incorporated additional lean-to type extensions one and two-storeys in height. The existing or baseline environment therefore is characterised by large scale rear returns that rise to just less than 9.5 metres in height and occupy a significant footprint within the rear garden. The proposed alterations in the context of the existing configuration of buildings/extensions is a key consideration in determining the current application and appeal in my opinion. Any assessment of the alterations and extensions proposed under the current application should be assessed in the context of the existing height and layout and whether or not these alterations would further diminish the residential amenities of the area to a material extent over and above that which currently exist on site.

10.2. Height, Scale and Mass of the Proposed Alterations

10.2.1. As already stated above the, existing rear return at No. 62 Sandford Road rises to a height of just less than 9.5 metres. It is not proposed under the current application to increase the height of the rear return above the existing maximum height. It is proposed however to extend the three-storey element to the rear by just less than 2 metres. However, the potential impact in terms of increasing the bulk of building is somewhat off-set by the reduction in size of the two-storey element to the rear. Having regard to the size and scale of the existing rear return I do not consider that extending the length of the return by an additional two metres would have a significant or material impact on the overall perceived scale and size of the rear return. The omission of the two-storey lean-to would also assist in reducing the overall bulk of the upper storeys.

- 10.2.2. Particular concerns are expressed in the grounds of appeal in respect of the scale and height of the ground floor extension proposed as part of the development. The overall height of the ground floor extension along the common boundary amounts to 3.36 metres in height. I would suggest that such a height is not unusual or atypical for a ground floor extension to the rear of a dwellinghouse. The ground floor extension rises to a maximum height of just over 4 metres, but this maximum height is located over 2½ metres away from the common boundary and therefore would have less of an impact in terms of being overbearing on the appellants' dwelling. It is also apparent from my site inspection and from the photos submitted with the appeal that a large thick hedge runs along the common boundary of the site and this hedge is estimated to be c.3 metres in height. It is considered that the gable end of the ground floor extension would not be considerably higher than the existing hedge which currently runs along the common boundary of the site.
- 10.2.3. I therefore do not consider that the proposed ground floor extension while extending to the entire width of the site would result in a structure that would be anymore oppressive in terms of size and scale over the existing configuration of the boundary wall and hedgerow along the common boundary. Furthermore, the omission of a window at first floor level which directly faces onto No. 60 would be omitted as a result of the proposed development and this would be beneficial in amenity terms. In light of the above I do not consider that the proposed alterations sought will in any way exacerbate or accentuate the impact on No. 62 Sandford Road in terms of being overbearing. I do not accept that the additional length proposed onto the three-storey return at less than 2 metres would have a disproportionately adverse impact on No. 60 as suggested in the grounds of appeal. The fact that an existing hedgerow of c.3 metres in height runs along the entire common boundary is a relevant and a material planning consideration in determining whether or not the single-storey extension proposed to the rear would have a material impact on the amenities of No. 60.

10.3. Overlooking

10.3.1. I think a similar conclusion can be arrived at in respect of overlooking. The configuration and orientation of the rear return windows together with the existing dormer window at roof level results in a situation where considerable levels of overlooking not only of rear gardens but also of opposing rear returns already exist within the building configuration. Particular concerns are expressed in the grounds of

appeal that the proposed dormer window is larger than that which currently exists within the roof profile. While this is obviously the case, I do not consider that the incorporation of a larger window in any way exacerbates or accentuates the level of overlooking which can take place. The fact that the existing dormer window within the rear roof profile serves a habitable room (Room No. 11) results in overlooking of the appellants' rear garden. The same level of overlooking will occur from the dormer window under the proposed development.

- 10.3.2. The proposal does however involve the incorporation of an additional window at second floor level in the gable end of the rear return. If the Board deemed it appropriate it could consider relocating the said window from the gable end to the side/eastward facing rear return in order to allow additional natural daylight penetration to bedroom no. 4 or indeed bedroom no. 3 which is situated at first floor level below. However, this would result in windows at first and second floor level directly overlooking and looking into habitable rooms within the rear return of No. 60. And this in my view would exacerbate overlooking issues rather than resolve them. The fact that the fenestration arrangements as proposed under the application results in direct overlooking of rear gardens as opposed to habitable rooms is more beneficial in terms of preserving amenity. The Board will also note that the proposed alterations result in the removal of a window at first floor level on the two-storey leant to to the rear which directly faces onto the rear return of the appellants' property. This would be beneficial in terms of reducing the potential for overlooking.
- 10.3.3. In conclusion therefore I consider that the proposed alterations will not result in levels of overlooking over and above that which currently exists and therefore the proposal will have an acceptable impact on the appellants' residential amenity.

10.4. Overshadowing, Daylight and Sunlight Penetration.

10.4.1. The appellant correctly points out in my view that the existing configuration of buildings and rear returns results in limited daylight and sunlight penetration to the rear of the dwellinghouses in question. Sunlight and daylight penetration to the rear of No. 60 is already adversely affected as a result of the presence of a dense 3-metre-high hedgerow which runs along the entire common boundary of the rear garden. A pergola-type structure which incorporates and supports mature climbers significantly diminishes sunlight penetration in the rear of the garden.

10.4.2. The observer's submission contains an overshadowing analysis for the autumnal equinox. The Board can review this shadow casting analysis and decide for itself whether or not the overall impact can be considered to be material. Having inspected the shadow casting analysis undertaken I would consider that the proposed increases in shadow casting at No. 60 as a result of the proposed alterations are modest and will not result in any significant or material diminution in amenity terms. In fact it appears that the increases in overshadowing resulting from the proposed alterations will affect for the most part external walls on the rear returns and will not impact on any of the external fabric containing windows particularly at first and second floor level. The impact in terms of overshadowing and daylight and sunlight penetration is therefore deemed to be acceptable.

10.5. Building Design

- 10.5.1. Concerns are expressed in the grounds of appeal that the overall design approach is somewhat incongruous and not suitable and results in an awkward looking three-storey extension to the end of the house. While I acknowledge that the proposal does result in a heavy intervention on the existing fabric, a number of dwellinghouses along the terrace including the appellants' dwellinghouse have incorporated alterations, extension and lean-to's which have impacted on the architectural integrity of the return structure. Furthermore, the alterations sought under the current application are not readily visible from any public vantage points along either Sandford Road or Marlborough Road and therefore will not result in a visually incongruous alteration from public vantage points within the wider area. I consider that the contemporary style intervention proposed in this instance is appropriate having particular regard that the subject dwelling and adjacent dwellings within the terrace are not listed as protected structures and as such in my opinion, more flexibility can be incorporated in the overall design approach.
- 10.5.2. It is also clear from Appendix 17 of the development plan that Dublin City Council supports good contemporary designs which can offer a more imaginative solution and can contrast with a traditional building provided they do not detract from the character of the area. I consider that the proposed development in this instance constitutes a high quality contemporary design which assists in creating a contemporary and spacious living environment which is suitable and appropriate for future occupants.

10.6. External Treatment of New Wall to Single-Storey Extension

Concerns are expressed in the grounds of appeal that details of the external treatment of the new all associated with the ground floor extension facing the appellants' dwelling have not been articulated or detailed under drawings submitted. The applicant indicates that it is intended to incorporate a painted render finish. I consider such a finish to be appropriate and can be adequately addressed by way of condition.

10.7. Precedent Decisions

10.7.1. The grounds of appeal make reference to Reg. Ref. 2516/17 which relates to an application to demolish the existing rear annex and to construct a new extension to the rear of No. 66 Sandford Road, two doors up from the subject site. It appears from the drawings submitted with the applicant's response to the grounds of appeal that this application was somewhat different to the current application before the Board. I would be reluctant to draw any substantive conclusions in relation to other applications at different sites in terms of setting a precedent for the application currently before the Board. All applications should be determined on their merits and in accordance with the proper planning and sustainable development of the area. I have assessed the current application before the Board I consider that the proposed development will not have significant or material adverse impact in terms of residential amenity over and above the configuration of structures which currently occupy the site in question.

11.0 Conclusions and Recommendation

I am satisfied based on the plans and particulars submitted together with my site inspection that the proposed alterations and reconfiguring of rooms are required in order to create a dwelling unit that is suitable for modern domestic family accommodation. I consider that the proposed development will have a negligible impact in terms of exacerbating overlooking or overshadowing, over and above that which currently exists on the subject site. Any increase in overlooking and overshadowing would be marginal in my view, and in the case of overlooking it could be reasonably argued that the proposal represents an improvement over and above the fenestration arrangements which currently exist on site. I further consider that the proposed contemporary design approach is acceptable and will not adversely impact on either the integrity of the building, which is not a protected structure, or on the visual amenities of the area. I consider that the alterations sought under the current application are appropriate and any marginal diminution in residential amenity which may result particularly in terms of overshadowing must be balanced against the reasonable expectation to permit the applicants to alter the structure in order to provide a higher level of residential amenity for future occupants of the subject dwelling. I therefore consider the proposed development to be in accordance with the proper planning and sustainable development of the area and I recommend that the decision of Dublin City Council be upheld in this instance and planning permission be granted for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

12.0 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 and projects on a European site.

13.0 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.

14.0 Reasons and Considerations

Having regard to the residential zoning objective for the subject site it is considered that the proposed development, 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.

15.0 Conditions

 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.

 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.

3. Details of all external finishes to the proposed extension shall be agreed in writing with the planning authority prior to the commencement of development. The proposed external wall of the ground floor extension facing towards No. 60 Sandford Road shall incorporate a painted plaster render finish. Full details of the proposed finishes shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out between the houses of 7 a.m. to 6 p.m. Mondays to Fridays inclusive and 8 a.m. to 2 p.m. on Saturdays and not at all on Sundays and Public Holidays. Deviations 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.

5. 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. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.].

Reason: In the interests of sustainable waste management.

6. The existing dwelling and the 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.

Paul Caprani, Senior Planning Inspector.

24th January, 2018.