



An  
Bord  
Pleanála

## Inspector's Report ABP301375-18

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**Development**

Demolition of existing garage and the construction of a 5-bed, three-storey with two off-street parking spaces and associated works.

**Location**

Side of 12 Farmleigh Close, Farmleigh Woods, Castleknock, Dublin 15.

**Planning Authority**

Fingal City Council.

**Planning Authority Reg. Ref.**

FW17A/0166.

**Applicant**

Peter Lawrie.

**Type of Application**

Permission.

**Planning Authority Decision**

Grant.

**Type of Appeal**

Third Party -v- Grant.

**Appellant**

Farmleigh Woods Management Company Limited.

**Observers**

None.

**Date of Site Inspection**

20<sup>th</sup> July, 2018.

**Inspector**

Paul Caprani.

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## 1.0 Introduction

ABP301375-18 relates to a third-party appeal by Farmleigh Woods Management Company Limited against the decision of Fingal City Council to issue notification to grant planning permission for the demolition of an existing garage and the construction of a 5-bedroom, three-storey end of terrace dwelling to the side of 12 Farmleigh Close, Farmleigh Woods, Castleknock, Dublin 15. The grounds of appeal argue that there are discrepancies in the drawings submitted, that the proposal would give rise to car parking and traffic problems and may also give rise to issues in respect of consent over third party lands in order to facilitate the proposed development.

## 2.0 Site Location and Description

- 2.1. No. 12 Farmleigh Close is located at the end of a residential cul-de-sac containing 24 dwellings set out in blocks of terraces. No. 12 is located at the northern end of this cul-de-sac on the western side of the road. The northern boundary of the site shares a common boundary with a rear garden associated with large detached dwellinghouses facing onto College Park to the north. The subject site incorporates a large side garden just less than 6 metres in width. The area to the immediate north of the residential dwelling at No. 12 incorporates a large detached garage/shed. Lands to the rear of the shed form part of the private garden associated with No. 12.
- 2.2. Farmleigh Close comprises of six blocks of terraced housing each block accommodates four dwellings. The houses are of uniform design and incorporate external staircases leading to the main entrance at first floor level. A secondary entrance is located at ground floor level. Farmleigh Close forms part of four parallel cul-de-sacs each containing 24 dwellinghouses with an almost identical layout of the dwellings facing onto Farmleigh Close.

### **3.0 Proposed Development**

Planning permission is sought for the demolition of the existing 23 square metre garage and for the construction of a three-storey dwellinghouse to the side of and to the immediate north of No. 12 Farmleigh Close. The proposed dwellinghouses is to extend the terrace of four dwellinghouses from Nos. 12 to 15 Farmleigh Close. It is to incorporate a similar footprint layout and external finish to the existing dwellings along the terrace. However, it is not proposed to incorporate a set of stairs leading to a main entrance at first floor level on the front elevation. It is also proposed to provide two off-street car parking spaces to the front of the dwelling. The dwelling is to accommodate a kitchen, living and dining area together with a breakfast room to the rear at ground floor level. A master bedroom and family room at first floor level and an additional four bedrooms with bathroom at second floor level. The external elevations are to incorporate a mixture of brick and nap plaster finish to reflect the external finishes on the existing houses. The proposed dwellinghouse is to match the ridge height of the adjoining dwelling No. 12 to the immediate south.

### **4.0 Planning Authority's Decision**

#### **4.1. Decision**

- 4.1.1. Fingal County Council's decision dated 13<sup>th</sup> March, 2018 issued notification to grant planning permission subject to 14 conditions.

#### **4.2. Initial Assessment by Planning Authority**

- 4.2.1. A report from the Transportation Planning Section requested additional information in relation to the off-street car parking spaces and details of the footpath to the front of the dwelling.
- 4.2.2. A report from the Water Services Section stated that there is no objection subject to standard conditions.
- 4.2.3. A report from the Parks Planning Section stated that there is no objection to the proposed development.
- 4.2.4. A report from Irish Water states that there is no objection subject to conditions.

### 4.3. **Observations**

- 4.3.1. Two observations were submitted, one by the current appellant objecting to the proposed development. The grounds on both observations have been read and noted.

### 4.4. **Additional Information Request**

- 4.4.1. The planning report assessed the proposed development and considered that there are a number of outstanding issues which need to be addressed and these include:
- Details in relation to the new vehicular access and parking spaces to the front of the dwelling.
  - Further details in relation to suitable bin storage.
  - Further details with regard to private open space provision.
  - Further details demonstrating that the dwelling complies fully with the minimum standards for floor area, storage, room sizes, widths etc. as required by Objective DMS29 of the Development Plan.
  - Further details in relation to off-street car parking and the provision of a 1.8 metre wide footpath to the front of the dwelling.
  - Further details of the sustainable drainage system to be provided.

### 4.5. **Further Information Response**

- 4.5.1. Further information was submitted on 26<sup>th</sup> January, 2018 which is briefly summarised below:
- A new vehicular access and two car parking spaces are proposed to the front of the dwelling as indicated in drawings attached to the submission. Also, a revised newspaper notice is also attached.
  - Further details of the proposed bin storage were also submitted.
  - Drawings were also submitted which indicate a private open space provision of 87 square metres for the existing dwelling and an open space provision of

88 square metres for the proposed dwelling in accordance with the requirements for the development plan.

- Also submitted are floor plans which show that the proposed dwelling complies with the minimum standards required by Objective DMS29 and Tables 12.1 and 12.3 of the development plan.
- Drawings were also submitted which illustrate that two in-curtilage car parking spaces can be provided and also provide details of the footpath layout.
- Finally, a drawing was submitted which shows details of the proposed rainwater and gravel permeable paving to comply with the requirements of sustainable urban drainage systems.

#### **4.6. Further Assessment by Planning Authority**

- 4.6.1. A submission from Irish Water stated that there was no objection to the proposal.
- 4.6.2. A report from the Transportation Planning Section stated that the applicant should clarify the scale and dimensions and provide a revised drawing which provides adequate space for two incurtilage car parking spaces for both dwellings and a relocated bin store.
- 4.6.3. A report from the Water Services Section stated that there is no objection subject to conditions.
- 4.6.4. Two further letters of objection, one from the current appellant was submitted the contents of which has been read and noted.

#### **4.7. Clarification of Additional Information**

- 4.7.1. The Planning Authority requested clarification of additional information in respect of the following:

A revised site layout which is appropriate scaled and clearly indicates the full extent of the existing and proposed dwellings together with private open space provision and how the proposed development complies with all development plan standards in respect of internal floor spaces. Further details clarifying the dimensions of two in curtilage car parking spaces both for the proposed dwelling and the existing dwelling to the front of No. 12.

Further details which illustrates the proposed bin storage finished in brick to match the existing dwelling.

#### **4.8. Clarification of Additional Information Submission**

- 4.8.1. Clarification of additional information was submitted on behalf of the applicant on 16<sup>th</sup> February, 2018.
- 4.8.2. Drawing CFI-01 indicates the full extent of both dwellings and the private open space to be provided for both dwellings (75.5 square metres which is in accordance with development plan requirements).
- 4.8.3. Also submitted are drawings which indicate that the proposed dwellinghouse fully complies with the internal room sizes required in the development plan.
- 4.8.4. Further details of car parking arrangements including the provision of two incurtilage car parking spaces are provided.
- 4.8.5. Finally, details of a brick bin storage area is also provided.

#### **4.9. Planning Authority's Decision**

- 4.9.1. A further planner's report concludes that the applicants have addressed the issues raised at further information and clarification of further information adequately. It is considered that the proposed dwelling would not have an undue negative impact on the residential amenity of neighbouring properties and the proposal fully accords with the relevant development management objectives of the development plan and it is considered that the proposed infill dwelling would not be contrary to the proper planning and sustainable development of the area. On foot of this assessment Fingal County Council issued notification to grant planning permission.

### **5.0 Planning History**

- 5.1. One relevant planning history file is attached. Under PL06F.246990 An Bord Pleanála upheld the decision of Fingal County Council and granted planning permission for the construction of a dwellinghouse to the side of No. 11 Farmleigh Park, similar residential cul-de-sac to the immediate west of the subject site. The rear boundary of Reg. Ref. PL06F.246990 backs onto the subject site. An Bord

Pleanála granted planning permission for the proposed development on 27<sup>th</sup> October, 2016 subject to eight conditions.

## 6.0 Grounds of Appeal

6.1. The decision of Fingal County Council to issue notification to grant planning permission for the proposed dwellinghouse was the subject of a third-party appeal by Jim Brogan, Planning and Development Consultant on behalf of Farmleigh Woods Management Company Limited. The grounds of appeal are outlined below:

- It is noted that there are discrepancies in the drawings submitted as part of the clarification of additional information. It is noted on the plans of the architect's layout the minimum depth of the car parking spaces measure 4.8 metres whereas on the engineering layout the spaces measure 4.5 metres. These discrepancies are significant and should be resolved before any decision is made on appeal by the Board. The extent of the staircase to the front door at first floor level also appears to be misrepresented on the engineering drawing. This too should be resolved prior to any decision being made. There is no representation of the plant and amenity strip which exists at the head of the cul-de-sac. This raises the question as to whether or not a section of this strip is to be removed in order to facilitate the proposed development. A question also arises as to whether or not the applicant enjoys necessary consents to undertake this work. In the event of the applicant submitting such information, the appellant requests that it be given an opportunity to review and make observations on same.
- In the drawings lodged with the application, it proposes to extend the existing footpath on the western side of Farmleigh Close across the full width of the site occupied by No. 12. This element however lies outside the curtilage of No. 12 and third-party consent would be required to undertake these works. It is suggested that the applicant does not have the necessary consent to carry out such works. It is argued that the applicant does not have the necessary consent to undertake the footpath works specified in the application and refer to Condition 11(1) of the decision of Fingal County Council.



- It is argued that the subdivision of the area to the front of the existing house between No. 12 and the subject site again requires third party consent. It is stated that the proposed railing separating both properties is such that 0.4 metres of the front wall of the new houses will be accessible only from the front area of No. 12. It is suggested where the owner/occupiers will require the consent of a third party, which may be withheld to access and maintain part of the property is not consistent with the proper planning and sustainable development of the area.
- Furthermore, the subdivision of the rear of the site results in the rear garden of No. 12 extending into the area to the rear of the proposed new house. This will result in direct overlooking of this section of garden from one of the bedroom windows of the proposed new house. This would be seriously injurious to the residential amenities of the affected residents.
- It is argued that the space being provided to accommodate two car parking spaces to service the existing house at No. 12 is inadequate. This will result in tandem parking which will give rise to parked cars encroaching into the turning area at the head of the cul-de-sac. It is noted that there are discrepancies in the dimensions lodged. It is also noted that the location of the bin storage area as proposed would obstruct access to the car parking area. The solution adopted by the Council by way of condition is not acceptable.
- It is argued that the extension of the public footpath along the frontage of the development site will reduce the area of the carriageway available for turning/reversing movements in the area for traffic using the cul-de-sac.
- It is also argued that Farmleigh Close is a very densely developed cul-de-sac and traffic problems do arise with ad hoc parking on footpaths and verges. Permitting another house on the subject site will merely exacerbate these problems and will create a cluttered environment at the head of the cul-de-sac thereby further diminishing the residential amenities for existing residents. The cul-de-sacs have also become informal play spaces for young children living on the road. Increased traffic movements in the cul-de-sac area will raise safety issues for children playing there.

## **7.0 Appeal Responses**

### **7.1. Response from Fingal County Council**

- 7.1.1. With regard to legal rights/consent Fingal County Council note that planning permission for a similar development was granted by the Board under PL06F.246990 with similar layout and access arrangements. It is also noted that the planning system is not designed as a mechanism for resolving disputes about title to land. Furthermore, the appellant has not demonstrated that the applicant does not have sufficient legal interest in the lands concerned. This is a civil matter which is more appropriately addressed between the relevant parties.
- 7.1.2. The configuration of the rear garden is appropriate and is deemed to be of sufficient size which will not result in any undue level of overlooking.
- 7.1.3. With regard to car parking the turning area and traffic impacts, it is stated that the Transport Engineers of Fingal County Council were satisfied that the parking proposed was acceptable and that the traffic impacts arising from the proposed development are deemed not to be of concern. The depth of the proposed off-street parking space is 4.8 metres which is deemed to be of sufficient depth to facilitate a car. The road width of Farmleigh Park is in excess of 6 metres and it is not considered that the proposal will result in increased traffic congestion.

### **7.2. Applicant's Response to the Grounds of Appeal**

- 7.2.1. It is argued that the appellant, Farmleigh Woods Management Limited have no legal interest in the lands which are the subject of the planning application until such time as the common areas are transferred to the management company. Furthermore, the appellant has not demonstrated that the applicant does not have sufficient consents to carry out the works. Reference is made to the provisions of Section 34(13) of the Planning and Development Act 2000. Notwithstanding the above the applicant procured a letter from the developer of the site in December, 2015 which was included with the initial application. The letter makes it clear that the applicants are given full permission to connect to services and carry out all necessary works for the purposes of extending the existing dwelling or for any other development within the property.

- 7.2.2. It is argued that the proposed dwelling is respectful of and retains the character of surrounding dwellings. The Fingal County Development Plan promotes the development of underutilised infill sites. The applicant does not consider the layout of the rear garden to be unusual nor would it lead to excessive levels of overlooking.
- 7.2.3. The applicant wishes it be recorded that when he purchased the dwelling, such purchase was on the basis that it was a substantial site capable of accommodating a substantial extension or other development.
- 7.2.4. Finally, it is stated that two in-curtilage car parking spaces can be achieved for both the existing and proposed dwelling. The space provided outside the existing and proposed dwelling comply with both DMURS and also the requirements of the Fingal County Development Plan. With this in mind there is no reason to suggest that the proposal would exacerbate traffic problems and parking problems in and around the turning area. Fingal County Council are satisfied with the proposed car parking arrangements.

### **7.3. Further Submissions on File**

- 7.3.1. An email is contained on file dated 31<sup>st</sup> July, 2018 requesting that the Board adjudicate on the application as expeditiously as possible.

## **8.0 Development Plan Provision**

- 8.1. The site is governed by the policies and provisions contained in the Fingal County Development Plan 2017 – 2023. The subject site is zoned 'RS' to provide for residential development and to protect and improve residential amenity. The vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.
- 8.2. With regard to infill corner and backland sites, the County Development Plan states that development of an underutilised infill corner and backland site in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be considered for this type of development.

- 8.3. Objective PM44 seeks to encourage and promote the development of underutilised infill corner and backland sites in existing residential areas subject to the character of the area and the environment being protected.
- 8.4. Objective DMS39 seeks to ensure that new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates, gateways, trees, landscaping and fencing or railings.
- 8.5. Objective DMS40 seeks to ensure that new corner site developments shall have regard:
- Size, design, layout, relationship with existing dwellings and immediately adjacent properties.
  - The impact on the amenities of neighbouring residents.
  - The existing building line and the roof profile of adjoining dwellings.
  - The character of adjacent dwellings and create a sense of harmony.
  - The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
  - Side/gable and rear access/maintenance space.
  - Level of visual harmony including external finishes and colours.
- 8.6. Objective DMS24 requires that all new residential units comply with or exceed the minimum standards set out in Tables 12.1, 12.2 and 12.3 of the development plan.
- 8.7. Objective PM65 seeks to ensure that all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

## 9.0 **Planning Assessment**

I have read the entire contents of the file, visited the site and its surroundings, have had particular regard to the issues raised in the grounds of appeal and the planning history and the precedent decision under PL06F.246990. I consider that the pertinent issues in determining the current application and appeal are as follows:

- The Requirement for Third Party Consent in Undertaking the Works in Question.
- The Issue of Overlooking in the Rear Garden
- Car Parking Provision
- Traffic and Car Parking Congestion on Farmleigh Close

## **9.1 The Requirement for Third Party Consent in Undertaking the Works in Question**

- 9.1.1. A large section of the grounds of appeal express concerns that the applicant may not have the requisite third party consent to undertake some of the works proposed. Reference is made to the extension of the existing footpath on the western side of Farmleigh Close and rights of access to public services to facilitate the proposed development. The grounds of appeal also suggest that the modifications to common areas necessary to facilitate the development, as well as the subdivision of the area to the front of the existing and proposed new house, cannot be undertaken without the requisite consent.
- 9.1.2. The fact that the applicant appears to have sufficient legal interest in the overall lands relating to the site is not disputed in the grounds of appeal. The grounds of appeal restrict the elements of contention to those associated with the area to the front of the site including the footpath, connection to services and the subdivision of the front boundary between the existing and proposed dwellinghouse. I am satisfied that the applicant has sufficient legal interest to make a planning application on the subject site. Any disputes with regard to rights of consents or ownership issues in relation to lands which require connection of services/extension of footpaths to the front of the site are legal/civil matters which are beyond the jurisdiction of the Board. The DoEHLG Development Management Guidelines in Section 5.13 are clear and unambiguous in stating that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters for resolutions in the Courts. Furthermore, the Board will note that Section 34(13) of the Planning and Development Act states that a person shall not be entitled solely by reason of a grant of planning permission to carry out the

development. Therefore, the Board is not precluded in my opinion to granting planning permission for the proposed development subject to all legal matters with regard to ownership and connection to services etc. being resolved in a Court of Law or otherwise.

- 9.1.3. Finally, in relation to this issue I note that the issue of consent was raised in respect of the previous application determined by the Board at No. 11 Farmleigh Park under Reg. Ref. 06F.246990. It concluded with regard to the issue of consent that a person should not be entitled solely by reason of a planning permission to undertake any works and that the issue of consent in respect of the previous application did not impede the Board from issuing a notification to grant planning permission.

## **9.2 The Issue of Overlooking in the Rear Garden**

9.2.1 With regard to the issue of overlooking, it is acknowledged that the rear boundary separating the rear gardens between the proposed development and the existing garden of No. 12 encroaches beyond the building line of the proposed dwelling. This is a necessary requirement in order to comply with the minimum standards set out in the development plan with regard to open space requirements for dwellings of four bedrooms or more. The Board could consider incorporating a new boundary along the building line between the two dwellings in question however, this would result in a slightly substandard rear garden size for the existing dwelling at No. 12.

9.2.2 I do not consider that such an alteration would be necessary. Some levels of oblique overlooking will inevitably occur into adjoining rear gardens in the case of terrace dwellings. I do not consider that the level of overlooking will be greatly exacerbated by the boundary layout as proposed between the rear gardens. However, I reiterate that if the Board have any concerns in this regard it could alter the common boundary accordingly. The level of additional overlooking that would be afforded to the occupants of No. 12 is in my view quite minor and would not constitute reasonable grounds for refusal.

## **9.3 Car Parking Provision**

9.3.1 I acknowledge that there is some discrepancy in relation to the dimensions of the car parking spaces submitted by way of additional information (Drawing No. 163028-3020) and the drawings submitted by way of clarification of additional information which indicate an increase in car parking dimensions from 4.5 metres to 4.8 metres.

It is clear from the drawings submitted by way of clarification of information that it is possible to provide two car parking spaces to the front of the proposed dwellinghouse which incorporate a length of just over 4.8 metres by 2.5 metres. This is fully in accordance with the requirements of the development plan. I note that DMURS requires that the standard depth of a perpendicular space should be 4.8 metres while the standard width should be 2.4 metres. The proposed development would accord with these standards. The car parking spaces provided are acceptable in my view. I further note that the subject house is located at the end of the cul-de-sac where there is likely to be very modest footfall on the adjacent footpath and therefore the car parking spaces will not give rise to any significant impediment to pedestrian movement even where the cars were not parked exactly within the car parking spaces and where overhanging of the public footpath might occur.

#### **9.4 Traffic and Car Parking Congestion on Farmleigh Close**

9.4.1 The Board will note from the photographs attached to my report that there are clear incidences of vehicles parking on footpaths on Farmleigh Close. However, the applicant has in this instance provided two off-street car parking spaces for the proposed development which complies with the car parking standards set out in Table 12.8 of the Development Plan (two car parking spaces within the curtilage of an urban/suburban dwellinghouse of three or more bedrooms). I therefore do not consider that the proposed development will in any way exacerbate car parking and traffic congestion along Farmleigh Close. I consider that there is sufficient space within the turning head at the top of the cul-de-sac to allow vehicles to manoeuvre appropriately. The applicant has complied with the car parking requirements set out in the development plan and as such it would be unreasonable in my view to refuse planning permission on the grounds that the proposed development would exacerbate parking problems along the roadway. The roadway is 6 metres in width and is therefore capable of adequately accommodating traffic in both directions.

9.4.2 Finally, in relation to this issue I note that the size and dimensions of car parking spaces and the potential for increased traffic congestion were both raised in the grounds of appeal in respect of PL06F.246990. However, these concerns were dismissed by the Board in granting planning permission for the proposed dwelling.

## **10.0 Appropriate Assessment**

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

## **11.0 Conclusions and Recommendation**

Arising from my assessment above I consider the decision of Fingal County Council should be upheld in this instance as it is considered that the proposed development will not adversely impact on adjoining residential amenities and would be acceptable in terms of traffic safety and convenience.

## **12.0 Reasons and Considerations**

Having regard to the zoning objectives for the area and the pattern of development in the area it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of January, 2018 and 16<sup>th</sup> day of February, 2018, 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 amenity.

2. The two windows on the northern elevation shall be fitted and maintained with permanently obscured glazing.

**Reason:** In the interest of residential amenity.

3. Any attic floorspace on the proposed development which does not comply with Building Regulations in respect of habitable standards shall not be used for human habitation and shall only be used for storage purposes.

**Reason:** In the interest of orderly development.

4. Details of the proposed numbering of the dwelling shall be agreed in writing with the planning authority prior to the occupation of the dwelling.

**Reason:** In the interest of orderly development.

5. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

6. The works to the footpath and roadway to serve the proposed development, including the provision of parking areas and the height of boundary walls, shall comply with the detailed requirements of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

7. 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.

8. Prior to the commencement of the proposed dwelling, the footpath works to be carried out within the private road as detailed on drawing number 163028-3020 shall be implemented to the satisfaction of the planning authority.

**Reason:** In the interest of orderly development and the proper planning and sustainable development of the area.

9. The dividing/boundary wall between driveways shall not exceed a height of 0.9 metres and details of the finishes of the walls shall be agreed in writing with the planning authority prior to the commencement of development.

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

10. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual and residential amenity.

12. The developer shall pay to the planning authority a financial contribution of €15,469 (fifteen thousand four hundred and sixty-nine euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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. 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 An Bord Pleanála to determine.

**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.

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Paul Caprani,  
Senior Planning Inspector.

3<sup>rd</sup> September, 2018.