



An
Bord
Pleanála

Inspector's Report ABP-301737-18

Development	Construction of a two storey flat roof extension
Location	Timmus, Thormanby Road, Baily, Howth, Co. Dublin, D13 X257.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F18A/0111
Applicant(s)	Alan Cox and Wendy Buckley
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Fergus and Susan O'Kelly
Observer(s)	None
Date of Site Inspection	23 rd August 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.042 ha, is located on a relatively thin strip of land bounded by Thormanby Road to the east and Carrickbrack Road to the west, close to the area known as the Summit in Howth, Co. Dublin. The site is occupied by a detached dormer style dwelling known as 'Timmus', which has its front elevation facing east, with access onto Thormanby Road. The adjacent houses to north and south, and on the opposite side of Thormanby Road are a mix of single storey and dormer style detached houses of varying styles.
- 1.2. The topography of the area is sloping, with a fall from north to south. As a result, the existing house on the appeal site is at a higher level than the adjacent house to the south.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a part single storey and part two storey flat roof extension on the southern side of the existing house, new rooflights on the southern hipped roof plane of the existing house, widening of the existing vehicular entrance piers to 5.9m and all associated site works.
- 2.2. The existing house has a stated gross floor space of 150.8 sq m, and the proposed extension has a stated gross floor space of 81.2 sq m.
- 2.3. The ground floor of the proposed extension is set back c. 1.9m from the front elevation of the existing house, with the first floor overhanging the ground floor by 1m. It features a door on the front elevation, accessed from a new courtyard area, which would serve a utility room. The proposed extension would be set back from the southern boundary by c. 0.855m at its front elevation, and c. 1.45m at its rear elevation. The two storey element would have a height of 5.97m, while the single storey element to the rear would have a height of 3.345m.
- 2.4. The design of the proposed extension is contemporary, with a 'Knapp plaster' finish to all elevations, with the exception of the ground floor front elevation where vertical iroko cladding is indicated. Vertical timber louvres are also indicated on the large first

floor window on the front elevation. The flat roof above the single storey element is indicated as being a green roof.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to grant permission, and the following summarised conditions are noted:

- C2: Entire premises shall be used as a single dwelling unit.
- C3: Developer shall omit the proposal to extend the existing vehicular entrance. The entrance shall remain at a width of 4.29m.
- C4: No flat roof above ground floor level shall be used as a balcony.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Proposed development is acceptable in principle within the zoning objective for the area.
- The proposal is contemporary in idiom and integrates appropriately with the character of the adjoining area due to the proposed extension being set back and the presence of other modern house designs. The proposal accords with the relevant provisions of the Howth SAAO and the Development Plan.
- An adequate level of private open space will be retained to the rear of the existing dwelling.
- Given the orientation, it is considered that the proposed development will not give rise to any undue level of significant overshadowing of 'Windy Hill'.
- Given that the majority of the private open space serving the subject dwelling is north and north east facing, the proposed extension will overshadow this area, however the applicants will be able to avail of the late afternoon/evening sunlight.

- Due to level difference, it is only possible to view the roof profile of the neighbouring property from the site of the proposed extension. Raised boundary wall and planting will provide for additional screening of proposed ground floor opes.
- The proposed window at first floor level on the southern elevation is a clerestory window from which it is anticipated that overlooking will not occur.
- Timber louvres on proposed window ope on eastern elevation will eliminate overlooking of the front garden of Windy Hill.
- In reference to the window ope at first floor level on the western elevation, the setback nature of the extension will ameliorate the potential for undue overlooking of the rear amenity space of the neighbouring property. Views to the amenity space associated with Windy Hill would be oblique and there would be no negative impact on residential amenity.
- There is a large area of roof space which could be used as a roof garden/terrace area. A condition should be attached to prevent this.
- Extension has front door onto courtyard area and it should be conditioned that the extension together with the existing dwelling be utilised as one single dwelling.
- Proposed extension is contemporary in idiom and integrates appropriately with the existing dwelling. Objective DMS24 encourages more innovative design approaches for domestic extensions.
- Proposal adds visual interest to the existing streetscape.
- Increase in boundary wall will not give rise to any significant loss of natural daylight to Windy Hill.
- Provision of rooflights is acceptable.
- 4m is the maximum permissible width for a driveway. No rationale has been given for widening it, and this would have negative visual impacts and set an undesirable precedent. Existing entrance should be retained.
- Car parking provision is acceptable.
- No AA issues arise.

3.3. Other Technical Reports

- 3.3.1. Parks Division: No objection.
- 3.3.2. Water Services: No objection, subject to conditions.
- 3.3.3. Transportation Planning: No objection, subject to conditions.

3.4. Prescribed Bodies

- 3.4.1. Irish Water: No objection.

3.5. Third Party Observations

- 3.5.1. One third party observation was made by the appellants. The issues raised were generally the same as their appeal.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **F98A/1071**: Permission granted for a dormer bungalow.
- 4.1.2. **F98A/0024**: Permission granted for a single storey dwelling.
- 4.1.3. **F98A/0009**: Permission granted for a single storey dwelling.
- 4.1.4. **F96A/0500**: Outline permission granted for a single storey dwelling.

4.2. Surrounding Area

- 4.2.1. **F98B/0566**: Permission granted for alterations, extension and widening of existing entrance at Windy Hill.
- 4.2.2. **F05A/1829**: Permission granted for demolition of an existing dormer house and construction of a 437 sq m two storey over partial basement dormer style house at Lindow, 36E Thormanby Road.
- 4.2.3. **F06B/0335**: Permission granted for retention of velux roof window to front, closing in existing open porch and new fireplace and chimney at 4 Thormanby Road.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

- 5.1.1. The appeal site is located within an area zoned 'RS', to 'provide for residential development and protect and improve residential amenity'. The adjacent property to the north is zoned 'LC', to protect, provide for and/or improve local centre facilities. There are also specific objectives indicated on Map Sheet 10 to preserve views along Thormanby Road and Carrickbrack Road.
- 5.1.2. The entirety of the Howth peninsula is designated as a 'Highly Sensitive Landscape' and the appeal site is also located within the area covered by the Howth Special Amenity Area Order.
- 5.1.3. Section 12.4 relates to, inter alia, extensions to dwellings. It states that extensions will be considered favourably where they do not have a negative impact on adjoining properties or on the nature of the surrounding area. It also states that the following factors will be considered:
- Overshadowing, overbearing and overlooking, along with proximity, height and length along mutual boundaries.
 - Remaining rear private open space, and its usability.
 - External finishes and design, which shall generally match the existing.
- 5.1.4. With regard to side extensions, it states that these will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.
- 5.1.5. The following Objectives are noted:
- **HOWTH 4:** Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.
 - **DMS30:** Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

- **DMS42:** Encourage more innovative design approaches for domestic extensions.
- **PM46:** Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

5.2. Howth Special Amenity Area Order

5.2.1. The appeal site is located within an area described as a 'residential area'. The following Objectives relating to development in residential areas are noted:

- 3.1: To protect residential amenity.
- 3.2: To protect and enhance the attractive and distinctive landscape character of these area.
- 3.3: To ensure that development does not reduce the landscape and environmental quality of adjacent natural, semi-natural and open areas.

5.2.2. Policy 3.1.2 sets out design guidelines for new development. It states that an extension to an existing building should generally match the character of the existing structure. In relation to new buildings, it states that favourable consideration may be given to buildings of contemporary design, provided that the design is of high quality and that, in visual terms, it subordinates the building to the surrounding natural environment.

5.3. Natural Heritage Designations

5.3.1. The appeal site is not located within or immediately adjacent to any sites with a natural heritage designation. There are, however, a considerable number of designated sites in the vicinity of Howth, including Howth Head SAC, Howth Head Coast SPA, Rockabill to Dalkey Island SAC, North Bull Island SPA, North Dublin Bay SAC, Baldoyle Bay SAC, Baldoyle Bay pNHA, North Dublin Bay pNHA and Howth Head pNHA.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was received from Fergus and Susan O'Kelly of 'Windyhill', the house to the south of the appeal site. The issues raised in the appeal can be summarised as follows:

- Proposed development would seriously injure the visual and residential amenities of properties in the vicinity, would result in a serious reduction in privacy and light and would devalue appellants' property.
- Planning Authority's conditions do not go far enough to protect visual and residential amenities.
- Proposed development is in effect a 'family flat'. The maximum permitted floor area under Objective DMS43 is 60 sq m, while the proposed development is 81 sq m.
- The proposal does not fully respect the identified residential area of character, as required by Objective DMS44.
- The house on the appeal site was built on lands originally owned by 'Windyhill' by a past owner.
- The appeal is with a view to further conditioning the permission with respect to protecting and maintaining the amenity of Windyhill.
- The current precedent in the area is for dormer bungalows. This is a two storey extension and as such is out of character.
- Contextual elevations appear to be incorrectly scaled as the rear extension appears to be shown much lower than the 1.02m outlined from the existing ridgeline of the current dwelling.
- It is proposed to widen the driveway, however the sightlines at entrance are not indicated.
- Proposal fails to comply with Objective DMS30. Proposal will seriously injure the natural daylighting enjoyed by appellants. It will block all natural sunlight.

All natural daylighting will also be blocked to the northern and east facing windows.

- Increased shadowing could be avoided by redesigning the extension taking into account the current ridgeline and roof pitch and the provision of a dormer window to the rear.
- Overlooking and loss of privacy due to proposed windows on southern elevation and western elevation. All windows should be opaque glazed.
- Traffic safety due to vehicles reversing and traversing onto the road.
- The drawings indicate that the Applicants are proposing to increase height of southern boundary wall, however this is in the ownership of the appellants and no approval has been given. This is not mentioned in the statutory notices and should be excluded.
- Proposals are overbearing, will overshadow, will overlook, will be out of character and reduce the private open space of the property to a low unusable level. Front building line is not respected and will look ad hoc compared to established pattern of development.
- Proposal will create a tunnel effect to the bedrooms, home office and en suite of appellants' property.
- Application site is 600mm higher than appellants' site and this is not noted on the drawings.
- Appellants have no issue with the applicants constructing an extension to the side of their property, but the proposal has not fully assessed the impacts that they have on the neighbouring property. It should be redesigned to take into account the style and context of the existing dwelling.
- The Board is asked to either refuse permission, condition the stepping of both the ground and first floor elements in by some 3m from the boundary, or request a redesign that is more in keeping with the existing established pattern of development in the vicinity.

6.1.2. The appeal was accompanied by a report entitled 'Shadow, Sunlight and Daylight Studies', prepared by Chris Shackleton Consulting. This report can be summarised as follows:

- Development does not comply with the requirements of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. It will impact negatively on the occupants of Windyhill and daylighting is likely to be significantly affected.
- Development does not comply with Objective DMS30 of the Development Plan.
- No impacts on sunlight, direct light, or shadow, due to north-facing nature of windows, and orientation of houses.

6.2. Applicant Response

6.2.1. The applicants' response to the appeal can be summarised as follows:

- Design takes into account the sloping nature of the site, proximity of adjoining dwellings and the scale and bulk of the proposed extension when viewed from adjoining properties and along the streetscape.
- Side extension will not exceed the existing ridge line therefore minimising its impact when viewed from the front.
- The Board is asked to review Condition 3. If proposed entrance width is deemed excessive then applicants would be willing to reduce the width to 5.29m.
- It is noted that the appellants are not opposed to the principle of an extension to the applicants' dwelling.
- Several design solutions were considered and the proposed development will not result in overshadowing, overlooking or overbearing impacts.
- Applicants were fully cognisant of the potential impact on their neighbours and the window arrangement will not result in overlooking.

- Taking into account the separation distance and stepped nature of the design, it is considered that the proposed development would not significantly reduce the amount of sunlight and daylight enjoyed by neighbouring properties.
- It is not applicants' intention to use the first floor flat roof as a balcony/terrace, and Condition 4 restricts such use.
- Appellants request to relocate the extension a further 3m from the shared boundary line is unreasonable and would undermine the design ethos.
- Any works at the boundary wall will be carried out within applicants' site. It is not the applicants' intention to impact negatively on the appellants' property or undermine the safety of the shared boundary wall.
- The issue of precedent is not a valid planning rationale. Each application is assessed on its own merits within the context of the site.
- Dwellings surrounding the appeal site have been modified and extended over the years, or in some case demolished and rebuilt.
- Objective DMS42 encourages the use of contemporary and innovative design solutions for extensions.
- The proposed extension will not operate independently of the main house and is not a family flat. It is intended to cater for the growing needs of the applicants' family.
- The BRE document utilised by Chris Shackleton Consulting is a non-statutory advisory document. The Shackleton report does not demonstrate sufficiently the entire light cycle. Due to orientation, the proposed extension will result in a very limited increase in overshadowing.
- Objective DMS30 relates to new residential units, not residential extensions.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response to the appeal can be summarised as follows:

- Having reviewed the appeal, the Planning Authority remains of the opinion that the proposed development will not detract from adjoining residential amenity, subject to compliance with the conditions.

- The House Extension Design Guide referenced in the appeal is not a Fingal County Council document.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. None.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Design and layout.
- Residential amenity.
- Other issues.
- Appropriate Assessment.

7.2. **Design and Layout**

7.2.1. The proposed extension, with its part-two storey design, flat roofs, picture windows and iroko cladding is contemporary in design and does not seek to replicate the design or finishes of the existing house. The appellants contend that the proposed development is out of character with the pattern of development in the area and that a more suitable design approach would be to replicate the design of the existing house, and to continue the existing pitched and hipped roof across the side extension.

7.2.2. I note that Objective DMS42 of the Development Plan seeks to encourage more innovative design approaches for domestic extensions. This is, however, tempered by Section 12.4 of the Development Plan, which states, with regard to side extensions, that these will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity.

- 7.2.3. While the proposed extension does not reflect the design of the existing house, I consider that it is visually compatible with the existing house, through the use of high quality materials, such as iroko, and an overall height which is c. 1m lower than the ridge height of the existing house. While the two storey element of the extension stands discrete from the existing house, the use of a continuous face of iroko cladding extending across the ground floor, courtyard and side gate between the existing house and the southern boundary serves to integrate the extension with the existing house. Having regard to the hipped nature of the existing roof on the southern elevation, I consider that the proposed design approach is preferable to locating the two storey 'box' element adjacent to the existing house, which would result in a more awkward junction between existing and new. While the appellants' suggestion of continuing the existing roof profile across a new side extension is also a valid design approach, I do not consider that a high quality contemporary design is inherently unsuitable within this relatively diverse streetscape. In this regard I note that while the existing house, and the houses in the immediate vicinity of the appeal site are either single storey or dormer style, there are a number of two storey houses and houses with contemporary extensions/alterations in the wider area.
- 7.2.4. As noted above, the proposed extension would have a maximum height c. 1m lower than the ridge height of the existing house, and the design makes use of the drop in ground level across the site, with a ground floor level in the extension that is 0.2m lower than the main house. I do not consider that the proposed extension would be overly dominant and consider that it will remain subservient to the main house. I therefore consider the design and layout of the proposed development to be acceptable, subject to consideration of the potential impact on residential amenity.
- 7.2.5. With regard to the wider visual impact of the proposed development and its impact on views along Thormanby Road, the Howth Special Amenity Area and the 'Highly Sensitive Landscape', I note that the front elevation of the extension will be set back from the front elevation of the existing house, and that existing boundary treatments to east and west will be retained. The extension will also be lower in height than the existing house, and has, I consider, a high quality design. Having regard to the location of the proposed development within an established residential area and the limited scale of the extension, I therefore consider that the proposed development

will not be seriously detrimental to the visual amenities or special character of the area.

7.3. Residential Amenity

- 7.3.1. The proposed extension is located to the southern side of the applicants' existing house. Having regard to this and the fact that the site is bounded by public roads to east and west, I consider that the only dwelling with the potential to experience a significant negative impact on residential amenity is the appellants' house, which is located to the south of the appeal site.
- 7.3.2. The appellants contend that the proposed development will result in overshadowing and loss of lighting, and submitted a report entitled 'Shadow, Sunlight and Daylight Studies' with their appeal, prepared by Chris Shackleton Consulting. The appellants also draw the Board's attention to Objective DMS30, which requires all new residential units to comply with the recommendations of the BRE's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. The applicants note that this Objective relates to new residential units rather than extensions to existing units. I would agree with the applicants that the Objective is not directly applicable to the proposed extension, however the BRE guidance document is a useful means of assessing potential sunlight and daylight impacts which could impact on residential amenity.
- 7.3.3. As the proposed extension is located due north of the appellants' house I do not consider that it can result in any significant overshadowing of their house or amenity space. This is accepted in the report submitted with their appeal. Likewise, since the windows in the appellants' property facing the appeal site are north-facing, they cannot experience a high level of direct sunlight, and again this is accepted in the report. The report contends, however, that access to skylight or daylight from the five windows on the northern side elevation of the appellants' house will be significantly affected by the proposed development.
- 7.3.4. I note that the design modelling undertaken for the purposes of the assessment did not take account of existing boundary planting. This is the standard approach under the BRE guidance document, however given the height and density of the existing hedges and shrubs, which is exacerbated by the change in level between the two

sites, I consider it likely that the existing level of daylight at these windows is substantially less than the modelling results would suggest. In the absence of a floor plan of the appellants' property, it is also difficult to ascertain whether these are the only windows serving the rooms in question, or if they are also served by windows on the other elevations.

- 7.3.5. Having regard to the north-facing nature of these windows and the presence of mature planting along the boundary between the two properties, I consider that the level of daylight that these windows experience is likely to be already significantly compromised. Given the orientation and separation distance between the two properties, and noting the developed suburban nature of the area, I do not consider that the additional loss of daylight, beyond that which already exists, would be unreasonable or that it would be so significant as to warrant refusal of planning permission.
- 7.3.6. With regard to the potential for overlooking, I do not consider that the proposed windows on the east (front) or west (rear) elevations have the potential to overlook any third parties. On the southern side elevation, facing the appellants' dwelling, there are three windows proposed at ground floor level, with a 'high level' window at first floor level. The first floor window is 0.5m high and 1.85m long, and is located 1.7m above floor level. I do not consider that this is sufficiently high to completely eliminate overlooking, and if the Board is minded to grant permission, I recommend that this window should be required to be fitted with non-openable opaque glazing. I note that the bedroom that this window serves is also served by a large west-facing window, and therefore there would be no impact on its quality. With regard to the ground floor windows, the appellants note that the boundary wall is shown on the drawings as being increased in height, but contend that this does not form part of the proposed development, as the wall is in their ownership and it was not included in the development description. As can be seen from the site photographs, due to the existing boundary treatment, planting and the difference in level between the two sites, only the roof of Windy Hill can be seen from the appeal site. While it appears that the applicants intend to remove the boundary planting to facilitate the proposed development, I do not consider that any significant overlooking would occur, regardless of changes to the height of the boundary wall. Any issues with regard to the ownership of the wall are civil/legal matters, rather than a planning matter.

- 7.3.7. With regard to the potential overbearing impact of the proposed development, again I consider that the only dwelling with the potential to experience such an impact is the appellants' dwelling. The southern side elevation of the proposed extension, which will face the side elevation of the appellants' property, is c. 14m long, c. 6.9m of which is two storey. The projecting first floor front elevation of the proposed extension will be set back from the front elevation of the existing house, but will be positioned marginally forward of the appellants' front elevation. The minimum separation distance between the two side elevations would be c. 2.8m. Having regard to this separation distance and the east/west orientation of the two properties, I do not consider that the proposed development would have a significantly overbearing impact.
- 7.3.8. With regard to potential impacts on residential amenity arising from the use of the proposed extension, the appellants contend that it comprises an excessively sized 'family flat', while the applicants' contend that it will form part of the main house, that it is intended to cater for the growing needs of their family, and draw the Board's attention to Condition 2 of the Planning Authority's decision, which requires that the entire premises shall be used as a single dwelling unit. I note that the proposed extension has a door on the front elevation, however this would appear to be intended to provide access between a new utility room and a small courtyard area where bins will be stored. Having reviewed the submitted drawings and documentation, it does not appear to me that the proposed development is intended to comprise a 'family flat' or separate residential unit. Nevertheless, in the interests of clarity, I recommend that a condition similar to the Planning Authority's Condition 2 be included, should the Board be minded to grant permission.
- 7.3.9. Finally, the applicants state that it is not proposed to utilise the flat roof area above the single storey element of the extension as a terrace. However, noting the green roof nature of the proposed roof and the proposed inclusion of a large floor-to-ceiling window at first floor level overlooking this flat roof area, I consider it appropriate in the interests of clarity and protection of residential amenity to include a condition prohibiting such use.
- 7.3.10. In conclusion, subject to the conditions outlined above, I am satisfied given the site characteristics, the distance to adjacent dwellings, and the design and orientation of

the proposed development, that the proposed development will not seriously injure the residential amenities of properties in the area.

7.4. Other Issues

- 7.4.1. Condition 3 of the Planning Authority's decision requires the omission of the proposed widening of the entrance. The existing entrance is 4.29m wide, and it is proposed to increase this to 5.85m. I concur with the Planning Authority that the existing entrance is of sufficient width, and I consider that to increase it in width would be detrimental to the visual amenities of the area. With regard to the appellants' contention regarding the traffic safety impacts of vehicles reversing onto the public road from the appeal site, I note that this is standard practice in established residential areas, where sufficient space is generally not available within each site to turn vehicles.

7.5. Appropriate Assessment

- 7.6. Having regard to the nature and scale of the proposed development, which relates to an extension to an existing house in an established and serviced residential area outside of any Natura 2000 sites, I am satisfied that 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

- 9.1. 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 and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The first floor window on the southern elevation shall be glazed with non-openable obscure glass.
 - (b) The proposed widening of the existing vehicular entrance shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

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

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

4. No flat roof above ground level shall be used as a balcony/terrace at any time.

Reason: In the interests of residential amenity.

5. 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.

6. 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 hours 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.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Niall Haverty

Planning Inspector

4th September 2018