



An  
Bord  
Pleanála

## Inspector's Report ABP-301741-18

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<b>Development</b>	Construction of 2 No. semi-detached dormer type dwellings, new entrances, connection to services and all associated site works.
<b>Location</b>	Hanover Road, Carlow, Co. Carlow.
<b>Planning Authority</b>	Carlow County Council
<b>Planning Authority Reg. Ref.</b>	17330
<b>Applicant(s)</b>	Dáire Gregan & Jacqueline Byrne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Dáire Gregan & Jacqueline Byrne
<b>Observer(s)</b>	Eugene & Deborah Kirwan Bartosz Dorondziak & Marta Popowska Joan Walshe
<b>Date of Site Inspection</b>	18 <sup>th</sup> August, 2018
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located within an established residential area, approximately 650m southwest of the junction of Barrack Street / Tullow Street in Carlow town centre, along the western side of Hanover Road where it occupies a position between two detached single storey bungalows. The surrounding area is characterised by a variety of housing types / styles with detached, semi-detached and terraced properties of differing designs, heights, finishes and building age all evident along Hanover Road, although the residential development to the immediate west known as Avondale Drive comprises more conventionally designed two-storey, terraced housing. The site itself has a stated site area of 0.07 hectares, is rectangular in shape, and presently comprises a vacant parcel of land which would appear to have previously formed part of the side garden area of the adjacent dwelling house to the immediate southwest. It is bounded by blockwork walls to the northeast, northwest and southwest whilst the remaining roadside boundary is defined by an attractive masonry / stonework wall which is a characteristic feature of the western side of Hanover Road.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 2 No. conventionally designed, semi-detached, dormer-style dwelling houses each with a stated floor area of 140.3m<sup>2</sup> and an overall ridge height of 7.2m. Each of the proposed dwelling houses will be a mirror image of the other and is based on a principle rectangular plan with an asymmetrical front elevation. External finishes will include blue fibre-cement roof slates, PVC windows, smooth plaster, and a simple render.
- 2.2. Access to the proposed dwelling houses will be obtained via a pair of new vehicular entrances to be opened through the existing roadside boundary wall onto Hanover Road. Water and sewerage services are available from the public mains.

*N.B.* The proposed development site is located on lands zoned as '*Residential 1: Established*', however, it is unclear from the documentation forwarded to the Board if the subject application was accompanied by a 'Certificate of Exemption' (or an application for same) from the provisions of Part V pursuant to Section 97 of the Planning and Development Act, 2000, as amended.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 3<sup>rd</sup> May, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:

- The proposed residential development of two number semi-detached dormer dwellings on this small infill / side garden area would by virtue of its design, scale and mass and appearance, represent an inappropriate residential development contrary to stated policies DBF P11(B) & DBF P16 of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018, which requires proposals “. . . to be compatible with the design and scale of adjoining dwellings and to protect residential amenities . . .” and which also seek to ensure “proposals have regard to the character of the site and area and not be detrimental to the visual or residential amenity of the area”. The proposed development would therefore materially contravene the provisions of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 and would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed development is out of character with the pattern of development in the immediate area in terms of scale, bulk, form and appearance and represents an inappropriate scale of development for this site which would detract from the pattern of residential development in the immediate area and would give rise to the potential for adverse impacts on the streetscape and visual amenity of the area. The proposed development would therefore be contrary to the provisions regarding infill development of the Sustainable Residential Development in Urban Areas Guidelines (DoEHLG 2009) which requires “the design approach to be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities”. The scale, bulk and proposed design, if permitted, would also establish an

undesirable precedent for further such development which would be contrary to the proper planning and sustainable development of the area.

- The Planning Authority is not satisfied, on the basis of the details and drawings submitted in connection with the planning application, that the proposed development would not negatively impact on the amenities of the area in terms of: (a) Integration and compatibility of design and scale with immediately adjoining dwellings, in particular with reference to the adjoining single storey bungalows each on their own individual sites, (b) Impact on the visual amenity of the area, and (c) Impact on the character of the streetscape. Accordingly, the proposed development would not be in accordance with the proper planning and sustainable development of the area.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports:

An initial report states that Hanover Road is one of the older and more established areas of Carlow where the predominant pattern of development is characterised by individual dwelling houses, including both single storey and two storey construction & detached and semi-detached properties. With regard to the specifics of the site context, it is stated that the application site comprises part of the former side garden area of the adjacent dwelling house to the immediate south and that it is now separated from same by a concrete blockwork wall. The report proceeds to reference the policy provisions contained in the Development Plan with regard to the subdivision of corner / side garden sites and infill development and reiterates that the prevailing pattern of development in the immediate site surrounds is dominated by individual dwelling houses on separate plots which are largely single storey or dormer in design. It subsequently states that the proposed development is out of character with the surrounding area and would have a detrimental impact on the residential amenity of adjacent properties by reason of overlooking and overshadowing. It further suggests that the site may be suitable for the construction of a single residential unit. The report thus concludes by recommending that further information be sought in respect of a number of items, including the submission of revised proposals for the construction of a single dwelling house on site.

Following the receipt of a response to a request for further information, a further report was prepared which reasserts that the proposed development is out of character with the surrounding pattern of development and fails to integrate with adjacent dwellings in terms of overall design and scale. The report thus concludes by recommending a refusal of permission.

### 3.2.2. Other Technical Reports:

*Water Services:* No objection, subject to conditions.

*Tullow Civic Office:* No objection, subject to conditions.

*Carlow Fire Authority:* No objection, subject to conditions.

*Roads:* No objection, subject to conditions.

*Environment:* No objection, subject to conditions.

### 3.3. **Prescribed Bodies**

#### 3.3.1. *Irish Water:* No objection.

*N.B.* Whilst an incomplete copy of this submission was forwarded to the Board by the Planning Authority, it can be confirmed from the Planner's Report that Irish Water has not raised any objection to the proposed development.

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

#### 3.4.1. A total of 13 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:

- Overdevelopment of a confined site.
- Adverse impact on the residential amenity of neighbouring property by way of overlooking and overshadowing.
- Detrimental impact on the streetscape / character of the area (including through the proposed removal and / or lowering of the existing roadside wall).
- The design and layout of the proposal is out of character with the surrounding pattern of development.

- The proposal will undermine the future development potential of adjacent property.
- Concerns with regard to the proposed relocation of public services, including streetlights.
- The proposed development will endanger public safety by reason of traffic hazard and will serve to exacerbate traffic congestion in the area.
- The inadequacy of the proposed on-site car parking arrangements.
- Concerns with regard to any future use of the proposed housing as rental accommodation.
- The impact on wildlife arising from the removal of trees and shrubs on site.
- Permission has previously been refused for the development of housing on the site.
- The bay windows of the proposed dwellings will project forward of the established building line.

## 4.0 Relevant Planning History

### 4.1. On Site:

PA Ref. No. 16/295. Was refused on 26<sup>th</sup> June, 2017 refusing MB Homes Ltd. permission to construct 3 No. detached two-storey townhouses including site entrances, to connect to public services, all ancillary site works and services, for the following reasons:

- The proposed residential development of two number gable fronted detached dwellings on this small infill / side garden area would by virtue of its design, scale and mass and appearance, represent substandard development contrary to stated policies DBF P11(B) & DBF P16 of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018, which requires proposals “ . . . to be compatible with the design and scale of adjoining dwellings and to protect residential amenities . . . ” and which also seek to ensure “proposals have regard to the character of the site and area and not be detrimental to the visual or residential amenity of the area”. The proposed

development would therefore materially contravene the provisions of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018 and would therefore be contrary to the proper planning and sustainable development of the area.

- The proposed development is out of character with the pattern of development in the immediate area in terms of scale, bulk, form and appearance and represents an inappropriate scale of development for this site which would detract from the pattern of residential development in the immediate area and would give rise to the potential for adverse impacts on the residential amenity of adjoining properties by virtue of overlooking. The proposed development would therefore be contrary to the provisions regarding infill development of the Sustainable Residential Development in Urban Areas Guidelines (DoEHLG 2009) which requires *“the design approach to be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities”*. The scale, bulk and proposed design, if permitted, would also establish an undesirable precedent for further such development which would be contrary to the proper planning and sustainable development of the area.

4.2. On Adjacent Sites:

None.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. 065747. Was granted on 17<sup>th</sup> May, 2007 permitting Anne Thomas permission for the construction of new entrance way beside Hanover Cottage with new vehicular and pedestrian gates, new access road and footpaths, and one new two-storey dwelling house, all with associated site works, at Hanover Road, Carlow, Co. Carlow.

PA Ref. No. 065793. Was granted on 17<sup>th</sup> May, 2007 permitting Burgrove Ltd. permission for the demolition of existing dwelling and construction of 4 No. 4 bed detached houses. Connection to all services and all associated site works at St. Martins, Hanover Road, Carlow.

PA Ref. No. 096245. Was granted on 27<sup>th</sup> April, 2010 permitting John Kavanagh permission to construct a storey and a half style dwelling house, all ancillary site works and services at Hanover, Carlow, Co. Carlow.

PA Ref. No. 096288. Was granted on 1<sup>st</sup> March, 2010 permitting Anne Thomas permission for alterations to approved planning permission (register reference: 06/5747); alterations include adjustments to site position of the house and some minor adjustments to the elevations at Hanover Road, Carlow, Co. Carlow.

PA Ref. No. 106323. Was granted on 9<sup>th</sup> June, 2010 permitting Martin & Anne Meagher permission for the demolition of the existing bungalow on the site and the construction of a new two-storey dwelling house, relocation of vehicular access and improved boundary treatments, associated siteworks including new connection to public mains sewerage, all at Hanover Road, Carlow, Co. Carlow.

## 5.0 Policy Context

### 5.1. National and Regional Policy:

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.



## 5.2. Development Plan

### 5.2.1. Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018:

#### Land Use Zoning:

The proposed development site is located in an area zoned as 'Residential 1: Established' with the stated land use zoning objective 'To protect and enhance the amenity of developed residential communities'.

#### *Explanatory Note:*

This zone is intended primarily for established housing development but may include a range of other uses particularly those that have the potential to improve the residential amenity of residential communities such as schools, crèches, small shops, doctors surgeries, playing fields etc.

It is an objective on land zoned for residential 1 to protect the established residential amenity and enhance with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Within this zoning category the improved quality of existing residential areas will be the Council's priority.

#### Other Relevant Sections / Policies:

##### *Part 2: Core Strategy:*

*Carlow Town Development Plan Core Strategy*

##### *Part 3. Thematic Strategy:*

##### *Section 8. Housing:*

*Core Aim 8:* To facilitate the provision of housing in a range of locations to meet the needs of residents living within the Greater Carlow Graiguecullen Urban Area, with particular emphasis on facilitating access to housing to suit different household and tenure needs in a sustainable manner.

Section 10. *Urban Design and Built Form:*

*Core Aim 10:* Ensure the Delivery of a Safe, Sustainable and Liveable Built Environment Suitable for Everyone Through Good, Well-Considered Design.

*Objectives:*

*DBF 001:* Have regard to national policy and best practice guidelines in the consideration of development proposals.

*DBF/02:* Deliver a high-quality built environment, by consolidating the urban structure, and reinforcing and enhancing the existing character with infill development or urban renewal and focusing on place-making with greenfield development.

*DBF/04:* Ensure a satisfactory relationship between buildings and land uses and the delivery of new structures that are designed with special attention to the specific characteristics or features of the development site, its setting and the surrounding area.

*Policy DBF P11(B): Corner/Side Garden Sites:*

The Planning Authorities will take into consideration the following, in assessing proposals for the development of corner/side garden sites;

- Does it reflect the character of the street?
- Integration and compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- The maintenance of the front and side building lines where appropriate.
- Impact on the residential amenities of adjoining sites.
- Impact on the character of the streetscape.
- The maintenance of open space standards and refuse storage for both existing and proposed dwellings.
- The provision of a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

- The provision of appropriate car parking facilities.
- In general apartment blocks will not be considered for corner/side garden sites.

*Infill Development:*

As sites for infill development are often small and constrained, particular attention must be paid to issues such as building lines, urban grain, privacy, light and materials. Where proposals are carefully considered and are appropriate to the scale of the site, infill development is in the interests of proper planning and sustainable development. Good infill development makes efficient use of land and should take place in areas such as the town centre that are well-served in terms of services and sustainable transport.

*DBF P16:* Encourage infill development, particularly within the town centre where proposals have regard to the character of the site and area and are not detrimental to the visual or residential amenity of the area.

*Part 4: Sub-Area Spatial Strategy:*

*Section 1: Carlow Town:*

*Carlow Town Objectives:*

*CTO1:* Consolidate the built form of Carlow Town

*Policies:*

*CT P3:* Actively promote appropriate backland and infill development as well as re-development of brownfield sites and under-used lands particularly within Carlow Town Centre and subject to environmental considerations and wider planning considerations.

### **5.3. Natural Heritage Designations**

5.3.1. The following Natura 2000 sites are located in the immediate vicinity of the proposed development site:

- The River Barrow and River Nore Special Area of Conservation (Site Code: 002162), approximately 500m west of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The overall design and layout of the proposed dwelling houses is in keeping with the surrounding pattern of development. Indeed, the height of the proposed development is somewhat lower than that of other dwellings granted permission in the immediate area over the last number of years.
- The proposed development includes adequate space for parking, bin storage, and recreational / amenity space etc.
- From a review of the series of photographs appended to the grounds of appeal, it is apparent that approval has been given for a number of buildings in the area over the last few years which do not share any of the characteristics common to existing construction along this section of roadway.
- It is considered that a precedent has been set by reference to the variety of differing designs / developments in the area.
- The proposal complies in full with the requirements of the Development Plan and is located on lands zoned for 'residential' use.
- Considerable planning has been put into the design and scale of the proposed dwellings in order to ensure that they will successfully integrate with the surrounding area and will not exhaust the parameters of the application site.
- Due cognisance has been taken of the genuine concerns raised in the objections previously lodged against an earlier development proposal which sought to construct 2 No. detached dwellings on site (i.e. the potential for overshadowing, the need for adequate separation distances, and the possible overdevelopment of the site). For example, it is impossible for the proposed development to cast a shadow on neighbouring dwellings due to its positioning and height whilst the proposal has also been reduced in scale so as not to give rise to an overwhelming appearance.
- The proposed dwelling houses are of a modest size and scale.

- Given the current housing crisis, there is need for additional dwelling houses to be constructed in Carlow.
- The construction of higher density development within the urban areas of towns and cities accords with the principles of proper planning as the under-utilisation of such lands otherwise contributes to sporadic development on the fringe of the built-up area in contravention of the development plan.

## 6.2. Planning Authority Response

- The position of the Planning Authority remains unchanged from that set out in the Planner's Report dated 1<sup>st</sup> May, 2018.

## 6.3. Observations

### 6.3.1. Eugene & Deborah Kirwan:

- The provision of 2 No. dwelling houses within this small garden area represents an overdevelopment of the site and is contrary to the Development Plan for the area.
- The proposed development will have a detrimental impact on the residential amenity of neighbouring properties, particularly by reason of overlooking and overshadowing.
- There are concerns as regards the speculative nature of the development and any future use of the proposed housing for rental purposes.
- The proposed housing would be out of character with the surrounding pattern of development and the existing streetscape.
- Any lowering of the existing 1940's granite wall, which runs the length of Hanover Road, would be unacceptable.
- Vehicles reversing from the proposed parking / entrance arrangements onto the public road would serve to endanger public safety by reason of traffic hazard.
- The removal of trees and shrubs on site was carried out with no regard for wildlife or neighbouring properties.

6.3.2. Bartosz Dorondziak & Marta Popowska:

- The provision of 2 No. dwelling houses amounts to an overdevelopment of the site.
- The proposal is out of character with the surrounding pattern of development which predominantly comprises individual dwelling houses on separate sites.
- There are concerns as regards the additional traffic volumes generated by the proposed development.
- The proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overshadowing and an overbearing appearance.
- There are concerns as regards the potential loss of an unacceptable extent of the existing roadside boundary wall which makes a positive contribution to the character and streetscape of the wider area.
- It would be preferable if consideration were to be given to the development of a single dwelling house on site.

6.3.3. Joan Walshe:

- The Board is advised that the application site originally formed part of the side garden area of an adjacent 1940s bungalow.
- Permission was previously sought under PA Ref. No. 16/295 for the construction of 2 No. detached dormer bungalows on site.
- Hanover Road is an extremely busy thoroughfare with a heavy traffic flow throughout the day which gives rise to incidences of traffic congestion and difficulties in accessing / egressing the properties along same.
- The additional vehicular access and traffic movements consequent on the proposed development will give rise to health and safety concerns, with particular reference to pedestrian movements along the adjacent footpath.
- The provision of 2 No. dwelling houses within this small garden area represents an overdevelopment of the site.
- The proposal is out of character with the surrounding pattern of development.

- The proposed development does not accord with the proper planning and sustainable development of the area as set out in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area, 2012-2018.

#### 6.4. Further Responses

None.

### 7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised in the grounds of appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment

These are assessed as follows:

#### 7.1. **The Principle of the Proposed Development:**

- 7.1.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as '*Residential 1: Established*' with the stated land use zoning objective '*To protect and enhance the amenity of developed residential communities*'. In addition to the foregoing, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development is characterised by a variety of housing types / styles with detached, semi-detached and terraced properties of differing designs, heights, finishes and building age all evident along Hanover Road. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates

successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

- 7.1.2. Therefore, having considered the available information, including the site context and land use zoning, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.2. **Overall Design and Layout:**

- 7.2.1. In terms of the overall design and layout of the proposed development, in my opinion, the submitted proposal represents an appropriately designed and scaled response to the site context given its infill location and positioning relative to neighbouring residential properties. In this regard whilst I would concede that concerns have been raised in relation to the visual impact of the proposal on the prevailing character and streetscape of the surrounding area, particularly in light of the site location between two existing single storey bungalows, I am nevertheless satisfied that the overall design of the proposed development is acceptable and does not unduly impinge on the prevailing character of the wider area. In support of the foregoing, cognisance should be taken of the variety of housing types / styles prevalent along Hanover Road, which includes detached, semi-detached and terraced properties of differing designs, heights, finishes and building age, whilst it is of also relevance to note that the subject proposal represents a considerable improvement in terms of design and visual impact over the scheme previously refused under PA Ref. No. 16/295 which sought to develop 2 / 3 No. inappropriately designed front-gabled dwellings on the site.

7.3. **Impact on Residential Amenity:**

- 7.3.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design,



positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by way of overlooking or overshadowing / loss of daylight / sunlight.

7.3.2. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site is within an established residential area and that any construction traffic routed through same could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.4. **Traffic Implications:**

7.4.1. The proposed development includes for the provision of 2 No. new vehicular entrances onto Hanover Road in order to access each of the proposed dwelling houses and in this respect concerns have been raised as regards the potential for the proposal to exacerbate incidences of traffic congestion along the roadway and to endanger public safety by reason of traffic hazard, with particular reference to pedestrians using the adjacent footpath, given the sightlines available and the possibility of vehicles having to reserve onto the main carriageway.

7.4.2. In relation to the overall traffic impact of the proposed development, whilst I would acknowledge that traffic congestion may be experienced along Hanover Road at peak times given its proximity to the town centre, having regard to the limited scale of development proposed and the likely traffic volumes and speeds along this section of roadway, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development and thus the subject proposal will not pose a risk to traffic / public safety in this regard.

7.4.3. With regard to the adequacy of the sightlines available from the individual site entrances and the potential for vehicles having to reserve onto the public roadway, in the first instance it should be noted that the proposed access arrangements are essentially directly comparable to those serving existing dwelling houses sited

elsewhere along Hanover Road. Furthermore, adequate provision has been made within the curtilage of each of the proposed dwelling houses as to accommodate the turning of a private car thereby reducing the likelihood of any such vehicles having to reserve onto the main carriageway. In addition, I am inclined to suggest that in light of the proposal to lower the existing roadside boundary wall to a height of 1.05m for a distance of 8.8m on both sides of the combined entrance, the presence of a dedicated pedestrian footpath alongside the site frontage, and the marked provision for cyclists along the roadway, the sightlines available will be within acceptable limits given the likely traffic volumes and speeds along this particular section of roadway.

- 7.4.4. Therefore, on balance, I am satisfied that the proposed on site car parking and associated site access arrangements are acceptable and that the subject proposal will not endanger public safety by reason of traffic hazard.

7.5. **Appropriate Assessment:**

- 7.5.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations set out below:

## 9.0 Reasons and Considerations

- 9.1. Having regard to the land use zoning of the site in the current Development Plan for the area, to the infill nature of the site, to the design and scale of the proposed development, and to the nature and pattern of development in the vicinity, 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 of

property in the vicinity, would represent an appropriate residential density and otherwise comply with the provisions of the Development Plan, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, 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, as amended by the further plans and particulars submitted on the 12<sup>th</sup> day of April, 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 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. 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. The proposed site access/egress arrangements shall be designed and finished to prioritise pedestrian movement along a newly dished footpath alongside Hanover Road in accordance with the Design Manual for Urban Roads and Streets. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. The individual vehicular site entrances shall not exceed more than 3.5 metres in width. Gates at the entrances shall be designed so that they are not capable of being opened outwards.

**Reason:** In the interests of pedestrian and traffic safety.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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

6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, or dark grey in colour only (including ridge tiles).

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

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority complete details of all proposed boundary treatment within and bounding the proposed development site.

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

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction waste.

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

10. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

11. 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.

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Robert Speer  
Planning Inspector

23<sup>rd</sup> August, 2018