



An
Bord
Pleanála

Inspector's Report ABP-301829-18

Development	Alterations to existing dwelling and demolition of out buildings, construction of new three storey dwelling, new vehicular entrance onto Kincora Road, new pedestrian entrance onto Kincora Road, 2no. car parking spaces within site, boundary treatment, landscaping and associated site works.
Location	316 Clontarf Road, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2551/18
Applicant(s)	Aileen Griffin
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Aileen Griffin
Observer(s)	None
Date of Site Inspection	21 st September 2018
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The appeal site is in Clontarf, Co. Dublin. It is located on the coastal Clontarf Road on a corner site at its junction with Kincora Road. This section of the road where it meets the junction with Clontarf Road is however marked on maps as Kincora Drive. In the interest of clarity. This report uses the name Kincora Road.
- 1.2. The site is in a predominantly mature residential area. The coastal road features a mix of earlier 20th Century style houses and some commercial development on the other side of Kincora Road. The subject site is an end unit of a three-dwelling terrace which features some decorative elements and forms an attractive feature in the wider streetscape. It is typical of the Edwardian era. More recent housing development has taken place nearby along and off Kincora Road. The terrace is most prominently viewed from the amenity space on the other side of Clontarf Road. It is also more prominent approaching from the City as compared to views from the opposite direction due to the stepped building line and junction lights and signs.
- 1.3. The subject site relates to the footprint of the existing terraced house and the garden to the side. The site is only part of the existing curtilage of original site of no.316 and is stated to amount to 501 sq.m. The original larger site has been already subject of permission for sub-division of the existing rear garden and construction of a part two storey dwelling. There is pedestrian access through a railed boundary on Clontarf Road. The boundary along Kincora Road comprises a wall of about 1.6m in height. There are sheds and outbuildings to the rear.
- 1.4. There are double yellow lines along the Clontarf and Kincora Road frontage. On street parking is further along Clontarf road and on the opposite side of Kincora Road in the vicinity of the site.

2.0 Proposed Development

- 2.1. It is proposed to further sub-divide the site and construct a third dwelling on the original site to the side and fronting onto the Clontarf Road and Kincora Road with vehicular and pedestrian access off Kincora Road. There are three elements to the proposal:

- Existing house: This is to be partly demolished and remodelled from a 9-bedroom house to provide a more spacious 4-bedroom house with a garden depth ranging from 7.1 to 12.6m. This will also involve demolition of extension and some alterations to the existing side elevation such as the removal of the oriel bay window and blocking up the opening.
- Proposed house: It is proposed to construct a three storey house in a contemporary cubist style in line with the front building line of Clontarf Road. It has three double bedrooms and a study on first and second floors. Living kitchen and utility areas are provided at ground floor and partly at first floor. Private open space is north-west of the house and is shown as amounting to 61. sq.m.
- Access: The new house site is proposed to be accessed from Kincora Road by way of a proposed vehicular sliding timber gate and separate pedestrian access. Car parking for two cars is proposed in the garden area fronting Clontarf Road.

2.2. This is addition to a dwelling permitted to the rear of the existing garden in the area as delineated in blue in the submitted drawings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a SPLIT DECISION and decided to

- GRANT permission for the demolition of the extension and alterations to the existing house subject to 6 conditions. Condition 2 requires the omission of the additional house and apportioning of ground as open space to existing and permitted house on the original site and retention of the oriel window and window proposed to be blocked up.
- REFUSAL of permission for house to side for the stated reason:
Having regard to the residential standards set out in Section 16.10.2 'Residential Quality Standards – Houses' and 16.10.9 'Corner/Side Garden Sites' of the 2016-2022 Dublin City Development Plan and the house permitted under reg. ref 3520/17 it is considered that the development of a 3

storey contemporary designed dwelling in close proximity to the existing dwelling and set piece terrace and the loss of the original oriel window feature to the side gable of the existing dwelling would undermine the character of the existing house and terrace and negatively affect the contribution the set piece terrace makes to the visual amenities of the local prominent streetscape. The proposed development would therefore be contrary to the Ministerial Guidelines – Sustainable Residential Development in Urban Area – Guidelines for Planning Authorities, 2009 and its companion document the Urban Design Manual – A Best Practice guide, be contrary to the provision of the Dublin City Development Plan 2016-2022, seriously injure the visual amenities of the area and depreciate the value of property in the vicinity and by itself and the by the precedent it would set would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report is the basis for the Planning Authority's decision and it refers to:

- Notes that the proposal seeks to reinstate a previously refused house.
- Notes the changes in design including the use of red brick instead of render.
- Remains of the opinion that the proposed house does not meet with the policy for corner sites.
- Internal works and remodelling of former B and B generally not at issue.
- Standards of proposed house accord with Guidelines for Quality Housing for Sustainable Communities.
- No significant issue with sunlight and daylight.
- May be some oblique overlooking from proposed house to permitted House but can be addressed though design such as louvres.
- The proposal realigns boundaries such that House C (permitted) will have a deeper garden with an 11m depth of some upper windows to the boundary with the original house A.

- The set back of the southern master bedroom corner window is now 6.5m from the boundary (previously 4m) but this was required to be modified such that an 11m setback of upper floor bedroom windows is maintained.
- The first-floor windows in the north-eastern elevation overlook commercial property.
- The first and second floor split panel does not appear to be reflected in the floor plans.
- No flat roofed open space should be permitted.
- The development plan requirement for open space is now 10 sq.m. per bed space instead of 15 sq.m. in the previous plan and the 60-70 sq.m. is acceptable for a family dwelling.
- Smaller open space now proposed for new dwelling at 61 sq.m. (previously 84.2 sq.m.)
- Original house will have 63 sq.m (previously 75. 2sq.m)
- While minimum quantum standards are met there is concern about overshadowing of private open space for the smaller allocated space for the corner dwelling.

3.2.2. Other Technical Reports

- **Roads Department:** No objection to proposed new vehicular access onto Kincora Road. It is pointed out that there are double yellow lines along the road and that it is lightly trafficked and in this regard account has been taken of impact on car parking arrangements along Kincora Road and the proximity of the entrance to the junction in making its recommendation.
- **Surface Water Drainage:** No objection subject to conditions.

3.3. Third Party Observations

- 3.3.1. There were two third party submissions from adjacent residents in numbers 314 and 315 in the same terrace. The issues raised relate to:
- Impact of corner house on character of terrace.

- Constitutes overdevelopment by reason of increase from 7 commercial bedrooms to 11 bedrooms.
- New vehicular access will cause traffic hazard.
- Overshadowing of and loss of light in no. 315.
- No objection to house C.

4.0 Planning History

4.1. **Reg. Ref. 3520/17** refers to a split decision and is attached in pouch in file:

Permission was granted for

- Alterations to existing house including demolition of non-original extension, demolition of outbuildings, blocking up of one window, internal remodelling
- Construction of dwelling (House C) 1-2 storey 3 bed flat roofed dwelling to rear of site (house B). NOTE: Some demolition works have been carried out.
- New vehicular entrance on Kincora Road to provide car port for house C
- Private open space and boundary treatment and associated site works.

Condition 3 requires

- Omission of House B and re-allocation of open space
- Retention of oriel window.
- Retention of north eastern window
- Proposed house C rear 1st floor windows shall be treated and amended such that they come no closer than 11m from revised private open space boundaries.
- No flat roof to be used as garden or patio.

Refusal for 3 storey 4 bedroomed House on corner site with vehicular access.

5.0 Policy Context

5.1. Dublin City Development Plan 2016 - 2022

5.2. Development Plan

- 5.2.1. The site is zoned to protect provide and improve residential amenity.
- 5.2.2. As set out in detail in the planning authority's report, the development plan advocates quality architecture in addressing housing provision in a sustainable format whether through individual building design or as part of efficient use of land in the city environs.
- 5.2.3. Chapter 16 provides a range of guidance for residential development, whether new build, infill, subdivision or provided by way of extension and all are relevant to this mews proposal.
- 5.2.4. Section 16.10.9 refers to **Corner/Side Garden Sites**: The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites.
- 5.2.5. However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house. The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:
- **The character of the street**
 - **Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings**
 - **Impact on the residential amenities of adjoining sites**
 - **Open space standards and refuse standards for both existing and proposed dwellings**

- **The provision of appropriate car parking facilities, and a safe means of access to and egress from the site**
- **The provision of landscaping and boundary treatments which are in keeping with other properties in the area**
- **The maintenance of the front and side building lines, where appropriate.**

5.2.6. Section 16.10.10 refers to **Infill Housing**: Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed. Infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion,
- heights, parapet levels and materials of surrounding buildings
- Comply with the appropriate minimum habitable room sizes
- Have a safe means of access to and egress from the site which does not
- result in the creation of a traffic hazard.

5.2.7. 16.10.13 refers to subdivision: When sub-divisions are allowed, they should be compatible with the architectural character of the building. An appropriate mix of accommodation in particular areas will be determined by Dublin City Council, taking account of the mix of residential accommodation in an area. Dublin City Council may accept parking provision of less than one space per dwelling unit to encourage occupation of the dwellings by households owning fewer cars.

5.2.8. Section 16.10.8 refers to backland Development: Applications for backland development will be considered on their own merits.

5.3. **Natural Heritage Designations**

5.3.1. The South Dublin Bay and River Tolka SPA, site code 004024 and North Bull Island site code 004006 relate to the coastal area opposite the site.

6.0 Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged against the decision of the Planning Authority's decision. In summary the grounds state:

- The development complies in principle with the zoning objective to protect provide and improve residential amenity
- The existing house is not listed in a Protected structure.
- Design of infill house provide high standard of residential amenity for future occupant while safeguard amenity of existing adjacent dwellings.
- Form and scale of proposal is consistent with the character of the area and represents efficient use of serviced residential land.
- Quantitative standard of development plan is complied with
- Complies with statutory guidance such as Regional Planning Guidelines and Sustainable Residential Development in urban Areas and accordingly with the overall proper planning and sustainable development of the area
- Complies with National Planning Framework target of 40% of new housing to be provided within the exist built up urban area by developing infill and brownfield sites.
- The oriel window is located on the inside of a bed where it is not visible and its removal will therefore not detract from the visual amenities of the dwelling.
- The proposed corner house is now 13.1m in height as compared to the previously refused house of 15.455m in height at the same location.
- The proposed house will be subordinate to the existing dwelling at 316 Clontarf Road.
- The proposed development will not give rise to undue impacts on adjacent residential amenities
- The grounds of appeal are elaborated in detail and supported by a special conservation assessment prepared by Historic Building Consultants.

6.2. Observations on Grounds of Appeal

6.2.1. Marie Hyland of 315 Clontarf Road states:

- Welcomes the refurbishment of no.316 and its return to family use.
- The previous reasons for refusal should be taken into consideration in the current case.
- The house is in a terrace which has been designed a single architectural element, in the opinion of the locals, is elegant and an intrinsic part in the streetscape at a prominent location.
- The proposed house would be a negative contribution as it is of a style that is insensitive to the context. A unique historical architectural perspective would be lost.
- The site has already made its contribution to infill policy by having permission to build one house in the back garden.
- There are concerns about overdevelopment and garden areas.
- Increased parking demand in area with more parking restrictions such as for electric vehicles and disabled users.

6.2.2. Rossa and Dee White of 314 Clontarf Road state:

- Support the decision of the planning authority with respect to impact on visual amenities having regard to the urban design character and absence of contemporary architecture.
- An additional house would be incongruous with the symmetry of the terrace and would dominate the terrace
- Demolition of the oriel window would be a significant loss of a 110-year-old feature.
- Modern dwelling squeezed into the site is the issue and not the actual height.
- A third dwelling on the site is overdevelopment manifested in terms of traffic generation at a busy location consequent on the restaurant and residential development in the immediate vicinity. For example, a traffic incident was reported when cars were parked in the vicinity of Kincora Road junction when road markings were temporarily removed during works.

- The grounds of appeal are refuted in that:
 - The proposed development does not protect amenities but rather seriously injures by way of impact on a set piece terrace.
 - It is out of character as it is a modern design in an area characterised by 1900s architecture.
 - Infill housing is already provided in the site.
 - It will diminish quality of life and add to safety concerns for children.
- Figures 3.0, 4.0 and 8.0 in the planning appeal document are distorted.
- They have further renovated their house in addition to previously upgrading sash windows in keeping with period character.
- Dispute conclusion of the Conservation report that the terrace cannot be considered as a set piece or the oriel window and is not part of a grand urban design and that to be considered such would need to of a higher quality design and more prominently located.

6.3. Planning Authority Response

No further comment on the grounds of appeal.

7.0 Assessment

7.1. Issues

7.1.1. The main issues in this appeal are:

- Principal of a dwelling
- Visual Amenities and Architectural Heritage
- Overdevelopment of site and impact on amenities of existing and proposed houses
- Car Parking
- Environmental Impact Assessment
- Appropriate Assessment

7.1.2. In the interest of clarity House A refers to the existing No 316 house, house B refers to the proposed house in the side garden and House C refers to the permitted house in the existing back garden in the site as outlined in blue in the submitted urban place map.

7.2. Principle of Dwelling

7.2.1. The appeal relates to the provision of a third dwelling in an end of terrace corner site on which permission has been previously granted for a mews type development to rear of the original site. The proposal seeks to build an infill dwelling along the side of the original end of terrace house and within the parameters set by building lines on Clontarf Road and by the more recently permitted mews house C. Section 16.10.9 of the development plan specifically states that dwellings in the side garden of an existing house will generally be allowed and such a strategy is mandated by national and regional planning policy and guidance documents.

7.2.2. In this case the original plot width is 14.796m whereas the house and plot width is about 7.3 metres in the case of the adjoining dwelling (No.315) and the other end of terrace has a similar house width as no.316 at 7.3m but a plot width of 8.5m. No.313 is 7.5m wide. Accordingly, as viewed from Clontarf Road, the plot grain in the terrace as set by the house widths can be maintained by splitting the Clontarf Road frontage. In terms of building line along Kincora Road there is no defined building line beyond the site given the road alignment and building pattern. It is set currently by no.316 but brought forward by the permitted House C. I am satisfied that the site characteristics in terms of plot size, shape and building pattern set by existing and future development provides for a potential house to the side garden subject to complying with criteria for an adequate standard of development. The issues accordingly relate to matter of design.

7.3. Architectural Heritage and Visual Amenities

7.3.1. The main objection to the proposed dwelling is the introduction of a contemporary design together with loss of the oriel window feature in the side elevation facing Kincora Road and the consequent loss of streetscape character along Clontarf Road which is much derived from the architectural detailing of the subject terrace. The

importance of this streetscape is highlighted by the location of the site close to the Wooden Bridge serving Bull Island and Dollymount Strand. I accept this context merits a high-quality streetscape and I consider this has been achieved in the overall design approach by retaining plot grain, scale and massing and architectural detailing.

- 7.3.2. In this case the proposal is for a detached single dwelling with a stepped width of 5.5m to 6.2m on a site of about 7.8m wide as viewed from Clontarf Road and accordingly respects the terrace as a unit and also retains the plot grain set by the terrace and adjacent houses. The proposed house is a generously proportioned single family house and in this way retains the residential character of the original terrace. The use of a contemporary idiom in an innovative design is the approach advocated in the Development Plan. In this regard it appears to be a compliant and considered design which I note is by registered RIAI architects.
- 7.3.3. The most dramatic change in views of the Kincora elevation will be from the amenity spaces on the coastal stretch opposite the site and to a lesser extent from a city approach. More distant views are obstructed by the buildings north east of the junction and a clutter of signage further obscures views. The Historic Building Consultants point out that the gable is on a bend where it is least visible and that it is not on an axis of the North Bull Wall and hence is not a visual closer from that viewpoint. I note also that the views from the city side approach will not be altered as the building line and height will not be breached and the oriel window is not visible from this approach. The removal of the oriel window will not upset symmetry in the terrace as there is no matching oriel in no. 314 nor is it a strictly symmetrical arrangement.
- 7.3.4. A most contentious issue relates to the loss of the oriel window and consequent altering of the facade onto the Kincora Road streetscape – a streetscape which is fragmented and lacking in any strongly defined order or character. In this regard I note the comments in the history file and submissions about the merits of the gabled elevation. I further note the detailed report by the specialist Historic Building Consultant who does not however consider the description of the terrace as a ‘set piece’ to be accurate nor is the gable with the oriel considered to be of such significance or to be an important viewpoint given its location and concludes that the house proposed would not have any significant impact on architectural heritage.

Notwithstanding the absence of the house from the Record of protected structures, while the oriel feature is attractive and unique feature, its retention cannot in my judgement be justified when it would compromise a suitably scaled development of a large corner site and when its function in creating visual interest on a frontage elevation can be replaced by an individually designed site specific house.

- 7.3.5. In respect of the design approach, I note that the previous approach of a more prominent landmark building in contrasting materials and style punctuating the junction location has been replaced with a more scaled down and harmonious and subordinate design using redbrick in a more traditional solid to void ratio. A traditional emphasis on verticality of openings at upper levels is also incorporated. In this way the building is more sensitive to the terrace and its prominence in the streetscape. I consider the design approach to be an appropriate balance of respecting the character in terms of facade and form while allowing for the development of infill in a side garden on a particularly generous site in a well serviced location.

7.4. **Overdevelopment**

- 7.4.1. The concern about overdevelopment centres on the area of open space to be provided and separation distances. In the context of guidance of 60-70 sq.m. for family homes there is concern about the provision of only 61 and 63 and the possibility of higher occupancy.
- 7.4.2. The proposal however also incorporates the reversion of a 9 bedroom 7 bathroom guest house to a 3 bed family home and works involve the demolition of more recent additions restoring the house to its original character. The proposal effectively seeks to provide two 3-4 bed family homes with a generous ratio of living and ancillary accommodation, front and back gardens and convenient off-street parking for the new house. This together with the already permitted House C to the rear is relatively comparable in terms of intensity of use. Ultimately the issues of overdevelopment is judged by the quality of amenities afforded to the respective dwellings and in this regard issues of accommodation layout, overlooking and overshadowing and more detailed issues are further assessed below.

7.5. Amenities of No 316

- 7.5.1. This is the original house which will be reduced considerably in terms of room numbers and floor space – from 285 to 232 sq.m. - and provided with a back-garden accessed directly from the living and kitchen areas and is a qualitative improvement in terms of its layout and relationship with the accommodation. This is in addition to a large front garden. The bedroom space is removed from the return and now, together with the living rooms, are confined to the house proper. This maintains separation distances of windows from the adjacent properties to the rear and side and restricts potential overlooking. I consider it constitutes an improvement in terms of relationship with the surrounding development.
- 7.5.2. Following the rearrangement of space and use and blocking up of windows, the remaining windows in the gable elevation relate to ancillary spaces such as circulation areas and laundry. The construction of a neighbouring dwelling will not impinge unduly on its amenity.
- 7.5.3. In terms of its relationship with House C the granted house, I note that that house is set back 11m from the boundary where it backs onto no.316 in the direct line of view from the upper floor windows of bedrooms which are also set back 12.6m from the boundary. This arrangement protects privacy within acceptable limits. The use of opaque glazing in the bathroom will further protect this.
- 7.5.4. As there is a reduced massing and accommodation adjacent to no.315 there is no undue impacts arising in this regard.

7.6. Amenities of House B – House in side garden.

- 7.6.1. The proposed dwelling of 173 sq.m. has 3 bedrooms and a small study and lounge in the upper levels and kitchen and living room at ground level. The private open space is 61 sq.m to the rear. This however is encroached upon by a covered way and potentially extends the ground floor by up to 3.9m – no covering details appear to be stated in the drawings, although solid side walls are shown. While 61 sq.m. is at the lower end, it is in addition to a larger front garden and as the entrance proposed is through a wall rising to a stated 1.6m and sliding gate along the Kincora Road with the Clontarf Road frontage remaining intact with boundary landscaping, there is potential for semi-private space in this part of the site also. On balance I

consider the amenities of the house to be of an acceptable standard to protect the residential amenities of the future occupants. In the event of permission however, the covered way should either be omitted or if the Board considers appropriate, subject to being a retractable awning. On balance, I consider its omission to be more appropriate in the absence of more details. . I also consider restriction on exempted development to be appropriate.

- 7.6.2. With respect to overlooking of surrounding properties I note the house is set back 8.14m and the study is set back further from the boundary with House C but has an oblique view over the private open space of that property and its upper floor windows. Bedrooms 1 and 2 directly over each other are closer to the boundary by about 900mm but are at even more oblique angle. Mutual overlooking of the originally proposed master bedroom window of House C is restricted by condition 3 of 3520/17. I consider the use of louvres in the proposed bedroom windows would also protect privacy mutually and is compliant with Urban Design Manual guidance. Alternatively, the north west facing windows could be partially obscured given that there is an alternative window option in the opposing wall opening into a lightwell. This could be addressed by condition. As the matter of compliance for House C may be outstanding a condition should not be overly prescriptive

7.7. Car Parking

- 7.7.1. The residents raise concerns about the reduction in available parking for existing residents in the area in the context of proposed multiple dwellings and increased parking demand in an area more recently 'squeezed' by the provision of electric parking and disabled parking. There is also concern about the proximity of the proposed vehicular entrance to a junction where there are reported incidents.
- 7.7.2. In the first instance, I note that the Roads, Streets and Traffic Division has taken account of the observations and has no objection to the proposed development in what it describes as a lightly trafficked road. I consider this reasonable having regard to the location on a minor road in an urban area where the lower speed limit applies and my observations during a site inspection. I also consider the generous frontage along Kincora Road allows for a vehicular entrance and will not reduce on-street parking spaces.

7.7.3. Secondly, I consider the proposal for an additional house which incorporates the reversion of large commercial 9 bedroomed B and B use to a smaller family home in addition to a house with provision for off street parking for two cars and visitor parking if needed on occasion to not constitute any significant intensification of use in terms of traffic and parking generation. Accordingly I do not consider there to be any reasonable grounds to refuse permission on grounds of traffic hazard.

7.8. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore be excluded at preliminary examination and a screening determination is not required.

7.9. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

7.10. **Conclusion**

7.11. In conclusion, I consider the alterations to the existing house and the removal of the oriel window are acceptable in the context of restoring residential use to no.316 while providing for an additional dwelling on a large corner site in an urban area and will not unreasonably detract from the architectural integrity of this marine terrace of three houses of which no.316 forms a part. Moreover, the proposed contemporary design uses innovative architectural language that responds to the character of adjacent dwellings and creates a sense of harmony appropriate to its local context and will not therefore detract from the visual amenities of the area.

7.11.1. Furthermore, I am satisfied that the proposed design is in accordance with the requirements of the Development Plan for dwellings in side/corner gardens. It exceeds minimum thresholds for overall area, sizes of rooms and private open space

and the design has responded to the local context. I am of also of the opinion that the proposal will be not be prejudicial to public safety by reason of traffic hazard or that there will be any significant adverse impact on the residential or visual amenities of the adjoining neighbours as a result of this development.

8.0 Recommendation

I recommend that permission should be granted for the proposed development subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site on a large corner site in a residential urban area and the policies and objectives for infill housing in the Dublin City Development Plan 2016-2022 and the national planning framework, to the nature, scale and design of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety, would not detract from the architectural character of the area, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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, 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 dwelling shall be modified at ground and upper floors and revised drawings incorporating the following amendments shall be submitted for the written agreement of the planning authority prior to commencement of development on site:
 - (a) The area marked on the drawings as 'covered area' to the rear of the proposed dwelling shall be omitted.
 - (b) The proposed bedroom windows in the rear elevation shall be modified to restrict overlooking of the permitted dwelling on the adjacent site.

Reason: In order to safeguard the residential amenities of proposed and adjoining property and to ensure an adequate standard of development.

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

Reason: In the interest of visual amenity.

4. 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.

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

Reason: In order to ensure that a reasonable amount of rear garden space

is retained for the benefit of the occupants of the new and existing dwellings.

6. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and pedestrian safety.

7. 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 hours of working, noise management measures, protection of the existing trees in the grass verges during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste.

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

8. 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.

Suzanne Kehely
Senior Planning Inspector

16th October 2018