



An
Bord
Pleanála

inspector's Report ABP-302812-18

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| Development | Demolition of a single storey storage unit and construction of a four-bedroom, two storey infill dwelling |
| Location | Site to the rear of Bugler's Ballyboden House, Ballyboden Road, Rathfarnham, Dublin 16 |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD18A/0184 |
| Applicant | Mary Bugler |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party v Grant |
| Appellants | Glendoher & District Resident's Association. |
| Observers | None. |
| Date of Site Inspection | 28 th , December 2018 |
| Inspector | Paddy Keogh |

1.0 Site Location and Description

- 1.1. The site of the proposed development which has a stated area of 0.021 ha. is located within a well established predominantly residential area in Ballyboden, Rathfarnham. Dublin.
- 1.2. The site forms a small part of a much larger landholding which accommodates Bugler's Public House (Ballyboden House) and associated surface car park.
- 1.3. The site is enclosed by high boundary walls. The site is irregular in shape and essentially consists of two elements – the northern (triangular shaped portion) containing a flat-roofed storage shed and the balance of the site (southern portion) which is overgrown with brambles.
- 1.4. The storage shed is accessed via double gates from the car park serving the Public House and is currently used in association with the operation of the Public House.
- 1.5. Vehicular access to the site is from one leg of a hammerhead turning area at the bottom of Glendoher Close – a residential cul-de-sac. There are 3 no. semi—mature trees located along the grass verge immediately in front of the site. There is a two-storey detached house on the opposite side of this hammerhead which is also in the ownership of the applicant.
- 1.6. The existing pattern of development in the immediate vicinity of the site is somewhat haphazard.
- 1.7. The site is bounded to the east by No. 21 Glendoher Close. The latter property is a two-storey detached house which is the last house on the southern side of Glendoher Close. The configuration of the site is somewhat unusual in that a small wedge shaped portion of the site crosses immediately in front of the front garden of No. 21 Glendoher Close.
- 1.8. The site is bounded to the south and partially to the west by the rear of existing dwellings at Ballyboden Crescent/Ballyboden Road. The remainder of the western boundary of the site abuts the surface car park attached to Bugler's Public House.
- 1.9. The hammerhead at the bottom of the Glendoher Close cul-de-sac is separated from the car park at Bugler's Public House by a dwarf wall. Easy pedestrian access to the

car park and to Ballyboden Road beyond is facilitated via openings in the dwarf wall (or, indeed, by stepping over the wall).

- 1.10. Bugler's Public House and the more substantial site from which the appeal site is to be sub-divided fronts onto Ballyboden Road. The Public House is part of a pocket of commercial space within an otherwise predominantly residential area. There is a petrol station to the immediate north of Bugler's Public House beyond which there are a pair of small retail units (a 'Pizza Hut' and a Hairdressers).
- 1.11. To the south of Bugler's Public House there are two storey detached, semi-detached and terraced houses fronting onto Ballyboden Road and arranged around a central green space at Ballyboden Crescent. The sites of a number of these houses have previously been sub-divided in order to facilitate infill housing development (e.g. No. 5A Ballyboden Crescent and No. 191A Ballyboden Road – both of which sites back onto the appeal site).

2.0 Proposed Development

- 2.1. The proposed development (as modified by additional information submitted to the planning authority) has a stated floor area of 118 sq. m. and involves the construction of a two-storey detached dwelling.
- 2.2. The proposed dwelling will have three bedrooms at first floor level and a 4th bedroom incorporating en-suite accommodation at attic level.
- 2.3. The proposed dwelling will be built along the eastern boundary of the site with the neighbouring dwelling at No. 21 Glendoher Close.
- 2.4. There will be a side passage (900mm at its narrowest point) between the proposed dwelling and the western boundary of the site.
- 2.5. Documentation on file indicates that the small wedge shaped portion of the site that crosses in front of the front garden of No. 21 Glendoher Close will be ceded to the owners of No. 21 Glendoher Close as part of the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Notification of a decision to grant planning permission for the proposed development, subject to 12 conditions (mostly standard conditions), was issued by the planning authority per Order dated 29th, August 2018.

Condition No. 1 was a standard condition granting planning permission for the proposed development as modified by the additional information received by the planning authority on 29th, August 2018.

Condition No. 3 specified detailed technical requirements in respect of water supply and surface and foul water drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 13th, July 2018

- The site is zoned for residential in the current Development Plan.
- The proposed development complies with site development standards as set out in the Development Plan in relation to private open space and car parking provision.
- The proposed development has as stated area of 131 sq.m. Internal floor areas for individual rooms comply with the minimum standards recommended in *Quality Housing for Sustainable Communities – Best Practice Guidelines* issued by the Department of the Environment, Heritage & Local Government 2007.
- The provision of a dwelling on the site is considered acceptable. However, the proposed development should be setback on site in order to protect the amenities of the existing dwelling at No. 21 Glendoher Close. The latter

house is setback from No. 19 Glendoher Close. Thus, the front of No. 21 will be shaded from both sides if the current development were to be permitted in the location being proposed.

Report dated 25th, September 2018 (following receipt of additional information)

- The proposed dwelling will setback 1.5m. from the position originally proposed. Thus, the proposed dwelling will be in line with the existing dwelling at No.21 Glendoher Close. Other modifications to the design of the dwelling as originally proposed have been incorporated into the revised proposal – a single storey element to the rear has been omitted and a single storey projection to the front will be expanded by 200mm.
- The floor area of the proposed dwelling has been reduced from 131 sq. m. to 118 sq. m. Private open space provision to the rear of the proposed dwelling remains unchanged (70sq. m.).
- Details of the design of the vehicular entrance (and on-site car parking space) are deemed to be acceptable.

The decision is in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Roads Department** – Reports dated 22nd, June 2018 & 29th, August 2018 indicate no objection to the proposed development subject to conditions.
- **Senior Environmental Health Officer** – Report dated 17th, September 2018 indicates no objection to the proposed development subject to conditions.
- **Parks Department** – Report dated 15th, June 2018 notes the presence of a large conifer on the site and street trees in the grass verge in front of the site. The report indicates no objection to the proposed development subject to conditions.
- **Water Services** – Report dated 20th, June 2018 notes that the application needs to be assessed with respect to BRE Digest 365 Standards and the Greater Dublin Regional Code of Practice for Drainage Works. However, no drawing showing the percolation test results for the proposed surface water

soakaway has been submitted. The report recommends that additional information be requested in relation to this matter.

- **Irish Water** – Report dated 23rd, June 2018 indicates no objection to the proposed development subject to conditions.

3.3. **Third Party Observations**

- 3.3.1. The planning authority received one valid, third party, submission from Glendoher & District Resident's Association (the current appellants) objecting to the proposed development. The issues raised are reflected in the submitted grounds of appeal.

4.0 **Relevant Planning History**

- 4.1.1. There is no record of recent planning history on the appeal site.

4.1.2. Adjoining Sites:

Reg. Ref. 03A/0047 – Planning permission for a detached dwelling at No. 5 Ballyboden Crescent (subdivision of site of an existing dwelling / shared access arrangement) was granted by the planning authority to Marie Whelan per Order dated 30th, April 2013. This site (which now accommodates No. 5A Ballyboden Crescent) partially bounds the appeal site.

Reg. Ref. SD02A/0371- Planning permission for the demolition of existing stores and construction of betting office and shop at ground floor with restaurant at first floor over basement store and associated site works at Ballyboden House (Buglers) was refused by the planning authority per Order dated 23rd, August 2002 for 5 reasons. Briefly, these were (i) injury to residential amenity – daylight and privacy (ii) prejudicial to public health (iii) injury to visual amenity (vi) traffic hazard and (v) failure to demonstrate sufficient legal interest in the site. [This site is owned by the current applicant].

4.1.3. Concurrent Application & Appeal:

Appeal No. 302933-18 (Reg. Ref. SD18A/0187) - This is a concurrent appeal before the Board for 3 infill dwellings at Bugler's Public House. This site is located on the

opposite side of the surface car park at Bugler's Public House to the site of the current appeal. The parties are the same in both appeals.

Reg. Ref. SD18A/0255 – Current application with South Dublin Co. Council for an extension, beer garden, smoking area, new storage unit, new vehicular entrance to serve storage unit etc. at Bugler's Public House.

[Both these sites are owned by the current applicant].

5.0 Policy Context

5.1.1. South Dublin County Development Plan 2016-2023

5.1.2. Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

5.1.3. Section 2.4.0 of the Development Plan considers Residential Consolidation – Infill, Backland, Subdivision and Corner sites. Housing **Policy 17** states that '*It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County*'.

5.1.4. **H17 Objective 2** states '*To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation*'.

5.1.5. **H17 Objective 3** states '*To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation*'.

5.1.6. **H17 Objective 5** states '*To ensure that new development in established areas does not impact negatively on the amenities or character of an area*'.

5.1.7. Section 11.3.2 (ii) specifically refers to Corner/Side Garden sites. It states (inter alia):

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings; The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings; The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings; Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings; and, Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

- 5.1.8. Section 11.4.2 specifies maximum car parking provision rates. Table 11.24 specifies a maximum rate of provision of 2 spaces per unit for residential units of 3+ bedrooms in areas not within towns or villages (Zone 1).

5.2. National Guidelines

Chapter 5 of the national guidelines on Sustainable Residential Development in Urban Areas includes guidance on the promotion of increased residential densities in cities and larger towns. Section 5.5 (a) refers to appropriate locations for increased densities in city and town centres including the promotion of infill development on suitable 'gap' sites.

5.3. Natural Heritage Designations

Glenasmole Valley SAC (Site Code 001209) is c. 6km south-west of the site.

Wicklow Mountain SAC (Site Code 002122) is c.5km south of the site.

Wicklow Mountain SPA (Site Code 004040) is c. 5.4km south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant does not own the entire site. The northern portion of the site containing an existing storage unit/shed is not in the ownership of the applicant.
- The northern portion of the site is registered to 'Merchant Banking'. No evidence of consent for the making of the application has been submitted from the registered owner of this portion of the site.
- The *Development Management Guidelines for Planning Authorities 2007* make it clear that an applicant who is not the legal owner of a site must submit a letter of consent from the owner in order to make a valid planning application.
- South Dublin Co. Council previously refused planning permission to Liam Bugler for a development consisting of the demolition of existing stores and the construction of a betting office and shop at ground floor with restaurant at first floor over basement store on the site of Ballyboden House Public House (Bugler's Public House). The stated reasons for refusal included lack of evidence of sufficient legal interest in the site.
- A site notice to inform the public of the proposed development was placed at the access from Glendoher Close. The site is to the rear of Bugler's Public House which fronts onto Ballyboden Road. No site notice was erected on Ballyboden Road.
- The proposed development does not comply with appropriate site development standards (as set out in the Development Plan) in respect of separation distance between dwellings and maintenance of the established building line at Glendoher Close.
- The proposed development will be served by one off-street car parking space only. This level of provision is inadequate to serve a 4 bedroomed house.
- There will be an over-spill of car parking onto Glendoher Close arising from the proposed development. Glendoher Close already suffers a car parking

problem due to over-spill car parking from the car park attached to Bugler's Public House.

- Due to the tight configuration of the appeal site it will only be possible to park in the proposed on-site space in a parallel (to the adjacent cul-de-sac hammerhead) fashion.
- It will be necessary to remove three Turkish Hazel trees from the public realm between the existing cul-de-sac hammerhead and the site entrance to facilitate the proposed development. Consequently, there will be a loss of amenity.
- The window on the western elevation of the proposed development should be omitted in order to protect the privacy of houses in Ballyboden Crescent.

6.2. Applicant's Response

6.2.1. A submission from the applicant's agent in response to the submitted grounds of appeal, includes:

- The public Site Notice erected at the site was adequate to meet the requirements of Article 19 of the *Planning and Development Regulations 2001*. The notice was deemed to be acceptable by the planning authority.
- There is no requirement in the Development Plan to provide a minimum separation distance between buildings except when the units exceed two storeys in height.
- The planning authority having duly considered the loss of 3 no. street trees in their consideration of the proposed development were happy to allow the removal of these trees subject to the levying of a financial contribution to be ear marked for replanting of trees in the local area (condition No. 7 of planning authority notification of decision to grant planning permission refers.). This levy is acceptable to the applicant.
- The window in the western elevation (*referred to as the eastern elevation in the submission*) of the proposed dwelling was carefully designed to mitigate against any associated overlooking impacts without comprising the residential amenity of the proposed dwelling.

6.3. Planning Authority Response

- 6.3.1. A response from the planning authority per letter dated 8th, November 2018 states that the planning authority confirms its decision and that the issues raised in the appeal have been covered in the Planner's Report.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues of environmental impact assessment and appropriate assessment also need to be addressed. The issues can be dealt with under the following headings:

- Site Development Standards
- Overlooking
- Trees
- Procedural & Other Matters
- Appropriate Assessment
- Environmental Impact Assessment

7.1. Site Development Standards

- 7.1.1. The appeal site is small and narrow. The existing pattern of development in the immediate vicinity of the site is somewhat haphazard. There are existing dwellings to the east, south and (partially) west of the site and a pub car park (partially) to the west of the site.
- 7.1.2. In essence, the appellants are of the opinion that the proposed development does not meet acceptable site development standards in terms of car parking provision, adequate separation distance from the adjoining dwelling at No. 21 Glendoher Close and protection of the established front building line.
- 7.1.3. In relation to car parking provision, it is proposed to provide on-site parking for one car. This complies with the car parking provision rates specified in Table 11.24 of the Development Plan which stipulates a maximum provision of 2 spaces per

dwelling in the case of a 3+ bedroom dwelling in a 'Zone 1' area. Having regard to the location of the site in close proximity to public transport facilities (bus route along Ballyboden Road) and to the availability of opportunities for on-street car parking near the site, I consider that the proposed car parking provision is acceptable.

- 7.1.4. The confined nature and configuration of the site means that it will only be possible, when utilizing the on-site car parking space, to park parallel to the front of the house. However, subject to the modifications to the proposed development shown in the additional information submitted to the planning authority (including the setting back of the proposed house) I am satisfied that the turning movements necessary for the successful operation of this car parking space can be achieved.
- 7.1.5. The planning authority in their initial assessment of the proposed development were unhappy with the location of the proposed house as initially proposed. I would share these concerns. Nos. 17, 19 and 21 Glendoher Close are detached red brick dwellings constructed at a much later date than most of the houses on this road. Nos. 17 and 19 share a similar front building line. However, No. 21 is significantly setback behind the building line established by Nos. 17 and 19. The proposed development as initially conceived involved the construction of a house in line with the shared building line of Nos. 17 and 19. I consider that not only would this be unacceptable in terms of its impact on the visual amenities of the area (resulting in No. 21 being significantly stepped back from its immediate neighbours), but it would have adverse consequence on the residential amenities of No. 21 insofar as the resulting configuration would result in significant loss of light to the front rooms of No. 21. However, this matter has been resolved by the changes made in the additional information submission to the planning authority.
- 7.1.6. Documentation on file indicates that it is proposed to cede the wedge of land contained within the appeal site that projects across the front garden of No. 21 Glendoher Close to the owners of the latter property. Any arrangement in this regard constitutes a private matter between the parties. However, in my opinion, such a transfer would be highly desirable in the event that the proposed development proceeds. It would help to ensure a more orderly pattern of development at this location and would overcome the problem of visual clutter that currently exists arising from the existing configuration of the front garden of No. 21 Glendoher Close vis-à-vis the storage shed on the appeal site.

7.1.7. Private open space to serve the proposed development (rear garden of c. 70 sq.m.) complies with site development standards as set out in the Development Plan.

7.1.8. In my opinion, due to its limited size and scale and by virtue of the existing configuration of the appeal site vis-à-vis surrounding development, the site is significantly constrained in terms of its potential to accommodate the proposed development. Nonetheless, the proposed development (as modified) complies with site development standards as set out in the Development Plan and, on balance, I consider that the proposed house can reasonably be accommodated on site.

7.2. **Overlooking**

7.2.1. The grounds of appeal suggest that a bedroom window should be omitted from the western elevation of the proposed house to protect the residential amenities of adjoining property (house at Ballyboden Crescent) from overlooking. It has been pointed out, on behalf of the applicant, that this bedroom window has been carefully designed as an oriel style window with no glazing on the side angled in the direction of neighbouring dwellings. In my opinion, the design and orientation of this window will protect the residential amenities of the adjoining house at Ballyboden Crescent from injury as a consequence of direct overlooking. Furthermore, it is worth pointing out that, in any event, the rear of houses at Ballyboden Crescent will be overlooked to some degree from the rear bedroom window of the proposed dwelling. However, I consider that such overlooking from bedroom windows (which are not typically occupied throughout the day) is not unusual in an urban context characterised by two storey dwellings.

7.3. **Trees**

7.3.1. The appellants are concerned about the removal of 3 no. street trees located within the grass verge at the bottom of Glendoher Close necessary to facilitate the proposed development. The planning authority Parks Department have reported that they have no objection to the removal of these trees subject to the levying of a financial contribution towards the provision of replacement planting within the public realm.

- 7.3.2. While the existing trees enhance the public realm, I note that they are not yet fully mature, and are not uncommon or unusual specimens. The additional information submitted to the planning authority indicates that it may be necessary to remove only two of the trees to facilitate the proposed vehicular entrance. Scope for replanting within the grass verge will be limited following the dishing of the footpath etc. to facilitate the proposed vehicular entrance. Nonetheless, I consider that subject to agreement with the planning authority on details of a suitable scheme replanting (of trees or other suitable shrubbery) within the limited remaining space, the removal of these trees can be justified.
- 7.3.3. The planning authority attached a condition to their notification of decision to grant planning permission requiring the payment of a financial levy in the sum of €4500.00 towards the cost of replacement planting in the public realm. In the absence of any explicit provision for the levying of such a contribution in the South Dublin County Council Development Contribution Scheme or the justification of such a levy as a special levy pursuant to S. 48(2)(c) of the *Planning & Development Act, 2000*, I consider that the levying of such a contribution is unwarranted.

7.4. **Procedural & Other Matters**

- 7.4.1. The grounds of appeal suggest that this planning application should have been invalidated by the planning authority on grounds that the applicant does not have sufficient legal interest in the entire site to make a valid planning application. In this regard, the appellants suggest that the applicant does not have good legal title to a portion of the site. It is suggested that this portion of the site is in the ownership of 'Merchant Banking Ltd.'.
- 7.4.2. The appellant's have not made any counterclaim to title of the land, but merely assert that title rests in the hands of a third party.
- 7.4.3. Documentation accompanying the application lodged with the planning authority includes a Statutory Declaration by the applicant solemnly swearing that she believes that she is the legal and beneficial owner of the lands in question.
- 7.4.4. The threshold for '*sufficient legal interest*' in land to permit the making of a valid planning application is low. It is not necessary that the applicant be the legal owner of the land (see, for example, Supreme Court decision in *Frescati Estates v Walker*

[1975] IR 77). In this regard, I consider that the documentation on file is sufficient to permit, at least, the making of a valid planning application.

7.4.5. Section 34(13) of the Planning and Development Act, 2000 makes it clear that a person 'shall not be entitled solely by reason of permission under this section to carry out any development'. Accordingly, any dispute in relation in relation title to property or land must be resolved as a civil matter between the relevant parties before development commences.

7.4.6. The determination of any dispute as to the ownership of land or property is beyond the scope of planning legislation. Section 5.3 of the *Development Management Guidelines (2007)* makes this clear.

7.4.7. In the circumstances outlined, I consider that the Board is not precluded from deciding this appeal. Furthermore, I do not consider that planning permission for the proposed development should be refused on grounds of lack of evidence of sufficient legal interest in the site.

7.4.8. In the event, that the Board decide to grant planning permission for the proposed development they may consider it appropriate to attach a note to the Board Order advising the parties in relation to the statutory provision under S. 34(13).

7.4.9. The submitted grounds of appeal argue that the single Site Notice erected in front of the site was inadequate (for the purposes of the *Planning & Development Regulations, 2001*) to inform members of the public in relation to the proposed development. I do not agree. Furthermore, on the basis of the documentation on file there would appear to be no evidence to suggest that the rights of any third party were compromised as a consequence of the absence of the provision of additional Site Notices on Ballyboden Road.

7.5. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development and to the nature and scale 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.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, involving the construction of a single house on an infill site in an urban context, 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 any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions as set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the South Dublin County Development Plan 2016-2013, to the nature and scale of the proposed infill development and to the established character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the surrounding area, would be acceptable in terms of traffic safety and convenience 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 as amended by the further plans and particulars submitted on the 29th day of August 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) 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.

- (3) Details of a scheme of suitable tree or shrub planting to replace the three trees to be removed from the grass verge in front of the site to facilitate the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity

- (4) Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- (5) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

- (6) 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 the commencement of development.

Reason: In the interest of visual amenity.

- (7) Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006

Reason: In the interest of sustainable waste management.

Note: *The applicant is advised of the provision under Section 34(13) of the Planning and Development Act, 2000 which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development.*

Paddy Keogh
Planning Inspector

25th, January 2019