



An
Bord
Pleanála

inspector's Report ABP-302933-18

Development

3 infill dwellings comprising: 1 detached dwelling and 2 semi-detached dwellings. A new access road from Bolton Avenue will serve the 3 dwellings.

Location

Bugler's Ballyboden House,
Ballyboden Road, Dublin 16.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD18A/0187

Applicant

Mary Bugler

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Glendoher & District Resident's
Association

Date of Site Inspection

28th, 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 .092 hectares is located within a well established predominantly residential area in Ballyboden, Rathfarnham, Dublin 16.
- 1.2. The site is located to the south of Bolton Park. Bolton Park is a recently completed and occupied development comprising houses and apartments constructed in the grounds of Bolton Hall – a Protected Structure. This development also involved the refurbishment and conversion of Bolton Hall and a number of coach houses for residential use.
- 1.3. The site has road frontage onto a private road through the Bolton Park development that connects with the public carriageway at Ballyboden Road a short distance away.
- 1.4. There is a pocket of commercial development to the south of the site incorporating a petrol station, Bugler's (Ballyboden House) Public House, a 'Pizza Hut' and a hair salon.
- 1.5. The southern boundary of the site partly abuts a surface car park to the rear of Bugler's Public House and partly abuts the petrol station. The boundary with the car park of Bugler's Public House is open, but a wooden fence with gate is stepped back a short distance inside this boundary.
- 1.6. The western boundary of the site adjoins the rear of the 'Pizza Hut' premises.
- 1.7. Part of the northern boundary of the site adjoins the side garden of No. 1 Bolton Avenue. This section is defined by a high random rubble stone wall. The remainder of this boundary adjoins the private road leading from Ballyboden Road through the Bolton Park development.
- 1.8. There is a one-way traffic system in operation through Bolton Park. Access only is permitted from Ballyboden Road. Egress only is permitted at the Ballyboden Road/Glendoher Road junction (at the northern end of the development). The junction at Ballyboden Road (which will provide both access and egress for the proposed houses) also currently serves as a point of both access and egress for three cottages fronting onto Ballyboden Road (see Photo. No. 8 & No. 9 – attached Appendix A)

2.0 Proposed Development

- 2.1. The proposed development involves the construction of a pair of semi-detached houses and one detached house.
- 2.2. The proposed houses will all be finished to a ridge height of 9.75 m. and will have floor areas of 164 sq.m. (House B), 173 sq.m. (House A) and 181 sq.m. (House C). Each of the proposed houses will have 3 bedrooms at first floor level with a fourth bedroom incorporating en-suite accommodation at attic level.
- 2.3. The design and finishes of the proposed houses will mirror the design and finishes of the recently constructed houses at Bolton Park.
- 2.4. Each of the proposed houses will have private rear gardens. A shared car parking area (for six cars) is proposed in front of the houses.
- 2.5. Proposed access to the site will be from Ballyboden Road via a right-of-way over the existing (private) road serving the Bolton Park housing development.

3.0 Planning Authority Decision

3.1. Decision

Notification of a decision to grant planning permission for the proposed development subject to 16 conditions was issued by the planning authority per Order dated 10th, October 2018.

Condition No. 2 of this decision required modifications to the proposed development including the omission of House C – a detached house (i.e. two houses only permitted).

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 12th, July 2018

- The site is zoned residential in the current Development Pan.

- The proposed houses are of a similar design and scale to those recently built in Bolton Park.
- The site is irregular in shape with shared car parking (2 spaces per dwelling) proposed to the front of the site.
- It is proposed to remove mature Lombardy Poplar trees from the site to facilitate the proposed development. These trees are of amenity value and provide significant screening along the site boundary.
- The removal of these trees and the construction of House C would have a significant impact on the amenity enjoyed by residents of No. 1 Bolton Avenue. (House C should be relocated)
- The proposed development provides for a small area of communal open space along the western boundary of the site. This area does not provide for passive surveillance by houses (and should be relocated).
- The proposed development complies with development standards in relation to minimum bedroom floor area as recommended in *Quality Housing for Sustainable Communities – Best Practice Guidelines (2007)* and the similar site development standards set out in S. 11.3.1 of the Development Plan.
- Table 11.20 of the Development Plan specifies a minimum private open space requirement of 70 sq.m. for a four bedroomed house. It appears that House A and C do not comply with this requirement.
- Roads Department have no objection to the proposed development. Nevertheless, evidence of right-of-way to cross (the privately owned) Bolton Avenue is required.
- The information accompanying the planning application is inadequate in terms of surface water drainage and flood risk. Therefore, it is not considered to be feasible to screen for Appropriate Assessment,

[The planning authority, per letter dated 12th, July 2018, requested a number of items of additional information from the applicant. Briefly, these related to (i) explore potential to relocated House C, (ii) explore possibility of relocating the proposed communal open space, (iii) clarify private open space provision for each house – minimum 70 sq.m. required, (iv) provide written evidence in

relation to right-of-way, (v) provide details in relation to landscaping proposals, (vi) provide details in relation to surface water drainage (soakaways) in relation to flood risk, if any.

Report dated 10th October 2018: (following receipt of additional information)

- The applicant proposes to relocate House C by .5m to the west and by 1.2m to the south in order to provide great separation distance from No. 1 Bolton Avenue. This modification will result in the creation of a terrace of three houses (instead of the original proposal for one detached house and a pair of semi-detached houses). It is considered that the proposed amendments are not sufficient to adequately protect the residential amenities of No. 1 Bolton Avenue from overshadowing and the overbearing impact of the proposed 9.75m. high house. Furthermore, the proposed amendment would leave House B without a side passage. It is recommended that House C be omitted.
- The applicant proposes to relocate the proposed small area of communal open space. This relocation will afford better opportunity for passive surveillance of the communal open space and is deemed to be acceptable.
- The applicant has submitted evidence of right-of-way over the access and egress route to the site. This is deemed to be acceptable.
- The applicant proposes to remove 13 trees from the site. Parks Department are concerned that the proposals for replanting within the site are inadequate. The concerns of Parks Department can be addressed by way of the attachment of an appropriate condition to a grant of planning permission. The omission of House C will afford better opportunity for the satisfactory landscaping of the site.
- The additional information response satisfies the requirements of the Water Services Department (subject to conditions) and is deemed to be acceptable.
- It is considered that the proposed development will not have negative impact on the Natura 2000 network. A Stage 2 Appropriate Assessment is not required.

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

3.2.2. Other Technical Reports

- **Parks Department** – Report dated 15th, June 2018 refers to a lack of detail in relation to hard and soft landscaping proposals for the site including landscaping and planting required to compensate for the loss of trees arising from the proposed development. A subsequent report dated 18th, September 2018 indicates no objection to the proposed development subject to conditions.
- **Water Services Department** – Report dated 20th, June 2018 recommends that the applicant be requested to submit a number of items of additional information in relation to surface water drainage arrangements and in respect of flood risk (if any). A subsequent report dated 14th, September 2018 (following the receipt of additional information) indicates no objection to the proposed development subject to conditions.
- **Roads Department** – Reports dated 22nd, June 2018 & 13th, September 2018 indicate no objection to the proposed development subject to conditions.
- **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. Three submissions from and on behalf of local resident's objecting to the proposed development were received by the planning authority. 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. 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 in the ownership of the current applicant]

Appeal No. 06S.241039 (Reg. Ref. SDA/0244) – Planning permission grant by the Board per Order dated 28th, May 2013 for a development consisting of 27 residential units (houses and apartments including the conversion of the original period house, ‘Bolton Hall’, to apartments) on the adjoining site to the north at Bolton Hall, Ballyboden Road.

4.1.3. Concurrent Application & Appeal:

Appeal No. 302812-18 (Reg. Ref. SD18A/018) - This is a concurrent appeal before the Board for an infill dwelling on a site to the rear of 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 as in the current appeal.

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 in the ownership of the current applicant]

5.0 Policy Context

5.1. South Dublin Development Plan 2016-2023

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

5.1.2. 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*’.

- 5.1.3. **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'*.
- 5.1.4. **H17 Objective 5** states *'To ensure that new development in established areas does not impact negatively on the amenities or character of an area'*.
- 5.1.5. Section 11.3.2 states that development on infill sites should meet the following criteria:
- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities & the companion Urban Design Manual.*
 - *A site analysis that address the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development....*
 - *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
 - *Where the proposed height of the building is greater than that of the surrounding area a transition should be provided.*
- 5.1.6. 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 is not the legal owner of the site and does not have the consent of the owner to make a valid planning application.
- The legal owner of the site rests with 'Merchant Banking Ltd.'
- Drawings accompanying the planning application lodged with the planning authority show road frontage (and access) from the site onto Bolton Avenue. This is not a public road.
- The applicant has submitted evidence of consent from Homeland Developments Ltd. (the developers of Bolton Park/Bolton Hall) granting a right-of-way over the, privately owned, road at Bolton Avenue which will connect the appeal site with the public road at Ballyboden Road. Homeland Developments Ltd. have overstated their legal interest in the relevant access road. A portion of this road (forming a laneway between No. 163 Ballyboden Road and the 'Pizza Hut') is, in fact, owned and maintained by the Local Authority.

- It is unclear which trees will be retained and which will be removed to facilitate the proposed development. The 13 trees currently on the site should be retained. They contribute to the visual and scenic amenity of the area and are also a bat habitat.
- The egress movements for traffic exiting the site are problematic and will create a traffic hazard for both vehicular and pedestrian movements.

6.2. Applicant Response

A submission from the applicant's agent per letter dated 4th, December 2018, in response to the submitted grounds of appeal, states that the applicant is satisfied with the decision of South Dublin Co. Council and asks that An Bord Pleanála uphold this decision.

6.3. Planning Authority Response

A submission 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:

- (1) Trees
- (2) Right of Way & Egress
- (3) Procedural Matters
- (4) Environmental Impact Assessment
- (5) Appropriate Assessment

7.1. Trees

- 7.1.1. The submitted grounds of appeal argue that existing trees on the site are of significant amenity value (and provide a habitat for bats) and should be retained and protected.
- 7.1.2. A report from a Consultant Arborist, in response to a request for additional information by the planning authority, states that the most significant trees on site are a (visually prominent) line of nine Lombardy Poplar trees. It is pointed out that these trees which are nearing full maturity would not be considered an appropriate species for this location due to the brittle nature of their timber, their proneness to storm damage and their aggressive rooting system. While pruning might be helpful in the short term, the report concludes that appropriate management of the trees will necessitate their removal in the near future. The removal of these trees would also be necessary to facilitate the development as proposed. The report concludes that their removal in the long term will be necessary, in any event, in the interests of appropriate management given their proximity to existing development.
- 7.1.3. The Arborist Report recommends that a further four trees be removed (2 no. sycamore, 1 no. elder and 1 no. Norway Maple). All in poor condition (ranked Category 'U' – any existing value will be lost within 10 years).
- 7.1.4. The Arborist Report recommends that remaining trees and a section of hedge along the western boundary be retained and be protected during construction works.
- 7.1.5. The planning authority decided to grant planning permission for two houses only (a pair of semi-detached houses) and omitted the proposed third house (House C – detached). It appears that the planning authority's reason for omitting House C was to provide for a standard of development that would better comply with site development standards as set out in the Development Plan in terms of private open space provision and reduce the potential for overshadowing of the adjacent dwelling to the north (No. 1 Bolton Avenue) while at the same time facilitating the retention of trees on the site, most notably, the line of Lombardy Poplar trees located along the north-eastern boundary.
- 7.1.6. Having considered the findings of the Consultant Arborist, in balance, I would not share the conclusions of the planning authority in relation to the need to omit House C.

- 7.1.7. In the context of seeking to ensure the optimal use of scarce urban lands, I consider that the development, as originally proposed, provides for an appropriate use and density of development on this infill site. In my opinion, the three houses could reasonably be accommodated within the site without injury to the visual amenities of the area. I note that the additional information submitted on behalf of the applicant to the planning authority demonstrated compliance with site development standards as set out in the Development Plan in respect of private open space for each of the proposed dwellings. Furthermore, in my opinion, the omission of House C will not significantly improve the position of No. 1 Bolton Avenue in terms of potential overshadowing, particularly in circumstances where the reason for omitting this house is to facilitate the retention of the tall Lombardy Poplar trees which already significantly overshadow No. 1 Bolton Avenue to the side and rear.
- 7.1.8. The line of Lombardy Poplars is visually striking in the landscape. Nonetheless, I note that these trees are not listed for protection in the Development Plan. Given the manner in which the surrounding area has changed in recent years, the context of the trees has been transformed and they are a much less majestic looking in the landscape than perhaps was previously the case. Having regard, to the comments and conclusions contained in the Consultant Arborist Report and the poor prognosis for the potential the long-term survival of these trees I consider that the removal of these trees could be justified strictly subject to a requirement that a carefully considered scheme of replacement planting, landscaping and boundary treatment be prepared for the site. An appropriate scheme could compensate for any loss of amenity and habitat resulting from the removal of the trees and provide an opportunity for the enhancement of the site and public realm at this location.
- 7.1.9. Notwithstanding the above comments, I note that the applicant's agent has written to the Board (letter dated 4th, December 2018) stating that the applicant is satisfied with the decision of South Dublin County Council and requesting that the Board uphold the decision of the planning authority. In this context, I consider that it is not necessary to revisit this matter further. (In my opinion, further consideration of the matter, in the context of the current appeal, would constitute a new issue).
- 7.1.10. In the event that planning permission for two houses only is being granted by the Board, I consider that it would be appropriate to attach a condition requiring the

protection of trees to be retained in order to help to secure the survival of these trees in the short to medium term.

7.2. Right of Way & Egress

- 7.2.1. The planning authority in considering the current application sought additional information from the applicant concerning evidence of right-of-way in favour of the applicant over Bolton Avenue (a private road) linking the appeal site with the public carriageway at Ballyboden Road. The applicant submitted a letter (dated 6th, August 2018) from Homelands Developments Ltd. confirming that they are the owners of the relevant strip of road and that they have granted a right-of-way and easement to Mary Bugler (the applicant) to pass over and access her land. The planning authority have accepted this document as evidence of sufficient right-of-way.
- 7.2.2. The grounds of appeal suggest that the area in respect of which Homeland Development Ltd. have control and power to grant a right-of-way in favour of the applicant is insufficient to facilitate clear access to the appeal site. In this regard, the grounds of appeal make reference to the crossing of a short section of laneway that previously served the rear of cottages fronting onto Ballyboden Road (prior to the completion of the Bolton Park development). The grounds of appeal assert that title to this section of laneway is held by the local authority.
- 7.2.3. The appellants have not made any counterclaim to title of any land pertinent to the granting of a right-of-way at this location.
- 7.2.4. If the appellants are correct in their assertion, the consent of the planning authority will be required in order to perfect the granting of a right-of-way to gain access to the appeal site from Ballyboden Road. However, I do not see this as an impediment to the Board deciding upon the current appeal in circumstances where the planning authority from which consent might be required is the same authority that have already consented to the proposed development.
- 7.2.5. The submitted grounds of appeal assert that the egress from the site will constitute a traffic hazard for cars and pedestrians. No technical details have been proffered in support of this assertion.
- 7.2.6. I acknowledge that character and existing pattern of development in the general vicinity if the site is somewhat haphazard. Cottages fronting onto Ballyboden Road traditionally had vehicular access to the rear from various points along Ballyboden

Road. The location of the access road into Bolton Park coincides with a previously existing vehicular rear access lane serving three dwellings on Ballyboden Road. The recently re-designed road layout provides for both access and egress from and to Ballyboden Road for these three dwellings only. The proposed houses will be able to achieve access both access and egress in a similar fashion.

7.2.7. The road layout serving the Bolton Park development has been designed to be DMURS (Design Manual for Urban Roads and Streets) compliant.

7.2.8. In my opinion, the character and traffic movements facilitated by the existing private road (including clear road markings) acts as a form of traffic calming device forcing cars to proceed at a slow and safe pace. In this context, I do not consider that the traffic turning movements generated as a consequence of the proposed development would result in the creation of a traffic hazard for either motorists, pedestrians or other road users.

7.3. Procedural Matters

7.3.1. 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. It is suggested that the site is in the ownership of 'Merchant Banking Ltd.'

7.3.2. 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.

7.3.3. The application form lodged with the planning authority states that the applicant is the owner of the lands.

7.3.4. 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).

7.3.5. 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.

- 7.3.6. 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.
- 7.3.7. 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.
- 7.3.8. 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. 14(13).

7.4. Environmental Impact Assessment

- 7.4.1. 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.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature, urban context and limited scale of the proposed infill development and to the nature of the receiving environment together with the separation distance from any designated European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on 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 13th day of September 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) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on site.

- (4) A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed bollards and lighting fixtures;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- (5) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on site , in the interest of visual amenity.

- (6) 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.

- (7) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

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

- (8) 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.

- (9) Construction waste shall be managed in accordance with a construction waste 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

1st, February 2019