



An
Bord
Pleanála

Inspector's Report ABP-305126-19

Development	Construction of new two-storey, detached, 3-bedroom house (154.2m ²), with a basement utility / storage room (34m ²), a terrace at the first floor (16.6m ²), a new vehicular entrance and all associated works.
Location	Corner site to the side of 166 Ballinclea Heights, Killiney, Co. Dublin.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0342
Applicant(s)	Ian & Fiona Lyons
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Ian & Fiona Lyons
Observer(s)	Olive & Marcus Donnelly Anne & David Rutherford

Date of Site Inspection

10th October, 2019

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site occupies a corner plot at No. 166 Ballinclea Heights, Killiney, Co. Dublin, within an established residential area characterised by conventional suburban housing predominantly composed of two-storey, semi-detached / terraced dwelling houses, although there are a number of other housing types in the area, including several dormer-style properties and single storey bungalows. It is located at the intersection of two estate roadways and overlooks a local amenity area / recreational space known as Ballinclea Heights Park to the south. Whilst the housing to the west of the site comprises a single continuous terrace of units, the building line of those properties to the north and east is characterised by a staggered arrangement with vertical stepping following the prevailing topography.
- 1.2. The site itself has a stated site area of 0.0457 hectares, is irregularly shaped, and comprises the side garden area of an adjacent semi-detached dwelling house. It falls away from the public road on travelling northwards with the result that there is a notable change in levels through the site. The roadside boundary is generally defined by a low blockwork wall with timber post and rail fencing set behind it, although the front garden area is presently enclosed by mature hedging.

2.0 Proposed Development

- 2.1. The proposed development involves the subdivision of an existing housing plot (presently occupied by No. 166 Ballinclea Heights) to facilitate the construction of a detached, two-storey over basement, dwelling house (floor area: 188.2m²) with independent vehicular access via a new entrance arrangement onto the adjacent public road to the immediate south. The overall design of the proposed dwelling is contemporary in nature and utilises a flat-roofed construction with a first-floor balcony / terraced area overlooking the roadway and the amenity area beyond same. The positioning of the proposed dwelling has sought to respect the established building line of those properties to the north and has also aimed to achieve a suitable balance between the siting of the existing housing to the east and west. Water and sewerage services are available from the public mains network.

2.2. On 29th April, 2019, the Planning Authority issued a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. On 15th July, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to the location of this site at a prominent corner within Ballinlea Heights, and the prevailing pattern of development in the area, it is considered that the proposed development, by reason its design, bulk, scale and mass, would appear visually incongruous at this location, contrary to Section 8.2.3.4 (v) (Corner/Side Garden Sites) of the Dún Laoghaire Rathdown County Council Development Plan 2016 - 2022. It is considered that the proposed development would seriously injure the visual amenities of the area, would not integrate with the existing pattern of development in the area and would set an undesirable precedent for other similar type development in the area. It is considered that the proposed development would not be in accordance with Land Use Zoning Objective 'A', 'to protect and/or improve residential amenity', would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations before stating that the site can accommodate an appropriate infill scheme provided it is designed to integrate with the existing pattern of development and protects the amenities of adjoining properties. Whilst it is acknowledged that the contemporary design proposed may be acceptable in certain circumstances, it is considered that

the new construction should more closely reflect the existing dwelling on site (i.e. No. 166 Ballinclea Heights) and the adjacent property to the east. It is further stated that the overall design, scale and bulk of the proposed dwelling, when taken in conjunction with its relationship to neighbouring housing, would result in a form of development that would be visually incongruous given the site context. Further concerns are raised as regards the suitability of the perimeter site boundary alongside the public road (given the proposed private open space arrangement). The report thus concludes by recommending a refusal of permission for the reason stated.

3.2.2. *Other Technical Reports:*

Drainage Planning, Municipal Services Dept.: No objection, subject to conditions.

Transportation Planning: Recommends that further information be sought with regard to the proposed entrance and car parking arrangements.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

- 3.4.1. A total of 2 No. submissions were received from interested third parties, however, in the interests of conciseness, and in order to avoid unnecessary repetition, I would advise the Board that the principle grounds of objection / areas of concern raised therein can be derived from my summation of the contents of the observations lodged with respect to this appeal.

4.0 **Planning History**

4.1. *On Site:*

None.

4.2. *On Adjacent Sites:*

None.

5.0 Policy and Context

5.1. National and Regional Policy:

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

5.2. Development Plan

5.2.1. ***Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

Other Relevant Sections / Policies:

Section 8.2.3: *Residential Development:*

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas:*

(v) Corner/Side Garden Sites:

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.4.9: *Vehicular Entrances and Hardstanding Areas*

Section 8.2.8.4: *Private Open Space - Quantity*

5.3. Natural Heritage Designations

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

- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 2.0km east-northeast of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 2.0km east of the site.

5.4. EIA Screening

5.4.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development accords with national and local planning policy as regards the physical consolidation and densification of the built-up urban form through the provision of suitably designed infill development.
- The proposal complies with the applicable land use zoning which seeks '*to protect and / or improve residential amenity*'.
- Having regard to Section 8.2.3.4(v) of the Development Plan which states that larger corner sites may allow for more variation in design and that a modern design response may be appropriate in certain areas in order to avoid a pastiche development, and in light of the considerable variation in housing design in the surrounding area, it is not accepted that the proposal would

seriously injure the visual amenities of the area or that it fails to integrate with the existing pattern of development.

- The positioning of the dwelling house has had regard to the geometrics of the building lines at this intersection and fits into the existing pattern of development. It fills the gap on this corner site, continues the existing staggered building plan form, and strengthens the weakened development pattern at the junction.
- The staggered building lines prevalent in the area are echoed in the vertical stepping of the semi-detached properties to the north of the site. In this respect, the proposed dwelling integrates with the surrounding pattern of development and continues the established building placement and form typology.
- The existing housing stock exhibits a wide range of modified finishes and extension styles. The proposed development will fit in easily with its immediate neighbourhood and will add more to the visual amenity of the estate than many of the already altered houses.
- There is considerable variation in the existing examples of infill development within the estate and the design of the subject proposal is such that it will integrate sympathetically with the receiving environment.
- The scale and massing of the proposal complies with the requirements of the Development Plan and is consistent with the surrounding pattern of development.
- It is apparent from the contextual elevations of the streetscape that the ridge height of the proposed dwelling will be well below the 'apparent true profile' when considered in all directions. The height and scale of the proposed development will fit comfortably with the receiving environment.
- The site area and floorspace of the proposed development are comparable to the adjacent dwelling house. The new dwelling will also have a larger than average garden area when compared to the remainder of the Ballinlea estate.

- The density of the proposed development conforms with the urban grain of the area.
- Given climate change considerations and the requirements of Part L: ‘*Conservation of Fuel and Energy*’ of the Building Regulations, the likelihood is that the appearance and character of existing housing in the estate will change significantly in the future as homeowners seek to reduce energy usage etc. Indeed, most of those houses which have been upgraded in recent years have opted to remove the spandrel-type panels from their front and rear elevations and have been externally insulated with a painted render finish. It is anticipated that a significant number of the remaining houses will undergo similar upgrading works in the coming years with the result that most of the estate will likely be comparable to these newer exemplars. Accordingly, it is submitted that the impact of the proposed development from a visual perspective will be acceptable both now and into the future.
- The proposed design is of a high quality and accords with all relevant standards, including the ‘*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE)*’ as well as the ‘*Quality Housing for Sustainable Communities – Best Practice Guidelines*’. It will also comply with the Building Regulations and will achieve a Building Energy Rating of A2.
- The design of the proposed dwelling ensures that it will not compromise the residential amenity of adjoining properties by reason of overlooking.
- Both the existing and proposed dwelling houses will be provided with adequate high quality private open space in excess of the minimum requirements of the Development Plan.
- In response to concerns raised in the assessment by the case planner, including the assertion that the proposed development will ‘*appear visually incongruous at this location*’ and that ‘*the design of a new structure should more closely relate to the existing dwelling*’, the Board is referred to the revised design detailed in the amended drawings provided with the grounds of appeal. In particular, it should be noted that whilst the original proposal employed a flat-roof construction in order to keep the ridge height as low as possible, the amended design proposes a conventional hipped roof which will

conform with the wider estate aesthetic when viewed from the public road. This revised roof profile also serves to complete the building form and will more closely match neighbouring housing.

- Whilst the initial proposal sought to erect a concrete post and timber panel fence 'hidden' inside the existing perimeter boundary hedge, in light of the requirements of Section 8.2.8.4(iii) of the Development Plan which states that *'Boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls / railings and / or hedging / planted treatments'*, the revised scheme submitted with the grounds of appeal has omitted the proposed fencing and retained the mature hedging as before. It is accepted that this revision serves to best protect the existing hedging and conforms with the requirements of the Development Plan.
- The new boundary treatment between the proposed development and the existing dwelling house has been designed to ensure the privacy and security of both properties and is similar to other rear garden fencing within the wider estate.
- The design of the car parking and access arrangements as detailed in the amended proposal submitted with the grounds of appeal accords with the requirements of the Development Plan.
- The report of the Transportation Planning section includes a number of requirements that do not form part of the Development Plan, with particular reference to the need for cars to be able to enter & exit the property in a forward movement. Few of the existing houses in the estate provide for such an arrangement and it is considered that compliance with such a requirement would be unduly onerous and result in an overly dominant expanse of car parking.
- The proposed development conforms with the established character of the estate in terms of size, plan, location, form, sectional street presentation, and elevational treatment. Accordingly, the proposal cannot be considered to *'seriously injure the residential and visual amenities of the area'*.

- The high quality of the submitted design provides for elegant living accommodation which surpasses the requirements of both the Development Plan and the Department of the Environment.
- The proposed development will not interfere with the privacy or residential amenity of neighbouring housing and will not result in the devaluation of property in the vicinity.

6.2. **Planning Authority Response**

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. **Observations**

6.3.1. *Olive & Marcus Donnelly and Anne & David Rutherford:*

- The proposed development would infringe on the established building lines (to the north and east) within Ballinclea Heights.

6.4. **Further Responses**

None.

7.0 **Assessment**

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

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

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'. In addition to the foregoing, it should also be noted that the surrounding area is residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is dominated by conventional housing construction. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.2. Therefore, having considered the available information, including the site context and land use zoning, and noting that permission has previously been granted for comparable infill development in the surrounding area, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. Overall Design and Layout:

- 7.3.1. The proposed development involves the construction of a contemporarily designed dwelling house within the side garden area of an existing property which occupies a prominent corner plot at No. 166 Ballinclea Heights. In this respect concerns have been raised as regards the relationship of the proposal with neighbouring properties and whether it is in keeping with the character of the surrounding area, with particular reference to the overall design of the proposed dwelling and its siting relative to the building lines of adjacent housing.

7.3.2. Whilst I would acknowledge that the design of the proposed dwelling house is more contemporary in appearance than the prevailing pattern of development, given the site context, I would refer the Board to Section 8.2.3.4(v) of the Development Plan which states that larger corner sites may allow for more variation in design as regards the provision of infill housing and that a modern design response may be appropriate in certain areas in order to avoid a pastiche development. In this regard, it is of relevance to note that there are several examples of more contemporary designs having been accommodated in the surrounding area through the subdivision of housing plots, such as at Nos. 61 & 148 Ballinclea Heights as well as at No. 20 Rock Lodge, although there are also a number of cases where infill development has been refused permission by the Planning Authority or the Board on appeal on the basis that the design proposed would be visually obtrusive and out of character with the area (e.g. ABP Ref. No. PL06D.236390 at No. 26 Ballinclea Heights). In addition, there is considerable variation in building typology and design in the immediate site surrounds. For example, whilst the extension to the gable end of the No. 17 Ballinclea Heights (directly west of the subject site) has utilised a conventional, two-storey, hipped roof construction, a comparable side extension a short distance away at No. 169 Ballinclea Heights has adopted a more contemporary design approach, particularly when viewed from the side and rear. Other notable deviations from the prevailing pattern of conventional two-storey development include several dormer-style dwellings and single storey bungalows as well as No. 14 Ballinclea Heights to the northwest of the application site which employs a mansard roof design unlike other residences in the area.

7.3.3. In considering the site context, the subject design has sought to utilise the prominent corner location of the application site as means by which to introduce a new contemporary form into the area which will serve to address both its streetscape elevations, including the parkland opposite. However, cognisance has also been taken of the site levels and the need to avoid an overly intrusive feature and, therefore, whilst the proposal has been designed as a two-storey over-basement construction, its ridge height will be set below those of the adjacent properties to the immediate north and east. The design has also sought to avail of the screening offered by the retention of the existing perimeter site boundaries, with particular reference to the hedging to the west / southwest.

- 7.3.4. With regard to the positioning of the proposed dwelling house and the assertion by interested parties that it will impinge on the established building lines (to the north and east) within Ballinlea Heights, whilst I would accept that the new construction will not strictly follow the building lines to either the east, west or north, I am inclined to suggest that it achieves a reasonable balance between same given the surrounding pattern of development, including the staggered building line to the east, whilst the corner site location provides the opportunity to introduce a more interesting visual feature at this junction.
- 7.3.5. A further aspect of the application which requires consideration is the proposal to 'reverse' what would be considered the more conventional front and rear garden arrangement. At present, that area forward (i.e. west) of the front building line of the existing dwelling house at No. 166 Ballinlea Heights comprises part of the front garden area of that property, however, the proposed development seeks to utilise this area as its 'rear' private open space by supplementing the existing perimeter boundary hedging along the roadside with post and panel fencing. Whilst the aesthetics of the dwelling house itself do not give rise to any difficulty in this regard, I would have concerns as regards the likely adverse visual impact of any boundary treatment required to secure the new 'rear' garden area, particularly if the existing hedging were to fail or to be otherwise removed / diminished. In my opinion, the appropriateness of such an arrangement is questionable and I would be hesitant to place any reliance on the use of this area as 'private open space', however, I am satisfied that there will be sufficient amenity area remaining to the 'rear' of the property (i.e. behind the rear building line of No. 166 Ballinlea Heights) to serve the needs of the proposed dwelling, subject to the provision of suitable screening measures.
- 7.3.6. On balance, having regard to the site location, the variation in the pattern of development, the planning history of the wider area, and the provisions of Section 8.2.3.4(v) of the Development Plan, it is my opinion that the overall design of the proposed development as submitted to the Planning Authority represents an appropriate design response to the site context and achieves a suitable balance between the need to respect the established character of the surrounding area and the desire to provide a visually distinctive contemporary design at this prominent corner site.

7.4. Impact on Residential Amenity:

- 7.4.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking or overshadowing.
- 7.4.2. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site is within an established residential area and that any construction traffic routed through same could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.5. Traffic Implications:

- 7.5.1. The proposed development includes for the provision of a new independent entrance arrangement onto the adjacent estate roadway to the immediate south. In this respect whilst I would acknowledge the concerns of the Local Authority as regards the adequacy of the sightlines available and the potential for vehicles having to reserve onto the public roadway, it should be noted that the proposed access arrangement is directly comparable to those serving existing housing in the immediate site surrounds. In addition, given the width of the footpath alongside the site frontage, and subject to a requirement to lower part of the existing roadside boundary wall to either side of the new entrance as a condition of any grant of permission, I am inclined to suggest that the sightlines available from the proposed access point will be within acceptable limits, particularly in light of the lower traffic volumes and speeds expected to be experienced along the estate roadway.
- 7.5.2. With regard to the adequacy of the on-site parking arrangements, I would refer the Board to the requirements set out in Table 8.2.3: '*Residential Land Use - Car Parking Standards*' of the Development Plan wherein it is stated that parking should be provided at a rate of 2 No. spaces per 3-bed unit+. Whilst I would accept that the

proposal to provide a single off-street parking space for the proposed 3 / 4-bedroom dwelling house would not strictly accord with the requirements of Table 8.2.3, having regard to the infill nature of the site, the desirability in reducing car dependency, the width of the estate roadway, and the established practice of utilising on-street parking in the area, I am amenable to a relaxation in the specified 'standard' car parking requirement in this instance.

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

7.6. Appropriate Assessment:

- 7.6.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the land use zoning of the site in the current Development Plan for the area, to the infill nature of the site, to the design and scale of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential

density and otherwise comply with the provisions of the Development Plan, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

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

Reason: In the interest of visual amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, complete details of all proposed boundary treatment within and bounding the proposed development site. This shall include for the following:
 - a) The omission of the 1.8m high concrete post and timber fencing forward (west) of the front building line established by the neighbouring dwelling at No. 166 Ballinclea Heights.
 - b) The lowering of the southern perimeter boundary wall to either side of the new entrance onto the public road to a height not exceeding 1.2m above the adjacent footpath.

Reason: In the interests of traffic safety and visual and residential amenity.

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

Reason: In the interests of pedestrian and traffic safety.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. 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.

Robert Speer
Planning Inspector

29th October, 2019