



An
Bord
Pleanála

Inspector's Report

ABP-305374-19

Development	PROTECTED STRUCTURE: Construction of mews house & demolition of structure to create extension.
Location	77, Heytesbury Street, Portobello, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2556/19
Applicant(s)	Bryony Bethell
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Bryony Bethell
Observer(s)	<ol style="list-style-type: none">1. Simon Healy and Liam Tuite2. James Wickham3. Transport Infrastructure Ireland
Date of Site Inspection	2 nd December 2019
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site No. 77 Heytesbury Street is located on the eastern side of Heytesbury Street. It is a two storey over basement, mid-terrace dwelling. The main front entrance to this property is on the upper ground floor and accessed via an external staircase. No. 77 is a Protected Structure within a residential conservation area.
- 1.2. The rear garden of this property and accessed off St. Kevin's Cottages via Synge Street. The Copper House Gallery occupies the centre of the urban block to the rear of the site.
- 1.3. The northern and southern site boundaries adjoin houses and associated rear gardens fronting Heytesbury Street. The rear of no. 76 Heytesbury Street has been developed as a mews dwelling. The eastern site boundary adjoins the laneway. A high wall and gate stand along this site boundary, separating the site from the laneway. The width of the laneway is approx. 5.5 metres.
- 1.4. The area is primarily residential with some educational uses also.

2.0 Proposed Development

- 2.1. The development will comprise:
 - The partial demolition of the boundary walls and the construction of a new two storey mews house with roof terrace to the rear of the site, accessible from St. Kevin's Cottages,
 - Demolition of the existing single storey structure to the rear of the main dwelling to create a new single storey extension, minor internal alterations to the lower ground floor,
 - and associated site works.
- 2.1.1. The proposed extension to No. 77 is a modest 3.4sqm rear extension at lower ground floor level. The design reflects a flat roof structure with roof light and floor to ceiling glazing on the eastern facing elevation.

- 2.1.2. The proposed mews dwelling is a two-storey two-bedroom contemporary design structure with roof terrace incorporated at attic level. The floor area of the mews is stated as 100.66sqm.
- 2.1.3. A Conservation Method statement and Design Statement including Daylight and Sunlight Analysis accompanied the planning application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a **split decision**.

- Permission was **granted** for the single storey extension to the rear of No 77 Heytesbury Street subject to six standard conditions.
- Permission **refused** for the two-storey mews for the following reason:

Having regard to the requirements of the Dublin City Development Plan 2016-2022 and in particular the Z2 zoning objective and section 16.10.16, the roof profile and associated roof terrace of the proposed mews property would be incongruous to the streetscape of St Kevin's Cottages and out of character with the surrounding Residential Conservation Area. In addition, it is considered that the area of roof terrace would injure the residential amenity of adjoining properties in terms of undue disturbance. Furthermore, it is considered the residential amenity of future occupiers would be injured in terms of loss of daylight by the provision of screening to the rear first floor bedroom window opening. It is therefore considered that this development if permitted would set an undesirable precedent contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. **Planning Reports**

The report of the Planning Officer reflects the decision of the Planning Authority and noted the following:

- The proposed addition of a mews house in the rear garden of No. 77 Heytesbury Road would not physically impact the Protected Structure and the principle of its placement within the rear garden is considered acceptable.
- The proposed subdivision of the rear garden of No. 77 Heytesbury Street would leave the parent property with a rear amenity space of 76sqm which is considered sufficient in size.
- Further information was requested regarding the ridge height of the mews and omission of the roof terrace element.
- The revised amendments proposed by the applicant were not deemed acceptable
- The report concluded that the proposed single storey extension to No. 77 Heytesbury Street was considered minor in scale and would have an acceptable impact on the character of this property and the amenities of neighbouring properties. However, the bulk and design of the roof profile and associated roof terrace of the proposed mews house was considered incongruous to the streetscape and surrounding Residential Conservation Area.

3.2.2. Other Technical Reports

Drainage Division: Report dated 23rd April 2019 raised no objection subject to conditions.

Transport Planning Division: Report dated 2nd May 2019 notes that while an internal car parking space is preferred in this location there is no objection subject to conditions.

Conservation Department: Report dated 4th April 2019 raised no objection to the proposal subject to standard conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland - In their report dated 8th April 2019 TII set out that the site falls within the area covered by the Supplementary Development Contribution Scheme (Section 49, Planning & Development Act, 2000 as amended). Luas Cross City (St. Stephen's Green to Broombridge Line).

3.4. **Third Party Observations**

The Area Planner in their report refers to receipt of three submissions in relation to the development. A brief summary of the issues raised in the submissions to the Planning Authority are set out below:

- The proposed roof terrace would overlook adjoining gardens.
- The proposed mews house would overshadow the rear gardens of adjoining properties.
- The three-storey scale of the proposal is out of character with development in the area and would create inconsistency in the streetscape.
- Permitting this mews house would create an unacceptable precedent.
- Unwanted impact on the party walls.
- The proposed mews house would not have a sufficient separation from the rear elevation of No. 77 Heytesbury Street.
- Screening of the terrace would not appear to be sufficient.
- Rooflights would overlook neighbouring properties

4.0 **Planning History**

Site

None

Surrounding

None recent

5.0 **Policy Context**

5.1. **Development Plan**

5.2. Dublin City Council Development Plan 2016-2022.

5.2.1. The zoning objective relating to the site is land use zoning objective Z2 “to protect and/or improve the amenities of residential conservation areas”. No. 77 Heytesbury Street is a protected structure.

Chapter 5 of the Development Plan specifically relates to housing. Policy QH5 seeks to promote residential development addressing any shortfall in housing provision to

active land management and a coordinated planned approach to developing appropriately zoned land at key locations including regeneration areas, vacant sites and underutilised sites.

Policy QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

- 5.2.2. In terms of Conservation Areas, Dublin City Council seek to ensure the development proposals within all Architectural Conservation Areas and conservation areas complement the character of the area and comply with development standards.

Conservation Areas

Policy CHC4: To protect the special interest and character of all Dublin's Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

- 5.2.3. Protected Structures

Record of Protected Structures (Volume 3 of the 2016-2022 Dublin City Development Plan): RPS Ref. No: 3806.

Policy CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

As the building is also located within an areas zoned for residential conservation purposes those sections of the plan relating to Z2-zoned areas are applicable to this application.

Policy CHC2: It is the policy of Dublin City Council to ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

- a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest

- b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
- c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
- d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure
- e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- f) Have regard to ecological considerations for example, protection of species such as bats.”

5.2.4. Specific policies in relation to mews dwellings are set out below.

16.10.16 Mews Dwellings states:-

- (a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.
- (b) Development will generally be confined to two-storey buildings. In certain circumstances three-storey mews developments incorporating apartments will be acceptable where the proposed mews is subordinate in height and scale to the main building and where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for resulting traffic conditions and where the apartment units are a sufficient size to provide a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.
- (c) Mews buildings may be permitted in the form of terraces, but flat blocks are not generally considered suitable in mews laneway locations.

(d) New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by the established building lines and plot width.

(e) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible. All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One-off street car parking space should be provided for each mews building subject to conservation and access criteria.

(f) New mews development should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. The provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.

(g) The potential mews laneways must have a minimum carriageway of 4.8 metres in width and 5.5 metres where no verges or footprints are provided. All mews lanes will be considered to be shared surfaces and footpaths need not necessarily be provided.

(h) In terms of private open space such space shall be provided to the rear of a mews building and shall be landscaped so as to provide a quality residential environment. The depth of the open space for the full width of the site will not generally be less than 7.5 metres unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5 metres standard is provided, the 10 square metre of private open space per bed space standard may be relaxed.

(i) If the main house is in multiple occupancy, the amount of private space remaining after the subdivision of the garden for mews development shall meet both the private open space requirements for multiple dwellings and for mews developments.

(j) The distance between opposing windows of mews dwellings and the main house shall generally be a minimum of 22 metres. This requirement may be relaxed due to site constraints. In such cases innovative and high-quality design will be required to

ensure privacy and to provide an adequate setting, including amenity space for both the main building and the mews dwelling.

- 5.2.5. Chapter 16 of the development plan sets out details of development standards. Standards are contained for minimum floor areas for dwellings, requirements for natural lighting and ventilation, private open space standards, safety and security and acoustic privacy. These standards will be referred to where relevant in my assessment below.

National Legalisation

Architectural Heritage Protection Guidelines (2004)

5.3. Natural Heritage Designations

There are two designed sites within 4km of the site.

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the modest well-screened roof terrace located on the eastern side of the mews would not overlook nor generate more noise disturbance than that which may be produced by social areas adjacent to the gardens located in adjoining dwellings or from back yards noise audible in this central city location.

- It is set out that the response to further information addressed the concerns raised in relation to the proposed terrace and any overlooking and impact on the site to the rear due to potential overlooking.
- It is set out that there is ample precedent of similar type roof terraces in the vicinity of the site and that the proposal is positive in terms of adding to the greenery of the city scape and in reducing potential noise, in addition to achieving compliance with external amenity space requirements.
- With respect to overlooking of adjoining properties, it is set out that the proposed angled timber louvered screening of the bedroom window is similar to that of the adjoining mews development's first floor window and will prevent any overlooking. It is argued that the refusal contradicts the original planning assessment prior to further information and would appear unduly restrictive for first floor windows. It is set out that a roof light can be added if more day light is required.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

Three no. observations were received.

1. Simon Healy and Liam Tuite, No 76 Heytesbury Street, Dublin 8 . A brief summary of the issues raised in the submission are set out below:
 - It is set out that the observers have no objection to the principle of the developemt.
 - Concern is expressed regarding the height of the mews and roof space, which is capable of other uses and will overlook and overshadow the contiguous private gardens on Pleasants Street.
 - It is set out the roof terrace precedents examined are not mews dwelling.
 - The development does not represent a modest mews development.
2. James Wickham, No. 23 Pleasant Street, Portobello, Dublin 8. A brief summary of the issues raised in the submission are set out below:

- It is set out that the proposed development will represent overdevelopment of the site and the height is incongruous in relation to the other buildings in St. Kevin's Cottages.
- The proposed terrace will lead to noise disturbance in the neighbourhood and generate additional parking pressure.
- The location of the mews opposite the observer's garden will constitute a visual intrusion and overlooking their rear garden.

6.3.1. **Prescribed Bodies**

3. Transport Infrastructure Ireland – In their report dated 19th September 2019 the TII set out that the site falls within the area covered by the Supplementary Development Contribution Scheme (Section 49, Planning & Development Act, 2000 as amended). Luas Cross City (St. Stephen's Green to Broombridge Line) and the development is not exempt from a contribution levy.

7.0 **Assessment**

7.1. **Introduction**

The assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design, layout and Residential Amenity
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The development comprises the construction of a new two storey mews house with roof terrace to the rear of No. 77 Heytesbury Street, accessible from St. Kevin's Cottages. It is also proposed to demolish an existing single storey structure to the rear of the main dwelling at no. 77 Heytesbury Street and construct a new single storey extension and minor internal alterations to the lower ground floor of No. 77, a protected structure.

- 7.2.2. The site is zoned Z2 -Residential Neighbourhoods (Conservation Areas) with the following objective; *'To protect and/or improve the amenities of residential conservation areas.'* Residential is a permissible use within this zoning category. As such the proposal is acceptable in principle, subject to the detailed considerations below.
- 7.2.3. Site inspection indicated that the general character of the area has been altered over time with extensions and the insertion of an infill mews dwelling adjoining the site. I note that no issues have been raised relating to the proposed contemporary rear extension to no. 77. I consider the principle of this extension in line with the zoning objectives for the area. Furthermore, I consider the principle of a mews dwelling in line with Policy QH5 and Policy QH8 of the Development Plan promoting the development of vacant sites and underutilised sites.
- 7.2.4. I further consider that the proposal generally complies with the requirements for mews developments as set out in the development plan in that the site is of sufficient size to accommodate a mews dwelling. The Development Plan establishes that car parking provision maybe reduced or eliminated in areas that are well served by public transport. This site is accessible to public transport and there are numerous shops and services within walking distance. Accordingly. I consider the proposal not to provide car parking on site acceptable. I note that on-a street permit parking is available in the wider area.

7.3. **Design, layout and Residential Amenity**

Rear extension No. 77 Heytesbury Street

- 7.3.1. No. 77 Heytesbury Street is a protected structure. The development provides for a modest 3.4sqm rear extension at lower ground floor level. The design reflects a flat roof structure with roof light and floor to ceiling glazing on the eastern facing elevation. I note the contemporary character of the design and as regards the façade treatment and subordinate scale and bulk to the main dwelling. This approach sets a clear distinction between the old and the new and I consider this approach acceptable and in line with Section 11.1.5.1 of the Dublin City Development Plan (2016-2022).
- 7.3.2. I note the Conservation Assessment submitted has not raised any concerns regarding the impact of the extension on the character of the existing 1840's dwelling

or the associated minor internal works proposed. Furthermore, the report from the Conservation Department dated 4th April 2019 raised no objection to the proposal subject to standard conditions.

Proposed Mews

- 7.3.3. The proposed Mews is a two-storey detached dwelling located to the rear of no. 77 Heytesbury Street to the north of St. Kevin's cottages, a terrace of single storey mews type cottages to the rear of Grantham Street, also protected structures. The site is accessed via a rear lane which serves St. Kevin's Cottage and the Copper House Gallery.
- 7.3.4. The planning authority refused planning permission for the proposed mews stating that the development would be incongruous to the streetscape of St Kevin's Cottages and out of character with the surrounding residential conservation area. In addition, it was considered that the roof terrace would injure the residential amenity of adjoining properties in terms of undue disturbance. It was also considered that the residential amenity of future occupiers would be injured in terms of loss of daylight by the provision of louvered screening to the rear first floor bedroom window opening and the development, if permitted, would set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.
- 7.3.5. With respect to the proposed mews, infill dwelling Policy 16.2.2.2 *Infill Development* of the Dublin City Development Plan 2016-2022 deals with Infill development—allowing for houses that respect and complement the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape. Such development shall have regard to the building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area. Section 16.10.16 *Mews Dwellings* of the Development Plan actively encourages Mews dwellings which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. I consider the principle of the development is in line with the above policy provisions of the Development Plan.
- 7.4. Concerns are expressed by the observes that the overall size, height and scale of the building is inappropriate and should be scaled back in order to protect the amenities of the adjoining properties. The building occupies an area of 100.66

square metres which cannot be considered excessive for a two-storey dwelling. What is proposed in this instance is a two-bedroomed dwelling and it is appropriate that sufficient living accommodation is afforded to the occupants of the dwelling. While the footprint of the dwelling does extend beyond the rear building line of the adjoining mews, the additional depth of the building is 1.1metres, and in my view, this will not have a significantly dominant or overbearing effect on the adjoining mews. I note that there are significant variations in terms of the footprint of the dwellings at Saint Kevin's cottages to the south and the footprint of the proposed development cannot be considered incongruous or inappropriate in this context.

- 7.4.1. Site inspection indicated that the general character of the area reflects a mix of architectural styles including the later 19th Century mews type cottages to the south, the contemporary adjoining mews dwelling, in addition to the large warehouse block form occupied by the Copper House Gallery to the east of the site. In my opinion the **design** of the proposed dwelling reflects the general contemporary character of the adjoining mews dwelling and will not be out of character at this location. However, I note the planning authorities concerns with respect to the height of the proposed dwelling and the insertion of a roof level terrace and the precedent this would set for mews type dwellings, in addition to concerns expressed with regard to associated noise impacts. In this regard, the elevated nature of the terrace above the immediately adjoining residential units has the potential, in my opinion, to generate additional noise which is not comparable to rear garden noise which is generally buffered by adjoining built forms. In addition to elevated nature of the terrace along the enclosed narrow mews lane will create the perception of being overlooked. Should the Board be minded to grant planning permission, I consider it appropriate to omit the roof level terrace and reduce the overall ridge height to 7.350m to match the adjoining mews dwelling.
- 7.4.2. In relation to the rear bedroom window the appellant argues that the proposed angled timber louvered screening is similar to that of the adjoining mews development's first floor rear window and will prevent any overlooking. It is also argued that the refusal contradicts the original planning assessment prior to further information and would appear unduly restrictive for first floor windows.
- 7.4.3. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum

separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. It is generally acknowledged that a 22m separation distance between opposing first floor windows is acceptable. In this instance the separation distance of 22m will be adhered to and I am satisfied that in a suburban context the existence of rear first floor windows is an established norm and the proposed louvered first floor rear bedroom window is acceptable.

7.4.4. The planning authority have also expressed concerns with respect to residential amenity of the future occupants from loss of daylight. The appellant has indicated that an additional roof light can be inserted to increase natural light to the rear bedroom. In my view this would be an acceptable solution.

7.4.5. In terms of private open space, the minimum requirement for **private open space** provision as set out in Chapter 16 of the Dublin City Development Plan 2016-2022 is 10sqm per bed space. In relation to Mews dwellings Section 16.10.16 (h) states that such space shall be provided to the rear of a mews building and shall be landscaped so as to provide a quality residential environment. The depth of the open space for the full width of the site will not generally be less than 7.5 metres unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. The rear garden measures 4m x 6.467m respectively and is 26sqm in area, whilst I note the depth of site does not conform to the minimum, the overall area provided is acceptable and would appear consistent with the rear garden of the adjoining mews dwelling. I also note also that 48sqm of private open space will be retained for use by no. 77 Heytesbury Street. No. 77 is a three-bedroom dwelling and I consider 48sqm satisfactory in this context.

7.4.6. Overall, I do not consider the proposal results in any injurious impact on residential amenity and would not have an adverse impact on the character of the area.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and small scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be **GRANTED** for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character or setting of the adjacent Protected Structure and Residential Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22nd July 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed Mews dwelling shall be revised as follows:
 - (a) The roof level terrace shall be omitted in its entirety.
 - (b) The ridge height of the mews dwelling shall be reduced to maximum height of 7.350m to match the adjoining mews dwelling.
 - (c) An additional roof light shall be provided to the rear bedroom.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and the visual amenities of the area

3. Prior to the commencement of development, details of materials, colours and textures of all external finishes to the proposed mews dwellings shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity.

4. The mews dwelling shall be used as a single dwelling unit only.

Reason: To ensure that the development will not be out of character with the existing residential development in the area.

5. Any works to the protected structure shall be carried out with the input of specialist expertise in the form of a conservation architect and shall be carried out in accordance with the requirements of the Architectural Heritage Protection Guidelines and any other advice issued by the Department of Arts, Heritage and the Gaeltacht.

Reason: To safeguard the special architectural interest of the protected structure

6. Drainage arrangements, including the 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

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

8. **Reason:** In the interest of public health

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 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: To protect the residential amenities of property in the vicinity of the site.

10. The naming and numbering of the proposed Mews dwelling shall be in accordance with the requirements of the planning authority prior to the occupation of the dwelling.

Reason: In the interest of orderly street numbering

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

Reason: In the interests of public safety and residential amenity

12. 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.

13. The developer shall pay to the planning authority a financial contribution in respect of LUAS C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Irené McCormack
Planning Inspector

11th December 2019