



An
Bord
Pleanála

Inspector's Report

ABP-306212-19

Development	Demolition of porch and garage and sunroom and its replacement with a part two storey and part single storey extension to front, side and rear of house.
Location	22, Temple Road, Dartry, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4133/19
Applicant(s)	Mark and Anne Ryan.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	Mark and Anne Ryan Michael Walsh and Dolores Moran.
Observer(s)	Martin and Mary Thornton.
Date of Site Inspection	28 th April 2020

Inspector

Paul Caprani

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1.0 Site Location and Description

- 1.1. The appeal site is located on south side of Temple Road, a mature residential area on the southside of Dublin City in the suburban area of Dartry. The site is located approximately 4 km south of the City Centre. Temple Road is a mature, verdant residential road running in an east-west direction, linking Dartry Road to the West with the Luas Line to the east. No 22 is located midway along the road and faces northwards. It comprises of the western house in a pair of semi-detached two storey dwellings dating, it appears from the 1960's/1970's. It is rectangular in shape with a single storey annex/garage along its eastern gable and a sunroom to the rear. It accommodates living accommodation at ground floor, 5 bedrooms at first floor and a study area at attic level with skylights on the rear pitch.
- 1.2. A c. 1.8m high rubble-stone wall runs along the front boundary of the site. The house has a rear garden of excess of 20 meters. The site has an area of 557 sq.m. The GFA of the existing house is 241.5 sq.m. A large 1,2 and 3 storey dwelling is located to the immediate east of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the porch, the single storey side annex running along the eastern gable of the house and the sunroom to the rear of house. Permission is also sought for a part two-storey and part single storey extension to the front, side and rear of the dwelling. The proposal will create a new side passage along the eastern boundary of the site (currently the single-storey annex extends as far as the boundary wall). A new garage will be provided within the footprint of the new dwelling to the front of the house and the ground floor will be extended to the rear and will incorporate a new reconfigured living and dining area. A separate plant room building is to be placed in the rear garden.
- 2.2. A relatively modest extension is proposed to the rear at first floor level adjacent to the eastern gable to accommodate a larger master bedroom. Internal reconfigurations to the layout of internal bedrooms will reduce the number of bedrooms from 5 to 3 larger bedrooms. A new dormer window and extension to the attic area is proposed to accommodate a new shower and store area. The floor area of the house will increase from 241.5 sq.m to 306 sq.m

- 2.3. It is proposed to incorporate a zinc cladding on the extension to the rear and to the alterations to the roof on the front elevation. The tiles on the roof extension is to match the existing. It is proposed to incorporate Aluclad windows and doors and a buff brick finish to the walls. Details of the external finishes are set out on drawing no. 1919-PL-0100.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission subject to 9 conditions. Condition no. 3 stated that the

'The development hereby approved shall incorporate the following amendment:

The existing eaves line of the property shall be maintained on the front elevation and any protruding dormer elements shall be omitted from the front elevation.

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

- 3.2. The application was lodged with the planning authority on 03rd of October 2019. A covering letter was submitted with the application setting out the design rationale for the proposal. Also submitted is a shadow casting analysis, where it is argued that the proposal will have little impact on adjoining dwellings.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The assessment considers the proposed extension to be subservient in form however the proposed front facing dormer elements would dominate the front façade and would not be in keeping with the character of the streetscape. Therefore, the eaves line and front roof slope profile of the existing property should be maintained to reflect the existing character of the area. The other works are appropriate and reflect the architecturally diverse streetscape. The 4.2 m separation distance between no 22 and 24 Temple Road should ensure that no unacceptable level of overshadowing occurs. Any adverse impacts on adjoining amenity are considered to be minor and therefore acceptable.

- It is therefore recommended that planning permission be granted

3.3.2. Other Technical Reports

A report from the Drainage Division stated that there were no objections subject to conditions.

3.4. Prescribed Bodies

None

3.5. Third Party Observations

- 3.6. A number of letters of objection were submitted, from adjoining neighbours expressing concerns regarding impact on adjoining residential amenity and stating that the proposal is contrary to various development plan policy statements.

4.0 Planning History

There appears to be no planning history associated with the subject site.

5.0 Policy Context

5.1. Development Plan

- 5.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The site and the area surrounding the site is governed by the zoning objective Z2 *“to protect and/or improve the amenities of residential conservation areas”*.

- 5.2. Section 16.10.12 states the following in relation to extensions and alterations to dwellings.

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling.
- Not adversely affect the amenities enjoyed by occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.
- Appendix 17 of the development plan also sets out further details in relation to residential extensions.
- Section 17.2 sets out the general principles in relation to extensions and alterations.
- Section 17.3 sets out the main residential amenity issues and these include privacy, outlook, daylight and sunlight.
- Section 17.4 relates to privacy and states that extensions should not result in any significant loss of privacy to residents of adjoining properties.
- Section 17.5 sets out relationships between dwellings and extensions. It notes with emphasis on increased residential densities the requirement for a 22-metre separation distance may no longer be applicable.
- Section 17.6 relates to protecting daylight and sunlight.
- Section 17.7 relates to external appearance. It states that the extension should not dominate the existing building and should normally be of an overall shape and size to harmonise with the existing house and adjoining building. It notes that extensions to the front which significantly break the building line should be resisted. In general, a subordinate approach should be introduced into the design of any extension.

5.3. Natural Heritage Designations

- 5.4. The subject site is not located within or adjacent to a Natura 2000 site, a Natural Heritage Area or a proposed Natural Heritage Area. The nearest Natural Heritage sites are located in and around Dublin Bay c.4 kilometres to the east.

5.5. EIA Screening

The proposal is not a class of development for which EIA is required.

6.0 The Appeal

6.1. Grounds of First Party Appeal

This appeal relates to condition no 3 attached to the planning authority's decision.

This condition states. *The development hereby approved shall incorporate the following amendment: The existing eaves line of the property shall be maintained on the front elevation and any protruding dormer elements shall be omitted from the front elevation.*

6.2. The condition is appealed on the following basis

- It is contended that there is a clear contradiction in the DCC planner's report. On the one hand, the planning officer states that the dormer windows would not be in keeping with the character of the streetscape while on the other hand, the architectural diversity of the streetscape is recognised. The dormer windows would not dominate the streetscape having regard to the diverse features of the houses along the street. Photos are submitted showing the architectural diversity of the street.
- The two-storey extension to the front maintains the building line of the existing porch to be demolished (ie protruding 1.5m beyond the main building line). By allowing the roof to slope down to the lower eaves line, the scale and mass of the building will be substantially reduced. The proposed roof/eaves/dormer design is a common treatment of residential extensions where additional accommodation is to be added at first floor.
- It is noted that no. 24 Temple Road, the adjacent dwelling, is of a completely different design which illustrates the diverse streetscape.
- The wording of condition no.3 is unclear and ambiguous. It is not clear whether the accommodation to be served by this window is to be omitted.

- The omission of the dormer windows would result in a very unattractive and plain façade.
- The proposed windows to be omitted will not result in any overlooking of neighbouring properties.
- A drawing is enclosed indicating an alternative hipped roof treatment for the projecting bay which, it is argued achieves the planning authority's objectives without any impact on the internal accommodation layout.

6.3. **Grounds of Third-Party Appeal**

6.4. A third-party appeal was submitted on behalf the adjoining residents of no.24 Temple Road, by Marston Planning Consultancy. The grounds of appeal are outlined below:

- It is noted that the appellants property is unusual in that it comprises both single storey elements to the front and rear of the site as well as a 3-storey and a two-storey element. The property is set back some 3 metres from the joint boundary wall between both dwellings. The main living areas of the appellant's property, apart from the single storey conservatory to the rear, have significant levels of fenestration along the gable of the house facing onto the applicant's site.
- Planning permission should only be granted where residential amenity, privacy and daylight and sunlight are maintained in accordance with the Z1 zoning objective.
- Concerns are expressed that the 2-storey side extension will be a mere 0.9 m from the appellants property.
- The proposal does not comply with the requirements of S.16.10.12 or Appendix 17 of the development plan.
- The overshadowing analysis submitted lacks clarity as to what extent the proposal will impact on the appellants property. The extension results in a building which is significantly changed in terms of its length scale and form which fundamentally alters the relationship between the two houses.
- No. 24 contains a breakfast room, study, drawing room and lounge, all of which have their sole access to natural light along this western elevation of the house. The council failed to consider this aspect of the impact in its assessment of the

application. The proposal will have a profound impact in terms of sunlight and natural light penetration on the appellants dwelling.

- The modest separation distance between the two buildings with the proposed extension will have an unacceptable impact in terms of being overbearing. It is stated that in essence the proposal will result in a 20.5 wall along the appellants boundary. The new extension is c.2m closer than the existing main gable end of the house.
- The proposal will have an unacceptable impact on the character of the appellants dwelling. The changes required by the planning authority, makes the final design of the house unclear. The proposal will result in the house being an incongruous feature on the streetscape.
- The large window in the rear of the master bedroom will give rise to an unacceptable level of overlooking of the appellant's rear garden. This issue does not in itself constitute a valid reason for refusal but taken in the context with other issues referred to above, it is argued that the proposal will have an unacceptable impact on the residential amenity of the adjoining dwelling.
- The proposal will have an impact and will most likely result in the removal of the common boundary wall. Irrespective of the decision of the appeal, it is incumbent on the applicant to seek a legal agreement to undertake any works along the common boundary.
- Finally, it is argued that the proposal will result in a reduction of value of the property of no.24 Temple Road.

6.5. Applicant Response to the Grounds of the Third-Party Appeal

A response was received on behalf of the applicant from Brazil Associates, Architects. The response is set out below

- It is stated that even in the absence of any development there is an issue with the levels of natural light reaching the main living areas and spaces associated with the appellants property. This is apparent from the photographs contained in the contents of the third-party appeal.

- It cannot be reasonably argued that the side passage is the primary amenity space of the first party appellants dwelling. The main amenity space in the sizable south facing rear garden.
- A number of shadow-casting diagrams were submitted with the application which shows that the impact arising from the proposal would be acceptable. The applicants were led to believe that the architects which were originally employed by the first party appellant were satisfied that the degree of additional overshadowing arising from the development would be acceptable.
- It is apparent that there will be no material impact in terms of reduction in light arising from the development. Additional shadow-casting drawings have been submitted with to the response supporting the applicant's contention. An analysis of shadow casting at the vernal equinox at various times throughout the day when, compared with the existing and proposed development, shows no material change in the level of shadow cast.
- It is not accepted that the rooms facing onto the subject site are solely reliant on the windows along the western elevations their only source of light. It is clear that the conservatory to the rear has windows facing onto the southern elevation and the breakfast room has windows on the northern elevation. These windows will admit a considerable amount of light.
- The mature trees in the rear appellants garden cast a significant amount of shadow on the appellant's house and the area to the side of the property. The cutting back and thinning of these trees would improve the levels of light penetration to the home.
- It is noted that the planners report reached a similar conclusion with regard to shadow casting, essentially that there will be no material reduction in shadow casting resulting from the proposed development.
- With regard to the overbearing impact, the applicant has submitted overlays illustrating the comparative outline of the existing and proposed gable ends of no 22. The increase in size is determined to be modest. While the new gable profile is 1.549 m closer to the boundary, the new build is set back c.1m from the boundary wall with the creation of a new side passage, this will ensure

that there will be no increased enclosure effect. The separation distance between both buildings will be 4.2 m and this is in excess of that normally encountered in a suburban residential area. Furthermore, the ridge height of the proposed extension is 500mm lower than the existing roof. The appellant has a long south-facing garden which can be used as an amenity area which will in no way be affected by the extension.

- With regard to visual impact, it is stated that Temple Road has an architecturally diverse streetscape, and this is acknowledged in the planner's report. It is noted that no.24 has been the subject of 3 separate planning permissions and incorporates an unusual configuration and is reflective of the diverse height, scale and mass of properties in the vicinity. The extension will be finished in materials that are reflective of the street as a whole. The extension is fully in accordance with the guidelines for residential extensions set out in the development plan. It maintains the existing building line and has been carefully considered in terms of its impact on visual amenities.
- The suggestion that the proposal will give rise to overlooking is completely without merit. The proposed window serving the master bedroom replaces an existing window and looking over the applicants rear garden, similar to the existing in-situ window. It would be impossible to overlook the side passage as suggested in the grounds of appeal. All windows on the eastern elevation will incorporate obscure glazing.

6.6. Third-Parties Response to First Party Appeal

A response was submitted on behalf of the occupants of no.24 by Marston Consultancy. It is summarised below:

- The grounds of the first party appeal should be dismissed. The development would be an improvement without the dormer windows. The original proposal will increase the bulk and massing of the original proposal which can be seen from the first-party appellants property.
- The first party proposal lacks clarity on whether there would be any additional windows on the east side elevation. The alternative design set out in the grounds of appeal are deemed to be inappropriate and do not address

the planning authorities concerns regarding visual impact. There are no grounds for supporting the design solutions put forward by the applicant

- The only reasonable solution would be to omit the first-floor element to the front of the house and omit the large dressing room and void above the hallway, thereby reducing the overall bulk and scale of the house.
- Concerns in relation to the overall design and impact on residential amenity are reiterated as are concerns that the proposal is contrary to the guidelines for extensions set out in the development plan.

6.7. Planning Authority Response

- Dublin City Council have not submitted a response to the grounds of appeal.

6.8. Observations

An observation was submitted by Martin and Mary Thornton of No 20 Temple Road, the neighbouring property on the western side of the appeal site.

- The observation supports the view of the planning authority that the dormer elements would dominate the front façade. It is not accepted that the dormer element is visually acceptable. The grounds of the first party appeal ignore the fact that no.20 forms part of a pair of semi-detached dwellings and proposed design would result in an unbalancing of the appearance of the co-joined buildings.
- The proposed dormers constitute a 'jarring cacophony' rather than 'maintaining a rhythm' as suggested in the grounds of the first party appeal.
- The scale and mass of the proposed second storey extension would have an overbearing effect on the observer's house. It would also have an effect on privacy due to the west facing glazing on the 2nd floor which would overlook the observer's front entrance and garden.
- The proposal would unbalance the symmetry between the pair of semi-detached dwellings, be overbearing and would give rise to overlooking of the observer's front garden.

- The alternative design for the dormer windows does not maintain the existing eaves line and therefore should not be considered by the Board.

6.9. Further Responses

There are no further responses contained on file.

7.0 Assessment

7.1. I have read the entire contents of the file and I've had regard to the issues raised the first part appeal, third party appeal and the observation submitted. I consider the following issues to be pertinent in determining the current application an appeal before the Board.

- Condition no. 3
- Overshadowing Issues
- Overbearing Impact
- Overlooking Issues

7.2. Condition No.3

7.2.1. This condition requires that the existing eaves line of the subject property should be maintained on the front elevation and any protruding dormer elements should be omitted. The grounds of the first party appeal argue that the condition as worded, is somewhat ambiguous and that there already exists a great diversity of architecture along the street. I agree that there is a great diversity of architectural styles along Temple Road. I further note that the site is not located in a Residential Conservation Area nor is the site contiguous to protected structures which would require a more restrictive policy with regard to architectural styles¹. I do note however that the dwelling forms part of a pair of semi-detached dwellings which incorporate a similar architectural style, balance and symmetry when viewed from vantage points along the street. Notwithstanding the diversity of architectural style inherent in the wider streetscape, the architectural balance inherent in the pair of semi-detached dwellings

¹ There are two protected structures on the northern side of the road opposite the site, but their setting and context would not be affected by the proposal.

needs to be respected in any future design open extension on the subject site. This is an important visual element as the full front facade contributes significantly to the symmetry and balance of the two houses. Incorporating dormer windows as proposed in the original design submitted to the planning authority in my view upsets this symmetry and, on this basis, I consider that the rationale for condition no. 3 is appropriate and should be retained any decision issued by the Board.

- 7.2.2. The applicant submitted a revised alternative design as part of the grounds of appeal (option B). This in my view is more acceptable in design terms. It introduces an A-shaped gable on the front elevation which maintains the eave line along the front elevation of both dwellings. This is an appropriate alternative design and also constitutes an appropriate compromise in terms of providing the internal space sought under the current application and ensuring that the front elevation of both houses maintain a basic symmetry in terms of roof height and eaves-line which is more appropriate design terms.

7.3. **Overshadowing**

- 7.3.1. Overshadowing constitutes a major concern in the grounds of the third-party appeal. No. 24 incorporates an area private open space adjacent to the common boundary between no. 22 and no. 24. No. 24 also incorporates a number of habitable rooms along the western elevation with windows facing westwards towards the proposed extension. These habitable rooms include a lounge area, drawing room and study. The Board should note at the lounge area has the benefit of being co-joined by a south facing conservatory which allows dual aspect daylight penetration. The study area and the kitchen /breakfast room to the front of the house will not be significantly affected by the proposed extension to any appreciable extent as these rooms do not face directly onto the gable end of the applicant's house, but instead face towards the applicant's front garden.
- 7.3.2. The shadow casting diagrams submitted for the vernal equinox² indicate that there is not an appreciable difference between the degree of overshadowing currently

² The BRE Guidelines (2011) recommends that the shadow casting assessment take place at the equinox of the basis that it represents the median between mid-summer and mid-winter in terms of the amount of shadow cast throughout the year.

experienced prepared with the proposed extension, I note that quite a comprehensive set of shadow-casting drawings were submitted with the application which assess the amount of shadow casting that will occur at the autumnal equinox, vernal equinox, midsummer and midwinter from elevated vantage points both to the southeast and southwest of the site. The shadow casting diagrams indicate the area of private amenity space along the side of the appellant's house will still receive good levels of direct sunlight penetration throughout the middle part of the day. Evening time sun is currently blocked to a large extent by the appellants dwelling already. The proposed extension will not exacerbate this to any great extent during evening times.

- 7.3.3. The amenity space to the side along the appellants house is not the sole source of outdoor amenity associated with no. 24. Appellant has a large south facing rear south facing rear garden which is of significant amenity value. Therefore, on the basis of the above assessment, I consider the proposed extension to be acceptable in terms of the additional shadow casting that will result from the extension. While some additional shadowing will occur, as would be the case of any enlargement of a building in an urban or suburban area, the level of shadow casting in this instance would be acceptable I would not impinge to any significant extent on the appellant.

7.4. Overbearing Impact

- 7.4.1. In terms of being overbearing, the proposal will extend the two-storey element of the side extension closer to the appellant's area of private open space and to the western gable of no.24. However, the two storey element is extended by a modest 1.5 meters. The 2.4-m-high single storey annex which currently runs along eastern elevation of the house which is contiguous to the common boundary will be removed. Furthermore, the ridge height of the extension will be reduced from an existing ridge height of 8.6 m to 8.1 m. A separation distance of 4.15 m will be proposed between the gables and this in my view is an acceptable separation distance and will not have a significant impact on the appellant's amenity in terms of being overbearing.
- 7.4.2. In terms of the overbearing impact on the adjoining neighbour at no. 20, the footprint of the building will remain the same to the front of the house although a two-storey element will be introduced replacing the existing porch area. The porch area is a

mere 0.5 meters in depth and is situated 3.7 meters from the common boundary wall and almost 8 meters from the observer's front door at no. 20. Having regard to the separation distance and the modest depth of the new first floor element to the front of the house, it cannot be reasonably argued in my opinion that the proposal would have a significant or material impact on No. 20 in terms of being overbearing.

7.5. Overlooking

- 7.5.1. The rear window associated with the master bedroom will not give rise to any additional or material overlooking issues over and above already associated with the existing back windows serving the bedroom to the rear of the house. No overlooking of the amenity space to the side of no. 24 will occur as the only two windows at 1st floor level in the proposed eastern elevation will serve an en-suite bathroom and will incorporate obscure glazing.
- 7.5.2. With regard to overlooking of the observer's property at no. 20, the incorporation of a side window over the void area above the entrance hall, will give rise to oblique views and front garden and entrance onto Temple Road. However, these oblique views are no greater than that which currently exists when standing outside the door of the existing bedroom at the north-eastern corner of the house. Overlooking therefore, does not constitute a reasonable ground for refusing planning permission.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest 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 a European site.

9.0 Recommendation

9.1. Arising from my assessment above, I consider that the Board should uphold the decision all the planning authority and grant planning permission for the proposed development based on the reasons and consideration set up below.

10.0 Reasons and Considerations

10.1.1. Having regard to the residential zoning objective in relation to the site and the policies and provisions contained City Council development plan in relation to extensions and alterations to dwellings, it is considered that, subject to conditions set out below, the proposed extension of the dwelling would not seriously injure the amenity of the area through excessive overshadowing or overlooking, would not be prejudicial to public health, and would generally 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

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 19th day of December, 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The existing eaves line of the property shall be maintained on the front elevation and any protruding dormer elements shall be omitted from the front elevation as per option B indicated on drawing no. 1919-AP-0100 submitted to An Bord Pleanála on the 19th Day of December 2020.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
3.	<p>1st floor en-suite windows on the side elevation shall be permanently glazed with obscured glass as indicated on drawing no. 1919 - PL - 0100</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>The external finishes of the proposed extension including roof tiles/slates shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>

7.	<p>Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: in the interests of orderly development.</p>
8.	<p>Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of soil, debris and other material and if the need arises for cleaning works to be carried out on the adjoining joining public roads the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept clean and safe during the construction works and in the interest of orderly development</p>
9.	<p>The following requirements of the Transportation Planning Division shall be strictly adhered to</p> <p>(a) Details of any works to any telephone poles, footpaths or kerbs associated with the widening of the entrance shall be provided to the requirements of the Area Engineer Roads Maintenance Department</p> <p>(b) gates shall be inward opening only and shall not open on to the public footpath</p> <p>(c) all costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.</p> <p>(d) The developer shall be obliged to comply with the requirements set out in the Code of practice.</p> <p>Reason: In the interest of orderly development.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution of € 3022 (three thousand and twenty-two euro) 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</p>

	<p>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. The application of any indexation required by this condition 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.</p> <p>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.</p>
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Paul Caprani
Planning Inspector

28th April 2020