



An
Bord
Pleanála

Inspector's Report ABP 306593-20

Development	Demolition of house and store and the construction of 3 houses.
Location	Ailsa Craig (Carrickhill Stores), Carrickhill Road Upper, Portmarnock, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0544
Applicant	Pauline Fitzmaurice
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Pauline Fitzmaurice
Observers	1. Desmond Guckian and Valerie Barron 2. Robert Byrne
Date of Site Inspection	11 th June 2020.
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. This site (0.114 ha) is located on the western side of Carrickhill Road Upper in Portmarnock, Co. Dublin. The site is oblong in shape with a road frontage width of c.22 metres, a length of c.37m along its northern side boundary, c.57m along its southern side boundary and c.32m along its rear western boundary. The site contains a detached 1.5 storey dormer type dwelling. An annex at its front / south-eastern corner was previously in use as a small convenience store known as 'Ailsa Craig' Carrickhill Stores. The property presents a gable elevation to the road and its elevations comprise pebble dash finish. A tarmacaded area of carparking is provided to the front of the property, whereon a portacabin is located along its southern side. A vehicular access driveway is provided to the northern side of the dwelling. The roadside boundary of the site is undefined. The southern and northern side boundaries of the site are defined with walls c. 2m – 2.7m high respectively, and tall mature trees and hedging. The rear / western boundary of the site is defined with a post and wire fence and mature trees. The rear garden contains a small timber shed along its northern side. A 1.5 storey dwelling known as Carrick Cottage is located on lands adjoining the site to the north and a row of 6 no. detached 2-storey dwellings known as Nos. 1-6 Hillcourt are located on adjoining lands to the south. Portmarnock Community School and its attendant grounds are located on lands adjoining the site to the west. The ground level of the site rises from 19.1m OD at its south-eastern corner to 19.5m OD at its south-western corner and 19.8m OD at its north-eastern corner and drops to 18.9m OD at its north-western corner. The speed limit along Carrickhill Road Upper is 50 km/hr.

2.0 Proposed Development

- 2.1.1. Application as lodged to the Planning Authority on the 15th November 2019 - Permission sought for the following;
- Demolition of the existing dwelling and convenience store,
 - Construction of the following;
 - 1 no. detached 1.5 storey dormer type 3-bedroom dwelling.
 - 2 no. detached 2.5 storey 4-bedroom dwellings.

- The proposed dwellings and their respective floor areas are as follows;
 - Dwelling No. 1 - fronting the public road: Floor area - 161 sq.m.
 - Dwelling No. 2 - to the rear of the site /most northern: Floor area - 172 sq.m.
 - Dwelling No. 3 - to the rear of the site / most southern: Floor area - 179 sq.m.
- Relocation of the existing vehicular entrance from the north-eastern end to the south-eastern end of the roadside boundary.
- Construction of a new stone wall (0.9m – 1.5m) with a pedestrian entrance gate and a new footpath to the front of proposed House No. 1, along Carrickhill Road.
- Site Boundary upgrade works including the removal of low-quality trees.
- Associated site works.

2.1.2. Alternative design proposals were submitted on appeal to An Bord Pleanála on the 07th February 2020. These include:

Alternative Design No. 1 – as illustrated on Drawings Nos. (ABP)03 and (ABP)06

- Reduction in the ridge height of House Nos. 2 and 3 by 200mm.
- Elevation changes to House No. 2
 - Provision of an additional window ope at both ground and first floor level on the rear / northern elevation, serving the kitchen at ground floor level and a bedroom at first floor level.
 - Provision of an additional window ope on the eastern side elevation at first floor level, serving a bedroom.
- Elevation changes to House No. 3
 - Provision of 2 no. additional window opes on the southern side elevation at first floor level, serving a bedroom.

Alternative Design No. 2 – as illustrated on Drawing No. (ABP)08

- Relocation of House No. 3 a distance of 700mm to the north.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council refused permission for the proposed development. The 3 no. reasons for refusal were as follows;

1. The proposed infill development of three houses is located on lands along Carrickhill Road which maintains a distinct residential character typified by house typology and design and a sense of visual harmony. It is considered that the massing and blank elevation of proposed dwellings No 2 and No 3, and the considerable lack of architectural merit in the overall design of the 3 proposed dwellings would give rise to a significant negative impact upon the visual amenities of the surrounding area and be incongruous with the streetscape of Carrickhill Road and Hillcourt. As such to permit the proposed development would materially contravene the RS zoning objective pertaining to the subject site and Objectives PM44, DMS39 and DMS40 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development in its current layout would give rise to a significant level of negative impact upon the existing residential amenity pertaining to the surrounding area and also upon the level of residential amenity of any future residents in terms of overshadowing and overbearance. To permit the proposed development in its current form would be contrary to the RS zoning objective and also be contrary to the proper planning and sustainable development of the area.
3. The proposed development would set an undesirable precedent for a similar type of ad-hoc infill development on sites located along this section of Carrickhill Road and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the Planning Authority decision. Includes;

- A similar application was lodged with the Planning Authority and was refused permission under Reg. Ref. F19A/0288. While amendments have been made under the subject application in terms of a reduction in height and scale, the previous concerns remain the same with regard design, lack of architectural merit and the visual impact the proposal would have on the surrounding area and streetscape along Carrickhill Road.
- The southern elevation of proposed House No. 3 would be setback 2.8m from the southern boundary. This dwelling would be highly visible from adjacent dwellings in Hillcourt.
- The northern elevation of proposed House No. 2 would be highly visible from adjacent Carrick Cottage and Carrickhill Road.
- House Nos. 2 and 3 are considered extremely tall in nature.
- The front elevation of House No. 2 directly opposes the side elevation of House No. 3
- While the required separation distances have been provided, the layout of House Nos. 2 and 3 is considered cramped, which suggests overdevelopment of the site.
- The massing and blank elevation treatment of House Nos. 2 and 3 and the considerable lack of architectural merit in the overall design of the proposed 3 no. dwellings would adversely impact the visual amenity of the surrounding area and would be incongruous in the streetscape along Carrickhill Road and Hillcourt. Such development would be contrary to the RS zoning objective of the site and Policy PM44, Objectives DMS39 and DMS40 of the Fingal County Development Plan.
- The ridge height of House No. 3 would have an overbearing impact on adjacent dwellings in Hillcourt and would impact on the residential amenity of these dwellings.
- The southern elevation of House No. 3 does not have any window opes serving habitable rooms. As such overlooking will not be an issue.

- House No. 3 would overshadow the private amenity space of House No. 2 for prolonged periods of the day. This would impact the residential amenity of the future occupants of House No. 2.
- The blank elevation and height of House No. 3 would have an overbearing impact on House No. 2.
- The design, massing and height of the proposed development does not represent a sufficient response to the character of adjacent dwellings or create a sense of visual harmony.
- The proposal would set an undesirable precedent for similar incongruous infill development in the area.
- The internal floor areas, room sizes and private amenity space of the proposed dwellings comply with Development Plan residential standard requirements.

3.2.2. **Other Technical Reports**

3.2.3. ***Parks Division***

No object subject to Conditions. Noted Conditions include;

1. (i) The submitted tree protection plan and report shall be implemented.
(ii) A tree bond of €5,000 shall be lodged to the Planning Authority prior to commencement of development.
2. A financial contribution shall be levied towards open space provision in the Portmarnock – Baldoyle area, equal to 262.5 sq.m. of public open space.
3. (i) The front boundary wall along Carrickhill Road shall be finished with natural stone.
(ii) The rear / western boundary of the proposed back gardens shall be a maximum of 2.4m high and comprise weld mesh fencing.
(iii) Timber panel fencing with concrete bases are acceptable as ‘side-by-side’ back garden boundary fencing between House Nos. 2 and 3.

3.2.4. ***Transportation Planning Section***

No object subject to Conditions. Noted Condition includes;

1. The soakaway for House No. 1 shall be relocated from the access road into its area of private open space of the dwelling.

3.2.5. **Water Services Section:**

Surface Water Report: No objection subject to Conditions.

3.3. **Prescribed Bodies**

Dublin Airport Authority:

- The site is located within the newly adopted noise variation Zone B.
- Condition recommended requiring that appropriate internal noise insulation / mitigation measures be provided for the proposed dwellings, in accordance with Objective DA07 of the Development Plan.

Irish Water: No objection subject to Conditions.

4.0 **Planning History**

4.1.1. **Subject Site**

P.A. Ref. F19A/0288 Permission REFUSED in 2019 for the demolition of the existing dwelling house and store and the construction of: 1 No. detached dormer style two storey house adjacent to Carrickhill Road; 2 no. detached split-level two storey plus dormer accommodation houses to the rear of the site; relocation of existing vehicular access from the north east to the south east of the site and continuation of the high stone wall along Carrickhill Road as far as the new vehicular entrance, other site boundary upgrade works including removal of low quality trees; and all associated site development works required to facilitate development.

The Reasons for Refusal were as follows:

1. The proposed infill development of three houses is located on lands along Carrickhill Road which maintains a distinct residential character typified by house typology and design and a sense of visual harmony. It is considered that

the massing and blank elevation of proposed dwellings No 2 and No 3, the location of proposed dwelling No. 1 on site and the considerable lack of architectural merit in the overall design of the 3 proposed dwellings would give rise to a significant negative impact upon the visual amenities of the surrounding area and be incongruous with the streetscape of Carrickhill Road and Hillcourt. As such to permit the proposed development would materially contravene the RS zoning objective pertaining to the subject site and Objectives PM44, DMS39 and DMS40 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would give rise to overdevelopment of the site and a significant level of negative impact upon the existing residential amenity pertaining to the surrounding area and also upon the level of residential amenity of any future residents in terms of overlooking and overshadowing. To permit the proposed development in its current form would be contrary to the RS zoning objective and also be contrary to the proper planning and sustainable development of the area.
3. The proposed development would set an undesirable precedent for a similar type of ad-hoc infill development on sites located along this section of Carrickhill Road and would be contrary to the proper planning and sustainable development of the area.

P.A. Ref. F08A/1286/E1 An extension of duration of permission was GRANTED for the development permitted under F08A/1286. Permission expiry date: 2nd February 2018.

P.A. Ref. F08A/1286 / ABP Ref. PL06F.234663 Permission GRANTED in 2010 for the demolition of the existing dwelling house and shop and the construction of a new two storied premises to the front with a single storey to the rear, consisting of a convenience store and one private dwelling. The ground floor shop will have a floor

area of 186 sq. meters consisting of a convenience store with a floor area of 158 sq. meters with a further 28 sq. metres containing storage area and staff toilet. Ground floor portion of private accommodation has a floor area of 140.6 sq. metres and first floor portion of same with a floor area of 140.4 sq. metres. All relevant and associated ground works including the provision of eight no. parking spaces to the front of the premises (for the shop) and a further two two no. spaces to the rear (private).

P.A. Ref. F08A/0309 Permission REFUSED for the demolition of the existing dwelling house and shop and the construction of a new two storied premises over basement containing the following: Ground floor with a total floor area of 368 sq.m. consisting of a convenience store with a floor area of 259 sq.m. with a further 109 sq. meters containing staff toilets, staff kitchen, hallway, fridges and stairwell. Basement with a total floor area of 284 sq. meters consisting of a storage area of 224 sq. meters, an office of 30 sq. meters and a further 30 sq. meters of hallway and toilets. First floor with a total floor area of 284 sq. meters and consisting of the following: One (1) self contained four bedroom apartment with a total floor area of 192 sq. meters. One self-contained office with a total floor area of 64 sq. meters and a further 28 sq. meters of landing and stairwell. Ground works all relevant and associated ground works will be carried out including the provision of seventeen no. parking spaces to the front of the premises and the erection of a 3m high wall to the front of the building on the southern side of the site between the site and Hillcourt. The Reasons for Refusal were as follows;

1. The proposed development, by virtue of its location, height, scale, bulk, mass and inadequate separation distance would give rise to unacceptable levels of overlooking and overshadowing of the private amenity space of the adjacent dwellings at Hillcourt and Briar Lodge to the detriment of the amenities of these properties and would thereby seriously injure the residential amenity, and depreciate the value of property in the vicinity of the site.
2. The proposed development would be visually overbearing and give rise to a significant loss of outlook from the rear of the adjacent dwellings at Hillcourt and Briar Lodge. The development would therefore contravene the zoning

objective of the Fingal County Development Plan 2005-2011 'to provide for residential development and to protect and improve residential amenity', and as such would be contrary to the proper planning and development of the area.

3. The proposed development fails to accord with the car-parking requirements as per the Development Plan standards and as such is contrary to the proper planning and sustainable development of the area represents substandard overdevelopment of the site, and would represent a traffic hazard by virtue of creating on-street car parking.
4. The proposed development is considered to be out of character with the established pattern of development in the area and has no regard to the established building line along this stretch of Carrickhill Road. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

Fingal County Development Plan 2017-2023 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned objective 'RS' which seeks 'to provide for residential development and protect and improve residential amenity'. Residential use is 'permitted in principle' under this zoning objective.

Objective PM44 Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective PM45 Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

Objective DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

Objective DMS39 New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective DMS40 New corner site development shall have regard to:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.

Objective DMS44 Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.

Objective DMS85 Ensure private open spaces for all residential unit types are not unduly overshadowed.

Objective DMS86 Ensure boundary treatment associated with private open spaces for all residential unit types is designed to protect residential amenity and visual amenity.

Table 12.8 Car Parking Standards

Objective DA07 Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

5.2. Natural Heritage Designations

5.2.1. The site is located 0.8km to the south-west of the Malahide Estuary SAC (Site Code 000205).

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and its location within a fully serviced urban environment, it is considered that 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

A first party appeal was received from Hughes Planning and Development Consultants representing the applicant Pauline Fitzmaurice, against the decision made by the

Planning Authority to refuse permission for the proposed development. The following is a summary of the grounds of appeal, addressing the reasons for refusal.

6.1.1. Response to Refusal Reason No.1

- The elevational treatment of House Nos. 2 and 3 have been designed having specific sensitivity to the potential overlooking of adjacent properties, particularly dwellings in Hillcourt and Carrick Cottage.
- The windows on the side elevations, adjacent to the southern and northern boundaries have been limited to prevent overlooking, with only windows serving non-habitable rooms, such as bathrooms and landings proposed.
- Although limited in number, the combination of windows, setbacks and materials/finishes proposed on House Nos. 2 and 3's northern and southern elevations, respectively, provide these facades with a suitable level of articulation and visual interest. These elevations will not appear blank to residents of adjacent properties, while at the same time would prevent overlooking.
- Should the Board have a concern about the presentation of House Nos. 2 and 3's northern and southern elevations, respectively, the applicant suggests that additional windows could be easily accommodated in bedroom no.1 of House No. 2 and bedroom nos. 2 and 3 of House No.3.
- The applicant suggests that additional windows could easily be incorporated into the design and obscured glazing or an increased cill height adopted to limit any potential overlooking. Illustrations have been submitted demonstrating same. Such revisions could be achieved by way of condition.
- The Applicant puts forward that the massing and positioning of the 3 no. houses on the subject site is appropriate. The subject proposal has been designed having regard to the massing of neighbouring dwellings.
- The 3 no. dwellings adopt a similar building footprint/floor area to the dwellings in the surrounding area, with floor areas of 161sqm, 172sqm and 179sqm, respectively.

- With regards to the positioning of the dwellings, House No. 1 has been positioned immediately south of Carrick Cottage, providing a suitable building line along Carrickhill Road and an offset from the rear gardens associated with House Nos. 1 and 2 Hillcourt.
- House Nos. 2 and 3 have been positioned in the north-western corner and south-western corner of the site, extending for a short distance along the common boundary with Carrick Cottage and Nos. 4 and 5 Hillcourt, respectively, and provide generous separation distances from the site's common boundaries.
- The 3 no. dwellings have been positioned around a shared central courtyard which provides 2 no. car parking spaces to serve each dwelling. The positioning of dwellings around a shared central courtyard facilitates the provision of generous setbacks from the adjacent rear open space areas associated with abutting properties.
- All houses are significantly reduced in scale and size when compared with the proposal previously put forward under Reg. Reg. F19A/0288. More specifically, the floor area of House No. 1 has been reduced by 20%, House No. 2 by 33% and House No.3 by 29%. The height of the proposed dwellings has also been reduced: House No.1 by 220mm and House Nos. 2 & 3 by 1.1m. The allocated bed spaces have been reduced for House Nos. 2 and 3 from 5 no. bedrooms to 4 no. bedrooms.
- A previous application was granted on appeal on this site under P.A. Ref. F08A/1286 / ABP Ref. PL06F.234663 in 2010. This permission was extended until February 2018 i.e. into the period of the existing development plan. This development comprised a mixed-use building that was 870mm closer to Hillcourt and 480mm taller than the ridge of the current proposal. The building approved under ABP Ref. PL06F.234663 extended along the site's southern boundary (immediately north of the dwellings along Hillcourt) for a greater distance than House No. 2 in the current proposal. Figure submitted showing an overlay of the previous permitted development over the proposed development.
- The proposed development has been designed having regard to the building typology and character of the surrounding area. The suggestion by the Planning Authority that the proposed development lacks 'architectural merit' is disingenuous.

- House No. 1 has been designed to assimilate with the existing character of Carrickhill Road. The footprint, height and width of the proposed dwelling is consistent with that of the cottage immediately to the north and the houses on the opposite side of Carrickhill Road. The roof forms, proportions and materials/finishes of existing houses along Carrickhill Road have informed the design of the 3 no. dwellings proposed.
- The introduction of a stone wall along the site's eastern boundary is a vast improvement to the front setback treatment currently on site and also provides an appropriate transition from the high stone wall immediately to the north of the site.
- House Nos. 2 & 3 are set back from Carrickhill Road and are not intrusive of the existing building line.
- The proposed development allows for a more transitional flow from Carrickhill Road Upper to Carrickhill Road Middle.
- The materials used within the design proposal would add a contemporary element to the existing streetscape.
- The subject site is located in a mature residential area of Portmarnock which has an established social and physical infrastructure required to provide for growth. The development proposal seeks to add to this established community by way of an infill development.
- The proposed development is consistent with the zoning objective of the site.
- The appeal site is an underutilised plot of land on the Carrickhill Road in Portmarnock. The existing building does not fit in with the streetscape, nor does it add to the character of the area. The subject design creates a better relationship between the existing site and neighbouring dwellings on Carrickhill Road while maintaining the residential amenity of residents to the north and south.
- Objective DMS40 relates directly to corner site development and is irrelevant to this subject appeal. The subject development relates to an infill development and therefore this policy is not relevant for consideration.

6.1.2. **Response to Refusal Reason No.2**

- The proposal would not impact on the residential amenity of neighbouring property by way of overshadowing or overbearing impact.
- The positioning and layout of the proposal complies with Objective DMS30 in that great care has been taken to maximise the dwellings' orientation for optimal solar gain without detrimentally impacting adjacent properties.
- The subject site sits immediately north of Hillcourt. Due to the orientation of the site relative to these properties, the proposed development would not result in overshadowing of the associated gardens immediately to the south. Potential overshadowing is limited to the rear garden of Carrick Cottage immediately to the north. The increase in overshadowing of this area resulting from the introduction of House No.3 would be minimal and have no material impact on the private open space currently enjoyed by the residents at Carrick Cottage.
- A Sunlight, Daylight & Shadow Assessment in accordance with BS 8206 Lighting for Buildings, Part 2 was submitted with the application (Appendix A to the Design Report). This assessment concludes that:
 - 'all neighbouring amenity spaces pass the BRE >50% requirement relating to the area receiving 2 hours of sunlight on the 21st of March or not breaching the 0.8 times its former value limit, results for most are unchanged'.
 - 'All 3 proposed amenity spaces well exceed the BRE requirement relating to the area receiving 2 hours of sunlight on the 21st March being greater than 50%. The average percentage is an excellent 76%'
- The above results indicate that there will be no negative impact on sunlight for all 3 no. dwellings on the subject site.
- This assessment has regard to skylight and sunlight, in addition to shadows, and concludes that 'the development impact on neighbours complies fully with the requirements of 'Site Layout Planning for Daylight and Sunlight Guide to good practice Second Edition' (2011) - BR209'.

- The Applicant puts forward that the Planning Authority in raising overshadowing as a concern failed to have regard to the material submitted with the application and furthermore failed to have regard to the orientation of the proposed development in its assessment of overlooking and overshadowing.
- With regards overlooking, the proposed dwellings have been designed to restrict potential overlooking with windows serving non-habitable room windows proposed along House Nos. 2 and 3's northern and southern boundaries, respectively. More specifically in the context of Hillcourt, House No. 3 features only one upper floor window on the southern façade with an outlook to Hillcourt. This window serves a bathroom and is fitted with obscure glazing.
- The proposed development builds on the previous refusal under Reg. Ref. F19A/0288, with extensive changes made to mitigate against potential amenity issues. There has been a significant reduction in the size and scale of all 3 no. dwellings in order to reduce their impact on adjacent dwellings.
- The proposed development has been appropriately designed to ensure unreasonable overbearing does not occur and the visual amenity of neighbouring dwellings is maintained.
- House No. 1 has been positioned immediately south of Carrick Cottage and is offset from the rear boundary of Nos. 1 and 2 Hillcourt, with the accessway serving the dwellings proposed adjacent to the southern boundary.
- House Nos. 2 and 3 adopt generous setbacks, in excess of those set out in the County Development Plan, at ground and upper floor level from the northern and southern boundaries, respectively.
- The design of the northern and southern elevations of House Nos. 2 and 3 have been kept simple yet animated through the use of a small number of non-habitable room windows.
- The subject proposal extends along the subject site's southern boundary for a much shorter distance than the building previously permitted under ABP Ref. PL06F.234663 and provides improved setbacks.
- Currently, the subject site features large, overgrown and unkept trees adjacent to its northern, western and southern boundaries. These trees currently overhang

adjacent boundary fences. As part of the subject proposal, the trees on the northern and southern boundaries are to be replaced with native trees/shrubs whilst the trees to the western boundary will be trimmed back and, in some instances, removed. All of which will provide for a more sustainable environment for the site and will improve the outlook from adjacent neighbouring gardens.

- The Applicant puts forward that the proposed development has appropriate regard to the residential amenity of adjacent property. The Applicant suggests that should the Board form the view that House Nos. 2 and 3 could benefit from a further reduction in height the proposed development is capable of accommodating such a reduction, as put forward in revised drawings submitted with the Appeal.
- The Alternative design submitted to the Boards as illustrated in Drawings Nos. (ABP)03 and (ABP)06 includes a reduction in the overall height of 200mm of House Nos. 2 and 3. The applicant puts forward that such a reduction could be achieved by way of Condition in the event of a grant of permission.
- Alternative design Drawing No. (ABP)08 provides the potential to set back House No. 3 up to 700m north from the shared boundary with Hillcourt.
- The 3 no. dwellings have been provided with internal floor areas and private amenity space that are well in excess of the residential standards in the Fingal County Development Plan and all private amenity spaces have been orientated to receive the best part of the mid-day sun onwards.
- The dwellings also have ample storage space provided. House Nos. 2 and 3 have additional storage at roof level.
- The proposal includes a courtyard to create a better interface between the 3 no. dwellings and provide each dwelling with 2 no. vehicular parking spaces per dwelling.
- The Applicant argues that the future residents of the subject scheme will be afforded a high degree of residential amenity.

6.1.3. **Response to Refusal Reason No.3**

- The Applicant puts forward that the subject proposal is not setting an undesirable precedent but rather creating a desirable precedent for the reasons outlined above, as well as following precedents already set in Portmarnock and the wider Fingal County area for similar infill developments.
- The applicant provides a review of planning applications similar to the proposed development which were granted permission within the surrounding area and Fingal County. Characteristics are elaborated for each respective planning application and how they relate to and/or are similar to the proposed development under the subject application. The Applicant puts forward that these applications granted permission by Fingal County Council and An Bord Pleanála set a precedent for developments of a similar size and scale within the County.

6.2. **Planning Authority Response**

The Planning Authority's response is as follows;

- The Planning Authority remains of the opinion that the proposed development lacks architectural merit, would give rise to a significant negative impact upon the visual amenities of the surrounding area and would be incongruous within the streetscape of Carrickhill Road and Hillcourt.
- The proposed development would have a significant negative impact on the residential amenity of the surrounding area and the level of residential amenity for the future occupants of the proposed dwellings with regards overshadowing and overbearing impact.
- The Planning Authority has no objection in principle to the redevelopment of the subject site and the intensification of the existing unit, albeit on an improved layout.
- Guidance was provided to the applicant at a pre-planning meeting where the applicant was advised that a more appropriate layout would be to provide 2 no. dwellings addressing Carrickhill Road and the provision of a single storey dwelling to their rear.

- An Bord Pleanála is requested to uphold the decision of the Planning Authority and refuse permission for the proposed development.
- In the event that the appeal is successful, a financial contribution should be applied in accordance with the Council's Section 48 Development Contribution Scheme and for the open space shortfall and a tree bond should be imposed.

6.3. Observations

6.3.1. An observation was received from Desmond Guckian and Valerie Barron of No. 5 Hillcourt, Carrickhill Road. Issues raised are summarised as follows;

- The proposed development would constitute overdevelopment of the site.
- The concentrated, compound-like nature of the proposal would have a significant negative impact upon the visual amenities of the surrounding area and would be incongruous with the streetscape of Carrickhill Road and Hillcourt.
- Due to the topography of the surrounding area, the subject site is located at a higher level than the existing dwellings to the south at Hillcourt.
- The proposal in its current layout, by virtue of its density and mass and the very close proximity of House No. 3 to the southern boundary would adversely impact the residential amenity of adjacent dwellings by way of overlooking and overbearing impact.

6.3.2. An observation was received from Robert Byrne of No. 4 Hillcourt, Portmarnock. Issues raised are summarised as follows;

- House No. 4 Hillcourt would be the dwelling most impacted by proposed House No. 3.
- Proposed House No. 3 would overlook House No. 4 Hillcourt.
- The appeal site is higher than Hillcourt, as it slopes upwards.
- The site does not have the capacity for 3 no. dwellings.

7.0 Assessment

7.1. I have reviewed the proposed development and the correspondence on the file. I note that the Planning Authority were satisfied that the internal floor areas, private amenity space and car parking space provided for the proposed dwellings comply with Development Plan residential standards. Furthermore, the Planning Authority had no objections to the proposed development with regards vehicular access, drainage and landscaping subject to Conditions. I consider, therefore, that the main issues for consideration in this appeal relate to the 3 no. reasons for refusal as cited by the Planning Authority and the alternative design proposals submitted with the appeal. These can be addressed under the following headings;

- Design and Visual Impact
- Overshadowing
- Overbearing Impact
- Overlooking
- Infill Development

These are addressed below.

7.2. Design and Visual Impact

7.2.1. The Planning Authority refused permission for the proposed development on the grounds that the massing and blank elevations of House Nos. 2 and 3, and the lack of architectural merit in the overall design of the 3 no. proposed dwellings would impact on the visual amenity of the surrounding area and would be incongruous within the streetscape of Carrickhill Road and Hillcourt. The Planning Authority considers that Carrickhill Road has a distinct residential character typified by its house typology, design and sense of visual harmony. For this reason, the Planning Authority considers the proposed development would materially contravene the RS zoning objective of the site and would be contrary to Objectives PM44, DMS39 and DMS40 of the Fingal County Development Plan 2017-2023.

7.2.2. The site is zoned objective 'RS - Residential' which seeks 'to provide for residential development and protect and improve residential amenity'. Under such zoned lands,

the use class 'Residential' is 'Permitted in Principle', as detailed in Chapter 11 of the Development Plan. As such, the proposed development which comprises the construction of 3 no. dwellings is acceptable in principle, subject to accordance with relevant policies, objectives and standards in the Fingal County Development Plan 2017-2023. Such development would not materially contravene the 'RS' zoning objective for the area, as given in the reason for refusal by the Planning Authority.

7.2.3. The character of the surrounding area to the north, east and south of the site along Carrickhill Road Upper and Hillcourt is residential. Lands adjoining the site to the north contain a detached 1.5 storey residential dwelling known as 'Carrick Cottage', and further to the north of 'Carrick Cottage' is 'Briar Lodge', a detached 1.5 storey residential dwelling. The eastern side of Carrickhill Road is characterised with a row of detached 2 storey dwellings of similar form and appearance. Lands adjoining the site to the south comprises a row of detached 2 storey dwellings of similar form and appearance, known as Hillcourt. Some of these dwellings have either constructed or have been granted planning permission for a dormer window extension to their rear at attic level. Portmarnock Community School and its attendant grounds are located on lands adjoining the site to the west.

7.2.4. The proposed development provides for the demolition of the existing dwelling and the construction of a 1.5 storey dwelling (House No. 1) to the front/east of the site and 2 no. 2.5 storey dwellings located to the rear / west of the site. House No. 1 provides a pitched roof with a gable element presenting to the front. The pitched roof profile of the dwelling reflects the pitched roof profile of 'Carrick Cottage' on the adjoining site to the north and the gable element reflects the gabled elevations of the dwellings located opposite, on the eastern side of Carrickhill Road. The ridge height of House No. 1 at 7.3m would rise 0.4m above the ridge height of neighbouring dwelling 'Carrick Cottage' and would align with the ridge height of neighbouring dwelling No. 1 Hillcourt, as indicated on the proposed contiguous elevation drawings submitted. The elevation finishes of House No. 1 comprise brick finish at ground floor level and render finish at first floor level. This reflects the brick and render finish to the front 'Carrick Cottage' and adjacent dwelling located opposite, on the eastern side of Carrickhill Road. The front building line of House No. 1 aligns with the front building line of 'Carrick Cottage' and the eastern side building line of No. 1 Hillcourt. The stone boundary wall to the front of House No. 1 would align with and continue the wall to the front of 'Carrick

Cottage'. The height of this wall rises from 0.9m to 1.5m due to the gradient of the site. Unlike the wall to the front of 'Carrick Cottage' and side of No. 1 Hillcourt, this wall would ensure passive surveillance of the public realm and the visual integration of this dwelling into the streetscape.

- 7.2.5. Proposed House Nos. 2 and 3 would be set back c. 21.5m and 29.5m respectively from the eastern boundary of the site along Carrickhill Road. The roof profile of both dwellings is pitched, with House No. 2 having a maximum ridge height of 8.8m and House No. 3 having a maximum ridge height of 8.9m. The alternative design proposal submitted to the Board provides a reduction in the ridge height of House Nos. 2 and 3 by 200mm. Given their setback from the public road, it is my view that the form and height of House Nos. 2 and 3, as originally submitted to the Planning Authority, would not detract from the character or visual amenity of the streetscape along Carrickhill Road and would not be visible from the streetscape along Hillcourt.
- 7.2.6. The design of House No. 2 provides a projecting 2-storey blank gable elevation to its front / southern elevation. Given that this blank gable elevation would not be highly visible from the adjacent shared central courtyard or surrounding area, I consider this blank gable elevation would be acceptable in this instance. It is my view that the layout of House Nos. 2 and 3 are designed in such manner to respond to the confined nature of the site and their relationship with each other.
- 7.2.7. Having regard to the pattern of development in the surrounding area, it is my view that the scale and design of the proposed development would not detract from the character or visual amenity of the surrounding area and would not be incongruous with the streetscape of Carrickhill Road and Hillcourt. On these grounds, I recommend that the appeal should succeed in relation to the Planning Authority's first reason for refusal.

7.3. **Overshadowing**

- 7.3.1. The Planning Authority refused permission for the proposed development on the grounds that its layout would adversely impact on the residential amenity of neighbouring dwellings and the future residents of the proposed development by way over overshadowing. The Planning Authority considers that such development would

be contrary to the RS zoning objective of the site and would be contrary to the proper planning and sustainable development of the area.

- 7.3.2. With regard Daylight, Sunlight and Overshadowing, Objective DMS30 of the Fingal Development Plan 2017-2023 seeks to ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.
- 7.3.3. As detailed on the original plans submitted to the Planning Authority, the southern side elevation of House No. 3 would maintain a setback of c. 12.4m from the rear elevations of neighbouring dwelling Nos. 3 and 4 Hillcourt, at first floor level. The roof profile of House No. 3 is pitched with a maximum roof eave height of 6.2m and roof ridge height of 8.9m. The rear / western building line of House No. 3 would extend c.6.3m beyond the rear building line of House No. 2 and a separation distance of 2.4m would be maintained between both dwellings.
- 7.3.4. The northern elevation of House No. 2 would maintain a setback of 1m from the northern boundary of the site at its closest point, increasing to 3.1m at its widest point towards its rear/ north-western corner. The roof profile of House No. 2 is pitched with a maximum roof eave height of 5.9m and a roof ridge height 8.8m.
- 7.3.5. As detailed in Section 2.2 above, alternative design options were submitted on appeal to An Bord Pleanála providing a reduction in the ridge height of House Nos. 2 and 3 by 200mm and a relocation of House No. 3 a distance of 700mm to the north. This would provide a setback of 3.5m from the southern boundary of the site at first floor level and reduce the separation distance between House Nos. 2 and 3 to c. 1.7m.
- 7.3.6. The applicant has submitted a sunlight, daylight and shadow assessment, outlining the impact of the proposed 3 no. houses on existing neighbouring properties. The assessment is based on the original design proposal submitted to the Planning Authority. The assessment uses a 3D design model of the site and states that it was geo-referenced to its correct location and an accurate solar daylight system was applied. The report assesses the impact the proposed development will have on the rear facing windows and amenity space to the rear of House Nos. 1-5 Hillcourt, the rear and side windows and amenity space of Carrick Cottage and the proposed dwellings.

- 7.3.7. With regards Skylight, the study provides a Vertical Sky Component (VSC) analysis of windows and concludes that all tested points are greater than 27% and thereby complies with Section 2.2.7 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011) Guidelines.
- 7.3.8. With regards Sunlight, the Study notes that the rear facing windows of Hillcourt were not tested for sunlight as they do not face within 90° of due south of the proposed development. Testing results for living spaces of Carrick Cottage show that its side and rear facing windows would not receive less than 25% of annual probable sunlight hours or less than 5% of annual probable sunlight hours between 21st September and 21st March and less than 0.8 times its former sunlight hours during either period. The proposed development therefore complies with the requirements of Section 3.2.11 of the BRE guidelines.
- 7.3.9. With regards shadow / sunlight to private amenity space, the report notes that as Hillcourt is to the south of the proposal, there will be no impact. The shadow impact to Carrick Cottage would be minor and would pass the BRE greater than 50% requirement relating to the area receiving 2hrs of sunlight on the 21st of March or not breaching the 0.8 times its former value limit.
- 7.3.10. The shadow / sunlight study also provides an analysis of shadow to amenity space for the 3 no. proposed dwellings on the subject site. Testing shows that the private amenity space for the proposed dwellings would exceed the BRE requirement relating to the area receiving 2hrs of sunlight on the 21st March being greater than 50%. The average percentage is 76%.
- 7.3.11. Having regard to the sunlight, daylight and shadow assessment submitted, it is evident that the scale and height of the proposed development, as originally proposed, would not adversely impact on the amenity of adjacent properties or the proposed dwellings themselves by way of loss of daylight, sunlight or overshadowing. The assessment submitted adequately demonstrates that the proposal would comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and thereby would comply with Objective DMS30 of the Fingal County Development Plan. On this basis, I recommend that the appeal should succeed in relation to this issue in the Planning Authority's second reason for refusal.

7.4. Overbearing Impact

- 7.4.1. The Planning Authority refused permission for the proposed development on the grounds that its layout would adversely impact on the residential amenity of neighbouring property and the future occupants of the proposed dwellings by way of overbearing impact. The applicant contests this, as set out in Section 6.1 above.
- 7.4.2. Having regard to the existing site context, the existing dwelling on site maintains a setback of c.11.3m from the rear elevation of nearest dwelling No.2 Hillcourt. The southern side elevation of the existing dwelling has a gable ended ridge height of 6.3m. The side and rear boundaries of the site are defined with tall mature deciduous and coniferous trees which currently overhang properties to the south of the site in Hillcourt, notably House Nos. 4-6.
- 7.4.3. As detailed on the original plans submitted to the Planning Authority, House No.1 would maintain a setback of 6m from the southern boundary and 16m from the rear elevation of No. 1 Hillcourt. Its southern side elevation has a gable roof end with a ridge height of 7.3m. As detailed above, House No. 3 would maintain a setback of 2.8m from the southern boundary at first floor level and 12.4m from the rear elevation of House Nos. 3 and 4 Hillcourt at first floor level. Its southern side elevation has a pitched roof end with a maximum roof eave height of 6.2m and roof ridge height of 8.9m. The single storey extension to its southern side would maintain a setback of 1m from the southern boundary and its roof ridge height is 3.3m. I note there is a drop in ground level of c. 0.3m between the subject site and adjoining lands in Hillcourt, as shown on the Site Section drawing submitted. House No. 2 would maintain a setback of 1m from the northern boundary at its closest point, increasing to 3.1m at its rear / north-western corner and would maintain a setback of 7.4m from the Carrick Cottage at its closest point. Its northern elevation has a pitched roof end with a maximum eave height of 5.9m and roof ridge height of 8.8m.
- 7.4.4. The alternative design options submitted on appeal reduces the height of House Nos. 2 and 3 by 200mm and relocates House No. 3 a distance of 700mm to the north, providing a setback of 3.5m from the southern boundary at first floor level.
- 7.4.5. Having regard to the existing site context and the layout and height of the proposed development, as originally submitted to the Planning Authority, it is my view that the proposed development, as originally submitted to the Planning Authority, would not

adversely impact on the residential amenity of adjacent dwellings in Hillcourt or Carrick Cottage by way of overbearing impact or loss of outlook. It is my view that the alternative design proposal, reducing the height of House Nos. 2 and 3 by 200mm is minimal and not warranted.

- 7.4.6. Given that the rear western building line of House No. 3 would extend c.6.5m beyond the rear building line of House No. 2, I consider it appropriate that the original proposal submitted to the Planning Authority, providing a separation distance of 2.4m between House Nos. 2 and 3 would be more appropriate to the alternative design proposal submitted, which would reduce this separation distance to 1.7m. This increased separation distance would minimise the overbearing impact of House No. 3 on House No. 2.
- 7.4.7. On this basis, I recommend that the appeal should succeed in relation to this issue in the Planning Authority's second reason for refusal.

7.5. **Overlooking**

- 7.5.1. The Applicant states in the Grounds of Appeal that the windows on the side elevations of the proposed dwellings, adjacent to the southern and northern boundaries have been limited to prevent overlooking, with only windows serving non-habitable rooms, such as bathrooms and landings proposed. Specifically, the applicant states that House No. 3 features only one upper floor window on the southern façade with an outlook to Hillcourt and that this window serves a bathroom and is fitted with obscure glazing.
- 7.5.2. The alternative design proposal submitted on appeal provides additional window opes to the elevations of House Nos. 2 and 3. These window opes on both the first-floor rear/northern and side/eastern elevations of House No. 2 would serve bedrooms. Likewise, the window opes on the first-floor southern side elevation of House No. 3 would serve a bedroom. It is my view that such window opes serving habitable rooms would result in overlooking of the private amenity space to the rear of adjacent dwellings in Hillcourt and Carrick Cottage. Furthermore, the additional window ope on the side / eastern elevation of House No. 2 serving a habitable room would result in overlooking of the private amenity space to the rear of proposed House No. 1. I consider that in the event of a grant of permission, this issue can be dealt with by way

of Condition, requiring that the development be carried out and completed in accordance with the plans and particulars lodged with the application to the Planning Authority.

7.5.3. Having regard to the window opes on the original plans submitted to the Planning Authority, I note that the first-floor window opes on the southern elevation of House No. 2 serving bedroom Nos. 2 and 3 would be located at a right angle to the window opes serving habitable rooms on the eastern elevation of House No. 3. Given its position and angle of view, the window ope of bedroom No. 3 in House No. 2 would not result in overlooking of the window opes on the eastern elevation of House No. 3. While the window ope of bedroom No. 2 in House No. 2 would result in a degree of overlooking of the window opes on the eastern elevation of House No. 3 (and vice-versa), it is my view that the degree of overlooking would not be significant and given the shared courtyard context of the site, would be acceptable in this instance. In order to prevent overlooking from other first floor window opes, as detailed on the original plans submitted, a Condition should be imposed requiring that the following window opes be permanently fitted with obscure glazing;

- the first-floor window on the southern elevation of House No. 1.
- the first-floor window opes on the northern and eastern elevations of House No. 2.
- the northern and southern side elevations of House No. 3.

This would prevent overlooking of adjacent dwellings in Hillcourt and Carrick Cottage and between the proposed dwellings.

7.6. Infill Development

7.6.1. The Planning Authority refused permission for the proposed development on the grounds that it would set an undesirable precedent for similar type of ad-hoc infill development on sites located along this section of Carrickhill Road and would be contrary to the proper planning and sustainable development of the area.

7.6.2. The existing site contains a dwelling that is not of significant architectural merit with extensive overgrown trees planted along its side and rear boundaries. The site has the capacity for appropriate infill development, having a length of 57m along its southern side boundary which stretches the full length of the Hillcourt cul-de-sac (6

no. houses) on adjoining lands to the south. As detailed above, the form and design of proposed House No. 1 would reflect the form and design of dwellings in the surrounding area, providing an appropriate transition between the 2 storey dwellings at Hillcourt to Carrickhill Cottage, which appears as a single storey dwelling to its front. Proposed House Nos. 2 and 3 would not be highly visible from the streetscape by reason of their setback from the public road. The front building line of House No.1 would align with the established building to its either side and its front boundary wall would ensure passive surveillance of the public realm and integrate the dwelling into the streetscape. As detailed above, the proposal would not adversely impact on the residential amenity of neighbouring property by way of overlooking, overshadowing, overbearing impact or loss of outlook. The layout, form and design of the proposed 3 no. dwellings accords with Development Plan residential standards with regards internal space, private amenity and parking space provision. It is my view, therefore, that the proposed development would provide an acceptable form of infill development in accordance with Objective PM44 of the Development Plan. Furthermore, such development would accord with the objectives of Section 4.5 of the National Planning Framework, which seeks to make better use of under-utilised / infill land within urban areas. On this basis, I recommend that the appeal should succeed in relation to this issue in the Planning Authority's third reason for refusal.

7.7. Screening for Appropriate Assessment

- 7.7.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, 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.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

9.1. Having regard to the zoning of the site, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would respect the character of existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future occupants in accordance with the provisions of the Fingal County Development Plan 2017-2023 and would be acceptable in terms of pedestrian and 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the Planning Authority, 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 following window opes shall be permanently fitted with obscure glazing;</p> <p>(i) The first-floor window ope on the southern elevation of House No. 1.</p> <p>(ii) The first-floor window opes on the northern and eastern elevations of House No. 2.</p> <p>(ii) The first-floor window opes on the northern and southern elevations of House No. 3.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The landscaping scheme shown on the Landscape Report, as submitted to the Planning Authority on the 15th day of November, 2019 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established.</p> <p>Any plants which die, are removed or become seriously damaged or</p>

	<p>diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>(a) The soakaway for House No.1 shall be located within the private open space of the dwelling, to the satisfaction of the Planning Authority.</p> <p>(b) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm, which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.</p> <p>(c) The footpath and kerb shall be dished at the applicant or developer's expense, to the satisfaction of the Planning Authority.</p> <p>Reason: In the interest of traffic safety.</p>
8.	<p>The rear garden of House No. 1 and the shared boundary between House Nos. 2 and 3 shall be bound with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.</p> <p>Reason: In the interest of residential and visual amenity.</p>
9.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of</p>

	<p>three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
10.	<p>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. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
12.	<p>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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

13.	<p>The proposed dwellings shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within the Dublin Airport Noise Zone B.</p> <p>Reason: In the interests of proper planning and sustainable development and residential amenity.</p>
14.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>Proposals for a house name and/or numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house names and/or numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of</p>

	<p>roads, footpaths, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
17.	<p>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.</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>

Brendan Coyne

Planning Inspector

17th June 2020