



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307069-20

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<b>Development</b>	Use of domestic storage floorspace on 2 lower ground floor levels within house to provide additional bedrooms and ancillary accommodation
<b>Location</b>	Bermuda, Church Road, Tramore, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2042
<b>Applicant</b>	Ellen Twomey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Ellen Twomey
<b>Observer</b>	(1) John McDonald (2) Edward Grace
<b>Date of Site Inspection</b>	17 <sup>th</sup> , June 2020
<b>Inspector</b>	Paddy Keogh

## 1.0 Site Location and Description

- 1.1.1. The proposed development involves the conversion of floorspace within an existing dwelling 'Bermuda' on Church Road, Tramore. The site, which is triangular in shape, is located on the corner of Church Road and James's Hill near the centre of the town. 'Bermuda' is a single storey dwelling fronting onto Church Road and single storey over 2 lower floor levels (storage rooms) to the rear. Levels in the vicinity of the site fall away dramatically from front to rear (in an easterly direction towards the seafront). The site is bounded to the north and east by the rear garden of No. 15 'The Terrace', Strand Street (the last house in a cul-de-sac terrace of houses backing onto Church Road and The Square). Vehicular access to 'The Terrace' is from the opposite end (northern end) of this road via Strand Street. No. 15 is bounded to the south by James's Hill and has rear pedestrian access from James's Hill. The overall configuration of development at this location is such that 'Bermuda' is perched above the rear garden of No. 15 'The Terrace'.
- 1.1.2. I inspected the appeal site on 17<sup>th</sup>, June 2020 and took the attached photographs. I did not conduct an internal inspection for the property in light of Covid 19 restrictions. However, I inspected the site from a number of external vantage points (including from the rear garden of No. 15. 'The Terrace; Strand Street0. I am satisfied that the site inspection together with the documentation on file are sufficient to adequately complete this report and recommendation.

## 2.0 Proposed Development

- 2.1.1. The proposed development is described per the submitted public notices as:
- Use of domestic storage floorspace on 2 no. lower ground floor levels to provide additional bedrooms and ancillary accommodation,
  - Additional openings and alterations to East and West elevations of the existing dwelling.
- 2.1.2. The gross floor space of the existing building is stated to be 216.5 sq. m. and the gross floor area of the proposed works is stated to be 128.6 sq. m.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of a decision to refuse planning permission for the proposed development issued from the planning authority per Order dated 19<sup>th</sup>, March 2020. The stated single reason for refusal was as follows:

*Having regard to the planning history pertaining to the site, it would appear that the proposal relates to unauthorised works involving the alteration of floor to ceiling heights in the building and would materially contravene a condition attached to an existing permission granted under PD 10/460.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

- 3.2.2. A report from the planning authority Senior Executive Planner dated 16<sup>th</sup>, March 2020 includes:

- Summary details of planning history pertaining to the appeal site.
- The planning authority Planner's Report for Reg. Ref. 10/460 states:

*It should be noted that the floor to ceiling height is 2.2 m on the ground floor and 1.87 m. in the middle floor. Building Regulations require a minimum 2.4 m floor to ceiling height for habitable rooms as the ground floor and middle floor are indicated as storage areas only, subject to the attachment of a condition restricting the use of these floors there is no objection to same.*

- Condition No. 2 attached to planning permission Reg. Ref. 10/460 states:

*The first floor and ground floor as indicated on drawings numbers 3 and 4 shall be used for domestic storage purposes only and the layout of these floors shall not be altered or the use changed without a prior grant of planning permission.*

*Reason: In the interest of clarity and to ensure a proper standard of residential development and to prevent overdevelopment.*

[This condition was, in fact, attached by the Board (as Condition No. 2) following a third- party appeal against the planning authority decision on Reg. Ref. 10/460 – Appeal No.238668]

- The matter (of floor to ceiling height) was discussed with the planning authority District Engineer who inspected the site on foot of a previous complaint. The District Engineer was of the opinion that excavation works had been undertaken to the property. These works could have facilitated an alteration in floor levels in order to facilitate [increased] floor to ceiling heights. In turn, these excavation works could facilitate the change of use of the storage area to habitable use which would also de-exempt such works.
- It is considered that the planning authority would not be in a position to progress this application given that works appear to have been undertaken which should be the subject of a retention application (to include engineering details on the structural integrity of the building).
- The proposed development materially contravenes Condition No. 3 attached to Reg. Ref. 10/460.

3.2.3. The planning authority decision reflects the recommendation of the Senior Executive Planner.

#### 3.2.4. **Other Technical Reports**

3.2.5. The report from the planning authority Senior Executive Planner dated 16<sup>th</sup>, March 2019 states that the file was referred to the Building Control Officer. No response was received from the Building Control Officer.

### 3.3. **Third Party Observations**

3.3.1. Observations from 2 different third parties objecting to the proposed development were received by the planning authority. Both observers also made third party submissions to the Board. The grounds of objection are reflected in the submissions to the Board as described in Section 6.2 below.

## 4.0 **Planning History**

**Reg. Ref. 19949** – Application for planning permission for use of domestic storage floorspace on 2 no. lower ground floor levels within existing dwelling house to provide additional bedrooms and ancillary accommodation and alterations to East and West

elevations to existing dwelling at Bermuda, Church, Tramore. Application deemed to be INVALID.

**Appeal No. 24.238668 (Reg. Ref. 10460)** – Planning permission granted by the Board per Order dated 15<sup>th</sup>, July 2011 for indefinite retention of the boiler room at lower basement level and the concrete floor forming the lower basement level to act as structural raft and planning permission to re-roof the existing dwelling in a slated pitched roof and extend the existing dwelling on two floors incorporating a wheelchair accessible bathroom, entrance, utility area and external access stairs at Bermuda, Church Road, Tramore.

Condition No. 2 attached to the Board decision stated:

The first floor and ground floor as indicated on drawings numbers 3 and 4 shall be used for domestic storage purposes only and the layout of these floors shall not be altered or the use changed without a prior grant of planning permission.

**Reason:** In the interest of clarity and to ensure a proper standard of residential development and to prevent overdevelopment.

Condition No. 4 attached to the Board's decision stated:

The proposed development shall be amended as follows:-

- (a) The external stairs shall be omitted.
- (b) The windows on the proposed north elevation at the upper and first floors shall be fitted with obscure glass.

Prior to commencement of development, revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To protect the amenities of residential properties to the north and east of the site.

**Reg. Ref. 06556** – Planning permission for revision of planning permission previously granted, under Pd. 01/117, to include external access stairs, as well as extending dwelling to the side over three floors and ancillary works at Bermuda, Church Road, Tramore was refused by the planning authority for 2 reasons. Briefly, the reasons for refusal were as follows: (1) material contravention of a condition attached to a previous grant of planning permission restricting the use of the site to a single dwelling unit only...lack of car parking,

private amenity etc. and (2) traffic congestion due to lack of on-site car parking provision.

**Reg. Ref. 05161** – Planning application for planning permission for the provision of two number residential units, to consist of (a) conversion of ground and first floors of existing semi-derelict storage building to residential use comprising two residential units. (b) Elevational changes to existing building facilitating this conversion to residential.(c) Associated site works at Bermuda, Church Road, Tramore lodged with the planning authority was subsequently WITHDRAWN on 5<sup>th</sup>, July 2005.

**Appeal No. 24. 124560 (Reg. Ref. 01117)** – Planning permission for a new side entrance at James Hill & New Two Storey Extension to Side of Existing Building & Change of Front Elevation at junction of Church Road/James’s Hill, Tramore was granted by the Board c. October 2001 subject to 3 standard conditions.

**Reg. Ref. 99232** – Planning permission for alterations & Additions to Existing House & Change of Roof Type & Front Elevation at junction of James’s Hill and Church Road was granted by the planning authority (without conditions) per Order dated 7<sup>th</sup>, May 1999.

**Enforcement:**

- 4.1.1. The report from the planning authority Senior Executive Planner refers to enforcement action pursued by the planning authority in respect of certain matters pertaining to Appeal No. 24.238668 (Reg. Ref.10/460) including (i) unauthorised demolition of a boundary wall, (ii) Creation of door entrance not shown on the submitted drawings and (iii) excavation works to the basement. It appears that these matters were all addressed to the satisfaction of the planning authority.

## 5.0 Policy Context

### 5.1. Tramore Local Area Plan 2014 – 2020

- 5.1.1. The site of the proposed development is located within an area zoned ‘Town Centre’ in the Local Area Plan. The stated objective of this zoning is ‘To provide for an integrated mix of residential, commercial, community and social uses within the town centre’.

## 5.2. **Waterford County Development Plan 2011-2017**

- 5.2.1. The Waterford County Development Plan 2011-2017 is the current Development Plan for the area. With the establishment of Waterford City & County Council, in June 2014, this plan had its lifetime extended (pursuant to *S. 11A of the Planning and Development Act 2000, as amended*) and remains in effect until the new Regional Spatial and Economic Strategy comes into effect.
- 5.2.2. Section 7.8 of the Waterford County Development Plan (Variation No. 1 – Development Management Standards) provides advice relating to the design of domestic extensions. It is stated that *'The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing'*.

## 5.3. **Natural Heritage Designations**

The Tramore Dunes & Backstrand Special Area of Conservation (SAC) (Site Code 000671) is located c. 1 km east of the appeal site.

The Tramore Backstrand Special Protection Area (SPA) (Site Code 004027) is located c. 1 km east of the appeal site.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- 6.1.1. The submitted grounds of appeal include:
- Detailed narrative of the planning history of the site including past enforcement action taken by the planning authority.
  - Previous planning history related to the site before it was acquired by the current applicant.
  - The planning authority was incorrect in determining that the existing basement and first floor levels were set at incorrect levels. The existing floor levels were

the subject of a grant of planning permission under Appeal No. 24.238668 which was an application for retention of development.

- Condition No.2 of the Board Order in respect of Appeal No. 24.238668 stipulated that the first floor and ground floor as indicated on drawings numbers 3 and 4 shall be used for domestic storage purposes only and the layout of these floors shall not be altered or the use changed without a prior grant of planning permission. The current application to alter the layout and change the use of these floors has been made in order to comply with the requirements of this planning permission.
- The planning authority's stated reason for refusal indicates that the proposed development would materially contravene a condition attached to a previous grant of planning permission as it involves altering the floor to ceiling height in the building. This is incorrect. Condition No. 2 attached to the previous Board decision does not concern or regulate room height or floor levels.
- The planning application under Appeal No. 24.238668 was in respect of, inter alia, retaining the finished floor levels of the basement and first floor level without planning permission which the planning authority successfully prosecuted against in court. The court order was never complied with in circumstance where (in the alternative) planning permission for the retention of the hitherto unauthorised floor levels was granted.
- The suggestion by the planning authority Senior Executive Planner that planning permission cannot be granted in the absence of an engineering 'detail' on the structural integrity of the wall is incorrect. This is a matter for Building Control and the project Architect to deal with in consultation with a Structural Engineer if necessary. The applicant had a Structural Engineer examine the property prior to acquiring the property. The Structural Engineer reported no evidence of structural instability (see Attachment 6 of appeal submission).
- The current proposal is to allow hitherto permitted storage space to be converted to habitable accommodation. It does not involve developing additional floorspace within the house. The conversion of the floorspace within the house would not have required planning permission were it not for Condition No. 2 attached to the Board Order on Appeal No. 238668. The same principle



that applies to the conversion of a loft into habitable accommodation within a dwelling (exempted pursuant to Section 4(1)(h) of the *Planning and Development Act, 2000*) would apply. On this basis, it is considered that no financial contributions should be levied in respect of the proposed development.

6.1.2. In relation to the concerns of the residents of No. 15 The Terrace, it is stated that:

- The proposed larger window at first floor level to the rear will incorporate 2 existing bedroom windows into a large living room window designed to take advantage of views (over existing buildings) to the south-east and Tramore beach. Such views are enjoyed by many other houses in the vicinity. The appeal site is a town centre site and the relationship between properties is such that houses do not necessarily enjoy the same levels of privacy as might be achieved in a town centre or suburban location. It is submitted that the location of the proposed living room window and its juxtaposition relative to No. 15 'The Terrace' does not result in any unacceptable loss of privacy.
- If the Board considers that the proposed external access steps (stairs) will cause a privacy concern for the residents of No. 15 'The Terrace' that applicant would be happy to accept a that a condition be attached to a grant of planning permission requiring that a trellis screen be attached to the top of the boundary wall along the length of the steps. Alternatively, a the attachment of a condition requiring the removal of the steps would be acceptable to the applicant. [The steps would facilitate direct access to the garden for the applicant and her family who are keen surfers obviating the need to take surfing gear through the house].

## 6.2. Observations

6.2.1. (1) Edward & Karen Grace – 15 The Terrace, Strand Street, Tramore

No. 15 The Terrace is located immediately to the rear (east) The rear garden of this dwelling wraps around the rear garden of the appeal site.

This submission includes:

- The proposed development introduces an increased level of loss of privacy (to the rear garden of No. 15) by changing the orientation of the existing living room space and dramatically increasing the size of the proposed living room window.
- The proposed development will bring into common usage the external stairs linking the yard with the first floor. The Board have previously determined (condition No. 4 attached to Appeal No. 24.238668) that this staircase be removed in order to protect the amenities of No. 15. The Terrace.
- It is requested that the applicant be required to provide a 1.8m high rear boundary wall in order to protect the amenities at the rear of No. 15.
- The redevelopment of the property at Bermuda is welcomed. The applicant's offer to remove the rear external staircase (set out in the submitted grounds of appeal) is also welcomed.

#### 6.2.2. (2) John McDonald, 4 Florence Place

No. 4 Florence Place is located on the opposite site of James's Hill to the appeal site.

This submission includes:

- Narrative of history of cracks appearing in the side wall of the property following works (allegedly unauthorised) being carried out by the previous owner of the dwelling at Bermuda (between September 2014 and May 2015).
- Narrative of enforcement action pursued by the planning authority following complaint received from Mr. McDonald.
- The current application includes a one line certification that the property is structurally sound.

## 7.0 Assessment

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

(1) Nature & Scale of Development

(2) Financial Contribution

(3) Screening for Appropriate Assessment

(1) Nature & Scale of Development

- 7.1.2. The submitted grounds of appeal highlight the fact that the planning authority in their notification of decision to refuse planning permission refer to material contravention of an existing condition attached to an existing permission granted under PD 10/460. It is pointed out that the relevant condition (which requires that the first and ground floors of the property at Bermuda be used for domestic storage purposes only unless a prior grant of planning permission for alterations to these floors has been obtained) was attached to the Board Order (Appeal No. 24.238668) granting planning permission following an appeal of the planning authority decision. I note that the appellant's submission in this regard appears to be correct. However, I consider that to be a relatively minor technical matter which does not alter the substance of the current appeal or preclude the Board from determining the matter.
- 7.1.3. The planning authority are of the opinion that unauthorised works have taken place on the appeal site which should be the subject of a planning application for retention. It appears that these allegedly unauthorised works relate to the lowering of ground levels. (The changed levels facilitate the achievement of the required minimum floor to ceiling height in order for the proposed change of use to comply with the requirements of Building Regulations).
- 7.1.4. I note that the report on file from the planning authority Senior Executive Planner recommends that planning permission for the proposed development be refused based on procedural concerns in relation to the proposed development. The report does not indicate any other planning concerns in relation to the principle of the proposed development including change of use or the nature of the proposed development.
- 7.1.5. On the basis of the documentation on file I consider that there is a lack of clarity in relation to when exactly the excavation works to facilitate the achievement of the

required floor to ceiling heights were undertaken. It is clear that the site has been the subject of past enforcement action (including proceedings in the District Court) relating to alleged unauthorised development including the excavation of materials and the lowering of levels. The report from the Senior Executive Planner refers to enforcement action by the planning authority pursued in 2011 subsequent to the Board decision to grant planning permission under Appeal No. 24.238668. I note that the planning permission obtained under the latter decision was never implemented (or, at least, the bulk of the permitted project including extensions etc. has never been completed). However, the planning authority have stated that all matters relating the 2011 enforcement action were resolved to the satisfaction of the planning authority.

- 7.1.6. The submitted grounds of appeal include a detailed narrative of the planning history of the site. This includes details relating to enforcement action pursued by the planning authority in in 2006 (Enforcement Notice issued on 18th, October 2006). This enforcement action also followed the carrying out of excavation works at the site to lower ground levels. By Order of the District Court the then owner of the site was fined and required to reinstate the site levels in accordance with the levels shown on drawings relating to planning permission granted by the planning authority under Reg. Ref. 01/117. (Planning permission 01/117 (a 2-storey extension to the northern end of the building) was never actually implemented). The submitted grounds of appeal state that this Court Order to re-instate levels was never actually complied with. In the alternative, planning permission was sought and obtained per Reg. Ref. 10/460 (Appeal No. 24.238668) for an extension to the property at Bermuda and for the retention of works relating to the alteration of ground levels and the installation of a boiler. While the permitted extension was never implemented the submitted grounds of appeal argue that permission for retention of the altered levels was permitted at this stage (indeed it is submitted that the application was, in part at least, motivated by a desire to regularise matters on foot of the earlier District Court Order). Arguably, the applicant in the current instance is not entitled to sever the retention of planning permission granted under Appeal No. 24.238668 from the balance of the permission granted and never implemented as a mechanism for avoiding the requirement to comply with an earlier District Court Order. Nonetheless, I consider that in the current application provides an opportunity to regularise matters. In this context, I consider that it would not be unreasonable to determine the current appeal without requiring

that an application be made to retain the changes in level which (notwithstanding the enforcement history of the site) may or may not have constituted exempted development in the first instance and where it would not be unreasonable to conclude based on the evidence on file that permission for retention of the changes in levels was covered under Appeal No. 24.238668. [I note the contents of the Observations received from John McDonald alleging the carrying out of further unauthorised works at the site in 2014/2015 and accompanying photographs. While these photographs indicated the storage of rubble to the rear of the appeal site, there is nothing to suggest that this material has been excavated from the site and, in my opinion, do not provide evidence to support an allegation of more recent excavation or lowering of levels on the site].

7.1.7. The observation submitted from the residents of the neighbouring house to the rear of the site (i.e. No. 15 'The Terrace') states that they welcome the proposed renovation of the house on the appeal site (the removal of blocked up rear windows and openings) facing their property. However, they express concerns in relation to a number of aspects of the proposed development:

- Overlooking from the proposed rear external staircase. Having regard to the configuration of development at this location including the drop in levels in an easterly direction (in the direction of No. 15) and the relatively short separation distance between the house on the appeal site and the shared boundary I share the observers concerns in relation to the potential for the proposed external staircase to result in serious injury to the amenities of their property by reason of overlooking of the rear garden of No. 15. I note that the Board attached a condition (No. 4) to their decision on Appeal No. 24.238668 requiring that a similar external staircase be omitted from the development. In the event that planning permission is to be granted for the proposed development, I consider that a similar condition should be attached to any grant of planning permission in respect of the proposed development.
- Overlooking from the proposed living room window. This large picture window will replace two existing bedroom windows. In circumstances, where the existing bedroom windows overlook the rear garden of No. 15 The Terrace and

other new windows are proposed in the rear (east facing) elevation of the proposed development I consider that the proposed living room window will not create a problem of overlooking. Nonetheless, having regard to the fact that the previous bedroom windows (unlike the enlarged living room window) would not typically have been occupied during the day I consider that the scale of the proposed window will result in increased overlooking and will also give rise to an increased 'sense of being overlooked'. Furthermore, the proposed window when viewed from James's Hill and other nearby vantage points will be perched above surrounding development. Picture windows of this scale are not characteristic of the area. Accordingly, I consider that the proposed window will appear visually out of context at this location. For these reasons I consider that the design of the proposed window opening should be modified to allow for a pair of window openings to match the window openings serving the existing bedrooms in the existing dwelling.

- Overlooking from proposed new windows at garden level. It is requested that the applicant be required to provide a boundary wall (at least 1.8m in height) along the shared boundary between the appeal site and No. 15 in order to prevent overlooking from proposed windows at ground floor level. Having regard to the short separation distance between the properties and to the configuration of development at this location I consider that it would be reasonable to require the provision of a wall along this boundary to prevent direct overlooking from the proposed windows at garden level (where none existed previously). In this regard I should highlight that at the time that I inspected the site a considerable amount of the vegetation to the rear of both properties (which previously offered some degree of screening) shown in the documentation on file had been removed.

7.1.8. In my opinion, the proposed amendments to the window and door openings on the streetscape elevation to Church Road are visually acceptable and will not injure the residential amenities of the area.

7.1.9. Other than the modifications identified above I consider that the proposed development is acceptable in principle and will not seriously injure the amenities of surrounding residential property or the general amenities of the surrounding area.

## (2) Financial Contribution

7.1.10. The submitted grounds of appeal argue that the proposed development which involves the conversion of existing floorspace only to residential accommodation should not attract a financial contribution under the terms of the Waterford County Council Development Contribution Scheme. It is suggested that the floorspace conversion is akin to the conversion of loft space which is often deemed to be exempted development pursuant to Section 4(1)(h) of the *Planning and Development Act, 2000*.

7.1.11. The proposed change of use of existing floorspace has a stated area of 128.6 sq.m.

7.1.12. I note various provisions of the Waterford City & County Development Contribution Scheme 2015 – 2021 (*'the Scheme'*) (adopted on 12<sup>th</sup>, February 2015) including:

Section 7 (Exemptions), paragraph 3 states:

*Permission for a change of use in the designated City centre, and also the Town Centres of Dungarvan and Tramore where the change of use does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure.*

Section 8 (Reductions), paragraph 7 states:

*Extension to an existing residential unit - The first 40sqm are exempt from development contributions whilst the remaining floor area, in excess of the first 40sqm, will be charged at €50 per sqm.*

7.1.13. The proposed development does not involve the extension of a premises. Therefore, the provisions of Section 8, paragraph 7 do not apply in this instance.

7.1.14. The proposed development involves a change of use in the designated town centre of Tramore. Therefore, pursuant to Section 7, paragraph 3 of the Scheme the proposed development is exempted from the payment of financial contributions provided that the change of use *does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure*. The proposal involves the conversion of an existing one bedroom dwelling unit with 2 bathrooms to a four bedroom dwelling with 2 bathrooms, 1 ensuite and 1 shower room. The structure on site is currently a single dwelling and will continue to function as a single (albeit larger) dwelling. No on-site car parking exists to serve the existing dwelling. I consider

that the proposed the proposed enlarged dwelling has the potential to generate additional demand for on-street car parking. Furthermore, the proposed development by reason of the significant increase in residential floorspace and increased number of bathrooms etc. is likely to place greater demand on water supply and the public sewerage facilities serving the area. Thus, I consider that the exemption provided for under Section 7, paragraph 3 of the Scheme cannot be availed of by the applicant. Thus, in the absence of any other exemptions or reductions under the Scheme I consider that a condition requiring the payment of a financial contribution should be attached to any grant of planning permission that might issue from the Board.

### (3) Screening for Appropriate Assessment

- 7.1.15. Having regard to the nature and of development proposed and to the nature of the receiving environment within an existing urban area served by public water and sewerage facilities, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European site, in light of the sites conservation objectives.

## 8.0 Recommendation

- 8.1.1. I recommend that planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and to the established character, pattern and configuration of development in the vicinity of this town centre site it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of dwellings in the vicinity of the site or the amenities of the surrounding area and would be in accordance with the proper planning and sustainable development of the area.



## 10.0 Conditions

(1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

(1) The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied the permission.

(2) The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the

authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

(3) The proposed development shall be amended, as follows:

- (a) The proposed external stairs at the northern end of the dwelling shall be omitted
- (b) The proposed living room window at level 0 on the east facing elevation (as indicated on Drawing No. 'P 5' lodged with the application to the planning authority) shall not be inserted. The proposed living room accommodation shall be served by windows openings to match the existing openings on the building at this location.
- (c) A 1.8 m high wall shall be constructed along the shared rear boundary of the site with the rear garden of the adjoining dwelling to the east (No. 15, The Terrace, Strand Street).

Revised drawing providing for these amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In order to protect the residential amenities of the neighbouring dwelling to the east of the site and in the interests of visual amenity.

(4) The entire property shall be used as a single dwelling unit only.

**Reason:** In the interest of clarity and to ensure an acceptable standard of development.

(5) All external finishes associated with the proposed development shall match those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

(6) Arrangements for the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

(7) Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 07.00 to 13.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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Paddy Keogh

Planning Inspector

19<sup>th</sup>, August 2020