



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307292-20

---

<b>Development</b>	Single storey extension to the rear to accommodate new ensuite and granny flat, minor alterations internally to existing dwelling along with ancillary works.
<b>Location</b>	73 Dublin Road, Sutton, Dublin 13.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F19A/0523.
<b>Applicant(s)</b>	Dr Begona Alcaez.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Gerry Giblin.
<b>Observers(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> July 2020.
<b>Inspector</b>	Barry O'Donnell.

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of the R105 Dublin Road, in an established residential neighbourhood north of Dublin City, and has a stated area of 0.14ha. The site is comprised of a one-and-a-half-storey dwelling, which has a stated area of 164sqm, a log cabin to the rear, a shed structure to the front and the attendant front and rear gardens. The dwelling is used as a bed & breakfast, known as *The Artist Residence*.
- 1.2. The site is accessed from Dublin Road, with the level of the site set below road level, and there is a parking area to the front of the dwelling. The dwelling and rear garden are raised approximately 1.3m above the level of the front garden. The dwelling is set back from Dublin Road by approximately 80m.
- 1.3. Site boundaries to the rear of the dwelling are comprised of trees of varying heights and vegetation. Along the west property boundary there is a mix of trees and vegetation, up to approx. 4.5m high, which heavily screen inter-visibility between the gardens. Along the east property boundary there are trees approx. 3.5m high and there is also a concrete post and timber panel fence, which I note from the appeal documents is located entirely on the grounds of the east-adjointing property, 74 Dublin Road. At the time of inspection there was a high degree of inter-visibility between the appeal site and the adjoining rear garden, due to the removal of the timber panels.
- 1.4. The site is adjoined by similarly designed storey-and-a-half dwellings, to the east and west, which are set back from the road by a similar distance.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of single storey extensions to the rear of an existing dwelling, to provide an en-suite and a 'granny flat' independent living unit, to be occupied by the applicant's mother. The development has a stated area of 53.8sqm.
- 2.2. The en-suite extension would be located at the west end of the dwelling, projecting 1.3m from the rear of the dwelling, measuring 3.4m wide and incorporating a pitched roof profile with a ridge height of 4.41m. This extension is indicated on the application drawings as being set away from the western property boundary by approx. 2m

- 2.3. The granny flat extension would be located at the east end of the dwelling, taking an L-shaped form, projecting 10.75m from the rear of the dwelling and measuring up to 6.3m wide. The width of the extension reduces to 4.6m immediately to the rear of the dwelling, with the recessed space incorporating external paving. The extension incorporates a pitched roof profile, with a ridge height of 4.83m. 2 no. external accesses to the extension are proposed, on the east and west sides, one of which would directly access the main dwelling and the other of which would access the granny flat unit. This extension is indicated on the application drawings as being set away from the eastern property boundary by approx. 1m
- 2.4. Internally, the granny flat would provide an open kitchen/living/dining area, storage space and a double bedroom and en-suite. The extension would be physically linked to the main dwelling, with access provided via pocket doors which access a shared space between the main kitchen and the proposed open kitchen/living/dining area.
- 2.5. It is also proposed to decommission an existing soakaway within the rear garden, to be replaced by a new stormwater management system within the elevated area immediately to the front of the main dwelling.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On 19<sup>th</sup> March 2020 Fingal County Council issued a Notification of Decision to Grant Permission, subject to 10 no. proposed conditions. The conditions require that the unit may not be separated from the main dwelling or be used for the carrying out of trade or business or any form of tourist accommodation, shall not be sold, let or otherwise transferred or conveyed, save as part of the overall dwelling plot. When no longer required for use as a granny flat, the unit shall revert to use as part of the main dwelling.

#### **3.2. Planning Authority Reports**

- 3.2.1. Planner's Reports dated 19<sup>th</sup> December 2019 and 13<sup>th</sup> March 2020, which reflect the decision to grant permission. The report dated 19<sup>th</sup> December 2019 recommended that Additional Information be sought in relation to a number of aspects of the proposed development, seeking (1) revised drawings which incorporated a direct internal link

between the proposed granny flat and the main dwelling; (2) a further rear contiguous elevation drawing; and (3) additional details relating to a number of drainage aspects of the development. The report dated 13<sup>th</sup> March 2020 followed receipt of the Additional Information response and recommended a grant of permission, subject to planning conditions. The Notification of Decision to Grant Permission is generally in accordance with the recommended planning conditions.

### 3.2.2. Other Technical Reports:

**Transportation Planning Section** – Report dated 7<sup>th</sup> November 2019, seeking Additional Information in relation to the existing access layout. Whilst there was no objection to the proposed development, the Transportation section considered that the entrance would benefit from regrading to provide a level dwell area of 5-6m in length, to improve egress and to avoid the necessity of a hill start onto the Dublin Road.

I note that this issue did not form part of the Additional Information Request, having been addressed within the Planner's Report dated 19<sup>th</sup> December 2019.

**Water Services Department** – Reports dated 21<sup>st</sup> November 2019 and 26<sup>th</sup> February 2020. The initial report outlined that there was no objection to the proposed development but sought Additional Information in relation to a number of drainage aspects of the development. The additional report was prepared following receipt of the Additional Information response and again confirmed there was no objection to the proposed development. The report advised that the applicant should be cognisant of the vulnerability of the proposed development in extreme heavy rainfall events, given the site's coastal location, where the Greater Dublin Strategic Drainage Study recommends a long-term flood level of 4m OAD Malin.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

3.4.1. 2 no. third party submissions were received from property owners in the vicinity, the issues raised within which can be summarised as follows:

- Increased disturbance arising from use of the dwelling as short term-let accommodation.
- Concerns regarding overdevelopment of the site.
- Concerns regarding the suitability of the existing drainage system to accommodate the proposed development.
- Concerns that the proposed development should not proceed until such time as a boundary dispute (identified by the objector as Circuit Court Record Number 2018/2132) is resolved.
- Concerns regarding overshadowing.
- Concerns regarding the drawings submitted with the application.
- Concerns regarding the nature of use of the existing log cabin within the rear garden.
- Concerns that the proposed granny flat unit will be used as short term-let accommodation.

#### 4.0 Planning History

F16A/0450 - (An Bord Pleanála Ref. PL06F.248280) Permission granted on 13<sup>th</sup> June 2017 for retention of a single storey cabin within the rear garden and for use of the cabin as a painting studio and ancillary office and storage.

F16A/0249 - Permission refused on 25<sup>th</sup> July 2016 for retention of an existing single storey timber cabin used as a fine art painting studio. Reason for refusal related to the failure to accurately describe the extent of existing and proposed development.

FS5/012/16: Section 5 Declaration sought for existing cabin in back garden of No. 73 Dublin Road, Sutton, for use as studio for fine art painting and occasional sleeping accommodation. Determination issued on 18<sup>th</sup> May 2016 stating that the existing cabin constitutes development and is not exempted development.

Enforcement 15/179b: Warning letter issued in relation to cabin in rear garden of No. 73 Dublin Road, Sutton.

## Relevant Nearby Planning Records

F14B/0142 - *74 Dublin Road*: Permission granted on 29<sup>th</sup> July 2014 for demolition of an existing conservatory and construction of a new single storey conservatory to the front.

F05A/1380 - *77 Dublin Road*: Permission granted on 1<sup>st</sup> March 2006 for a granny flat extension to the rear of the main dwelling, together with a ground floor en-suite extension at ground floor level and first floor dormer roof extension

## 5.0 Policy Context

### 5.1. Development Plan –

5.1.1. The site is zoned ‘RS’ under the Fingal County Development Plan 2017-2023, with an objective to “*Provide for residential development and protect and improve residential amenity.*”

5.1.2. Objective DMS43 is of particular relevance to the proposed development, stating that in relation to family flats, it is an Objective to:

*“Ensure family flats:*

- *Are for a member of the family with a demonstrated need.*
- *Are linked directly to the existing dwelling via an internal access door and do not have a separate front door.*
- *When no longer required for the identified family member, are incorporated as part of the main unit on site.*
- *Do not exceed 60 sq m in floor area.*
- *Comply with the design criteria for extensions, as above.”*

### 5.2. Natural Heritage Designations

5.2.1. The site is located within c.90m of the following Natura 2000 sites:

- Bull Island Special Protection Area, European Site No. 004006
- North Dublin Bay Special Area of Conservation, European Site No. 000206

5.2.2. The extent of these sites follows the coastline in this area, extending up to the southern side of Dublin Road.

### 5.3. **EIA Screening**

5.3.1. Having regard to the limited nature and scale of the proposed development 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**

6.1.1. The grounds of appeal can be summarised as follows

- The application is invalid as the applicant's name is incorrectly identified in the public notices.
- Risk of flooding and water damage to appellant's property, as a direct result of the proposed development.
- The proposed development will allow for an intensification of the commercial use of the property.
- Condition No. 3 of the Planning Authority's Notification of Decision to Grant Permission is inadequate and open to interpretation.
- Impact on appellant's residential amenity, by reason of visual impact.

### 6.2. **Applicant Response**

6.2.1. The applicant has responded to the third party appeal, in 2 No. separate submissions prepared by Val O'Brien & Associates Chartered Building Surveyors and Peter Boyle & Co. Solicitors. The contents of each submission can be summarised as follows:

Submission prepared by Val O'Brien & Associates Chartered Building Surveyors

Validity of the application

6.2.2. Various spellings of the applicant's name are used in the application documents but there was no ambiguity as to the identity of the applicant, who is well known to the appellant. The appellant was not disadvantaged in any way by this error. Fingal County Council did not have an issue with the spelling of the applicant's name. Raising this issue at this stage appears to be an attempt to frustrate the process and to delay the applicant.

#### Flooding

6.2.3. There is no proposal to alter ground level in any way. Adequate provision has been made for rainwater drainage within the proposed development. The proposal does not involve the creation of any larger surface area and as such there would be no greater amount of rainwater, whether or not the proposed development is completed. Ground level within the appellant's property is lower than that of the applicant's site; this was done some years ago by the appellant and in order to facilitate the development of their garden. If there was a risk of flooding, this would be within the garden/parking area to the front of the property, which is generally lower than the neighbouring.

#### Intended use

6.2.4. This concern is based on a potential use, which is not founded on any actual evidence. The proposed use is clearly described in the application and the Planning Authority's grant of permission is clear in defining this. Should an unauthorised use take place in the future, there are procedures in place that would allow such an issue to be addressed. To seek to prevent a development on the basis of a potential concern is unfounded and inappropriate.

#### Ambiguous condition

6.2.5. The planning condition is clear in its intent. It is speculation that the applicant is intent on conducting an unauthorised use. If such a situation did arise there are procedures in place that would allow such an issue to be addressed. It is not the condition that is ambiguous, but rather the purported reason for objecting.

#### Visual impact

6.2.6. The extension proposed is in keeping with the character / style of the original house and is typical of what one would expect in a development of this nature. There is a substantial hedgerow separating the properties in the area of the extension, approx.



3.6m high, and there is a concrete post and timber panel fence at the lower level which ensured privacy, but the appellant has recently chosen to remove the timber panels thus opening up the gardens in what appears to be an attempt to support full visibility of the applicant's site. If the appellant were to reinstate the timber panels, then with the combination of the hedgerow and timber panelling the extension would not be visible at all.

Submission prepared by Peter Boyle & Co. Solicitors

Validity of the application

- 6.2.7. Any reference to Dr. Begona Alcaez within application documents is a typographical error, the applicant's correct name is Dr. Begona Alvarez. The address of the applicant is a key matter in any application and this information is correct.

Flooding

- 6.2.8. Flood risk is not anticipated. All run-off will be directed into retention tanks at the front of the property, which is at the same level as the appellant's property. The emergency works referred to within the appeal papers is misleading. Some essential repairs were carried out to drain the front garden, where the appellant's property is higher than the applicant's property. The applicant's property is almost 100 years, as is the appellant's property.

Intended use

A letter to the appellant's solicitors, dated 18<sup>th</sup> March 2020, refutes the appellant's allegations that the proposed development would be used for commercial purposes and that guests cause disturbance.

Ambiguous condition

- 6.2.9. The condition is very clear and is a standard condition with an application for a granny flat. The appellant's objection is speculative and continues to make false allegations as to the commercial use of the applicant's property. The objection also undermines the Planning Authority's integrity.

Visual impact

- 6.2.10. The proposed development will have minimal or zero visual impact on the neighbouring properties. The granny flat will be located behind a 3.7m high fence and

hedge which was previously over 4.5m until the appellant trimmed it, against his right to do so as per Court Order dated 1<sup>st</sup> April 2019. The existing hedge will screen the development from the appellant's view. The appellant recently removed wooden fencing insets that would obscure the granny flat from view. A letter to the appellant's solicitors, dated 18<sup>th</sup> March 2020 and which is appended to the submission, which details this action.

Other domestic extensions in the immediate area

6.2.11. The proposed granny flat is similar in size and location to the granny flat at 77 Dublin Road, three doors down from the appellant's property.

6.2.12. The visual impact of a two-storey extension at 75 Dublin Road, granted permission under Reg. Ref. F04B/0323, would have been greater for the appellant but it is understood that he did not object to or appeal this permission.

6.2.13. There are few properties along Dublin Road which have not had substantial extensions added, with the planning authority's website containing 50 pages of applications for Dublin Road, Sutton. The appellant's property has also been extended to the front and rear, with reference to Reg. Refs. F94B//0030 and F98B/0665.

Reasons for this appeal

6.2.14. Other non-planning issues have been raised within the submission, relating to boundary dispute proceedings and the appellant's motives for the current appeal.

### **6.3. Planning Authority Response**

6.3.1. A response to the appeal has been received, the contents of which can be summarised as follows:

- The application was assessed against the policies and objectives of the Fingal County Development Plan 2017-2023 and existing government policy and guidelines. The proposal was assessed having regard to the development plan zoning objective as well as the impact on adjoining neighbours and the character of the area.
- Concerns raised by the third party regarding the validity of the application are noted. The permission relates to the land and as such the Planning Authority is satisfied regarding the validity of the application.

- The applicant sought permission for a proposed extension as a granny flat and as such the development was assessed in relation to Objective DMS43 of the Development Plan and was considered acceptable. Condition No. 3 clearly sets out the requirements for the use of the structure and is no ambiguous.
- The proposed development has been reviewed by the Water Services Planning Section and following receipt of additional information, no objection was noted, subject to conditions.
- The single storey nature of the development was not considered to be injurious to the visual amenities of the area.
- Having reviewed the grounds of appeal, the Planning Authority remains of the opinion that the proposed development will not detract from adjoining visual and residential amenity, subject to compliance with the conditions.
- An Bord Pleanála is requested to uphold the decision of the Planning Authority and doing so, to include condition No. 10 of the Planning Authority's decision.

#### 6.4. **Observations**

6.4.1. None received.

### 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the third-party appeal in detail, the main planning issues in the assessment of the proposed development are as follows:

- Validity of the application;
- Principle of development;
- Layout of the proposed granny flat;
- Visual impact;
- Impact on neighbouring properties;
- Flood risk;
- Other matters;

- Appropriate assessment.

## **7.2. Validity of the Application**

7.2.1. The validation of planning applications is a matter for the planning authority, in the first instance. I note that the appellant has raised this issue within the grounds of appeal, having not done so at the application stage.

7.2.2. Whilst it appears that there is a typographical error in the public notices, which identify the applicant's name as Dr. Begona Alcarez rather than Dr. Begona Alvarez, I do not agree with the appellant's contention that the application should be deemed invalid. Having reviewed all application documents in detail, I do not consider that this typographical error detracts from the content of the application and I do not consider that the appellant, or any other third party, has been disadvantaged in any way. I am satisfied that the public notices generally accord with the requirements of Articles 18 and 19 of the Regulations.

7.2.3. I note that the Planning Authority has also responded to this issue, confirming that it is satisfied regarding the validity of the application.

## **7.3. Principle**

7.3.1. The proposed development is consistent with the 'RS' zoning objective, as set out in the Fingal County Development Plan 2017-2023.

7.3.2. In relation to the proposed granny flat extension, the applicant has demonstrated there is a family need for the unit, has incorporated a direct link to the main dwelling and its total area would be less than 60sqm. As such, I consider the development to be generally in accordance with Development Plan Objective DMS43, subject to consideration of impacts on neighbouring properties and the visual amenity of the area.

## **7.4. Layout of the proposed granny flat**

7.4.1. In general terms I consider the internal layout of the proposed granny flat to be adequate to accommodate the identified family need, at the same time maintaining an appropriately sized rear garden for future use.

7.4.2. I am concerned that whilst there is a direct link to the main dwelling, the proposed layout incorporates separate rear external accesses, on the west and east sides. I see no clear need for separate rear accesses to the extended dwelling and consider that

the proposed eastern access should be omitted. A single access to the rear, on the west elevation, would adequately serve the dwelling.

## **7.5. Visual Impact and Impact on Neighbouring Properties**

7.5.1. The development would be contained to the rear of the main dwelling, set below ridge level, and would not be visible in any public views. I am satisfied that it would have no visual impact on the character of the area.

7.5.2. In relation to impacts on neighbouring properties, No. 72 and 74 Dublin Road are the properties most likely to be affected by a single storey extension, as the east and west-adjointing properties.

7.5.3. In relation to 72 Dublin Road, the existing boundary treatments along the shared boundary provide adequate screening. The proposed en-suite extension, which is of limited depth, would be located at the west end of the dwelling, but it would not be visible from the neighbouring property. The proposed granny flat, whilst potentially visible from the rear-most part of the garden of No. 72 Dublin Road, would be set off the property boundary by c.6.5m. I consider any potential visual impact from this element of the development to be limited. I am also satisfied that the development would not overshadow the adjoining property.

7.5.4. The granny flat extension would lie within c.1m of the east shared boundary with 74 Dublin Road. The existing trees along the east property boundary are likely to be directly affected by the development. The removal or loss of trees along this boundary would increase the visibility of the upper section of the extension from the rear of the adjoining dwelling and it would be regrettable were these trees to be lost as a direct result of the development, where they provide a natural screen. Nevertheless, I acknowledge that there would be sufficient space retained to the property boundary, to incorporate a boundary fence, should the need arise. I am also aware, in this respect, that there is a concrete post and timber panel fence on the appellant's side of the property boundary, albeit the timber panels had been removed at the time of my inspection. Boundary arrangements can be controlled by condition, to be agreed with the Planning Authority.

7.5.5. The granny flat also incorporates 2 no. window openings on the east elevation, in addition to the previously discussed proposed door opening. The boundary trees provide little or no screening protection from these windows and the upper part of the

windows would extend over the height of the timber panel fence, when the panels are reinstated. Whilst I acknowledge that overlooking is unlikely to arise, over the 2m height of the fence, the perception of overlooking may be an issue, where the upper part of both windows would be visible from the adjoining garden, over the top of the fence. In order to protect against such perceived overlooking, I consider it appropriate that the 2 no. proposed east-facing windows should be omitted, in addition to the door. The open plan living area would also be served by a number of west-facing windows, which would themselves provide adequate light and ventilation, so I do not consider the omission of east-facing windows would have any impact on the quality or usability of the granny flat. Indeed, sited so close to the property boundary, where they will closely adjoin the trees and timber panel fence, these windows would in any case provide little amenity value to the occupier.

7.5.6. The extension would not unduly overshadow the neighbouring property, due to its height and roof composition adjacent to the property boundary, where the roof pitch slopes away from the boundary.

7.5.7. I note that in claiming that condition No. 3 of the Planning Authority's decision is inadequate and open to interpretation, the grounds of appeal outline a desire that the use of the granny flat should be restricted in the future, following its reversion to part of the main dwelling, to require that it should not be used as part of the ongoing bed & breakfast use. Where the physical structure of the extension has been assessed and is considered acceptable, I consider such a condition would be unreasonable. Moreover, such planning control would be likely prove practically unenforceable in my opinion.

## 7.6. **Flood Risk**

7.6.1. There are two flood risk issues to be addressed: the vulnerability of the proposed extension to flood events; and the vulnerability of adjoining lands to flooding, arising from the proposed development.

7.6.2. The site is in a coastal location and its composition is such that the dwelling, the area immediately in front of the dwelling and the rear garden area are raised above the level of the rest of the site, by approximately 1.3m, with finished ground floor level identified as 3.3m AOD. The Planning Authority's Water Services Department has highlighted the recommendations of the Greater Dublin Strategic Drainage Study (2005)

(GDSDS), that a strategic long term flood level of 4.0m AOD Malin should be factored, but I note that the Planning Authority's decision on the application did not contain any condition which required that the finished floor level of the extension should be raised, instead providing an advice note to the applicant that they should be cognisant of this issue. I agree with the Planning Authority's assertion, that it is impractical to require that the proposed extension should be raised to such an extent, particularly where the proposal is an extension of an existing dwelling on the site and such measures would materially increase the impact of the development on adjoining properties. Indeed, having reviewed the specific family circumstances which have given rise to the granny flat proposal, it is likely that a requirement to raise the finished floor level to comply with the recommendations of the GDSDS would have implications for the practical usability of the extension. I note that the proposed development incorporates a new stormwater drainage system, which is designed for 30 years + 10% increase related to climate change and which is supported by a site-specific ground infiltration testing report, and that the Planning Authority's Water Services Department deemed the proposal to be acceptable in drainage terms. I consider the applicant's proposals in this respect are adequate.

7.6.3. The appellant's concerns relate to potential surface water runoff from the site. Whilst I note the concerns and that the appellant's property lies below the level of the appeal site, I am satisfied that the surface water drainage proposals are adequate and comply with the requirements of the GDSDS. I also note that the Planning Authority's Water Services Department deemed the proposal to be acceptable in drainage terms.

## **7.7. Other matters**

7.7.1. The Planning Authority has requested that condition No. 10 of its decision to grant, which relates to a financial contribution in respect of public infrastructure and facilities provided in the area, should be attached to an Order to grant permission.

7.7.2. Having reviewed the relevant Section 48 Development Contribution Scheme 2016-2020, the proposed development exceeds the 40sqm exemption which applies to domestic extensions and therefore a financial contribution is payable. This can be controlled by condition, to be agreed with the Planning Authority.

## **7.8. Appropriate Assessment**

7.8.1. Having regard to the nature and scale of the proposed development, which is a domestic extension on residentially zoned and serviced lands, outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider 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 for the proposed development be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development is in keeping with the character of the area and would not seriously injure the amenities of the area or the amenities of properties in the vicinity. 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 as amended by the further plans and particulars submitted on the 21<sup>st</sup> day of February 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
----	---



2.	<p>The proposed granny flat extension shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p><b>Reason:</b> In order to comply with the objectives of the current development plan for the area.</p>
3.	<p>The granny flat shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the extension in the interest of residential amenity.</p>
4.	<p>The 2 No. proposed windows and proposed door opening on the east elevation of the granny flat extension, as shown on drawing No. BA/PLN/P/01, shall be omitted from the development.</p> <p><b>Reason:</b> To prevent overlooking of the adjoining residential property.</p>
5.	<p>Proposed boundary treatments along the east property boundary shall be submitted and agreed with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> To protect the residential amenity of the adjoining residential property.</p>
6.	<p>The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<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.</p>

	<p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<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><b>Reason:</b> 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>

---

Barry O'Donnell  
 Planning Inspector

6th August 2020