



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307334-20

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<b>Development</b>	Demolition of shed and construction of extension to existing dwelling
<b>Location</b>	3 St. Patricks Terrace, Donabate, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0048
<b>Applicant(s)</b>	David McDonnell & Orla Brannigan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary O'Reilly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> of August 2020
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The subject site which is irregularly shaped with the wider part to the rear, extends to c.0.0885 ha and is located on the northern side of St. Patricks Terrace in Donabate. St. Patricks Terrace is located to the east of Main Street adjacent to the junction with Chapel View Road and New Road. No. 3 St. Patrick's Terrace, which is the subject of the proposed extension is characterised as a period two-storey mid-terrace dwelling which extends to c.80sq.m in g.f.a with a small shed to the rear totalling c.9sq.m in area.
- 1.2. St Patrick's Terrace is a short cul-de-sac terrace street that fronts onto a large open space to the south. The rear garden is irregularly shaped tapering northwards from the rear elevation of the house towards the church and adjacent rear garden areas with extensive hedgerows and mature trees enveloping the entire garden. It is currently well screened from adjoining properties.
- 1.3. There are extensions to the rear of the adjoining properties on either side. The adjoining house to the east (no.4) is two storey to match the existing property and this has a set back two storey rear extension which does not have living room windows facing. The house to the west (no.2) is single storey and has a large single storey rear extension which is angled away from and does not have windows facing the site. There is a covered shared side passageway between nos. 2 & 3 with joint gated access via locked doors.
- 1.4. There is a narrow cul-de-sac road in front, accessed via St. Patrick's Terrace to the east that provides limited on street parking for the properties. There is a large green area and tree in front of the properties. There is a Church which is a Protected Structure and associated car parking area to the rear.

## 2.0 Proposed Development

- 2.1. This proposal seeks permission for the following:
  - The demolition of the single storey garden shed;
  - The construction of a part single storey, part two storey extension to the rear of existing two storey dwelling, modifications to internal layout;

- Surface water drainage, landscaping and boundary treatment and all associated ancillary site development works necessary to facilitate the proposed development.

2.2. Documentation submitted with the application includes the following:

- Planning Statement by Downey Planning providing the context and rationale and description of the proposed development;
- Relevant Plans and Drawings prepared by Downey Planning & Architecture;
- Soakaway Design Report prepared by Hydrocare Environmental Ltd.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 24<sup>th</sup> of March, 2020 Fingal County Council granted permission for the proposed development subject to 8 no. conditions. These concerned the entire premises to be used as a single dwelling, external finishes, construction management including hours of operation, foul and surface water drainage and development contributions.

### 3.2. Planning Authority Reports

#### Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the interdepartmental reports and the submissions made. Their Assessment included the following:

- They note that the primary issues for assessment include integration and impact on visual and residential amenity of the area: overshadowing, boundaries with adjoining properties and EIAR and AA Screening.
- They note the contemporary design of the extension and consider it accords with Objective DMS42 of the DP which encourages more innovative design approaches for domestic extensions.

- The level of private open space is consistent with Objective DMS87 and 88 of the Fingal DP.
- They note the sunlight/daylight analysis and do not consider that the proposal would result in significant overshadowing or loss of light to adjoining properties.
- They note that the Transportation Planning Section has no objection to the proposed development.
- They have regard to and provide a response to the submissions made.
- They note that there are no objections to the proposal relative to water and drainage issues.
- They 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 any European Sites in the vicinity.
- They provide that subject to compliance with conditions the proposed development would be in keeping with the existing dwelling and the pattern of development in the area and that it will not detract from residential amenity. That it would be in accordance with the proper planning and sustainable development of the area.

### 3.3. **Other Technical Reports**

#### Transportation Planning Section

They note the existing lack of on-site parking provision, and that this proposal does not result in an increase in demand. They have no objections to the proposed development.

#### Water Services

They have no objections subject to conditions.

### 3.4. **Prescribed Bodies**

Irish Water - They have no objections subject to conditions.

### 3.5. Third Party Observations

Submissions have been received from local residents including the subsequent Third Party and their concerns have been noted in the Planner's Report. The issues raised include the following:

- The proposed development will cause overlooking, overshadowing, will visually intrude and impact adversely on adjoining properties.
- It is so large that it is out of keeping with this small scheme of terraced houses and that it will interfere with the general character of the area.
- Drainage issues including relative to the location of the main sewer.
- Inaccuracy in the submitted drawings/plans.

### 4.0 Planning History

The Planner's Report notes the Planning History of the site and of the neighbouring properties. It is noted that previous applications relative to an extension on the subject site were subsequently withdrawn at Further Information stage i.e:

- Reg.Refs. F15A/0289 & F14A/0300 – Applications withdrawn for rear extension to no. 3 St. Patrick's Terrace. Requests for Additional information were not responded to.

#### *Neighbouring Properties*

- Reg.Ref. F08B/0423 – Permission granted for a single storey extension to No. 2 St. Patrick's Terrace consisting of kitchen, dining and living area and all associated site works.
- Reg.Ref. F96b/0556 – Permission granted for a front porch and two storey extension at rear of No. 4 St. Patrick's Terrace, which is the other 2 storey unit in this terrace.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017-2023

#### *Land use zoning*

The subject site is located within land-use zoning objective 'TC' where the objective seeks to: *Protect and enhance the special physical and social character of the town and district centres and provide and/or improve urban facilities.* Sheet No. 7 Donabate/Portrane refers.

The lands are included within the Urban Framework Boundary for Donabate Village. St. Patrick's Church (to the rear of the site) is a protected structure (RPS no.512).

#### *Placemaking*

Objective PM44 encourages the development of underutilised sites in existing residential areas subject to the protection of amenities, privacy and character, while objective PM45 promotes contemporary and innovative design in such areas.

Objective PM46 seeks to encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.

Objective PM65 seeks to ensure all areas of private open space have adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

#### *Chapter 12 Development Management Standards*

Objective DMS30 seeks compliance with good practice standards relative to daylight, sunlight and overshadowing.

Objective DMS39 provides that 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 DMS42 seeks to Encourage more innovative design approaches for domestic extensions.

Objective DMS44 seeks to 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 to ensure any new development in such areas respects this distinctive character.

Objective DMS73 provides for the use of Sustainable Drainage Schemes (SuDS).

Objectives DMS84-86 refer to private open space and boundary treatment and to ensure that all residential unit types are not unduly overshadowed.

Objective DMS87 seeks to ensure minimum private open space provision for houses i.e. 75sq.m for a 4 bedroom plus house.

Table 12.8 provides the Parking Standards. 2 spaces within the curtilage of the site would be required for 4 bedroom houses.

Objective MT44 refers to Development Contributions.

## **5.2. Natural Heritage Designations**

There are no designated areas within or immediately adjacent to the appeal site. The closest such sites are:

- Rogerstown Estuary SPA (Site Code 004015) and Rogerstown Estuary SAC (Site Code 000208) located c. 1.5km to the north of the appeal site;
- Broadmeadow/Swords Estuary SPA (Site Code 004025) and Malahide Estuary SAC (Site Code 000205) located 1km south of the appeal site.

## **5.3. EIA Screening**

Having regard to the nature, scale of the proposed development within the mature and built-up village centre setting of the Donabate, the nature of the receiving environment, the serviced nature of the site and its surroundings, I consider 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

WCA Architects have submitted a Third Party Appeal on behalf of Mrs Mary O'Reilly who is the adjoining neighbour at no. 4 St. Patrick's Terrace, Donabate. The grounds of appeal include the following:

- There are a number of statements provided as part of this planning application which they consider incorrect and would have created difficulty for the planning officer in assessing this application. They highlight these in red.
- The proposed depth of the ground floor extension is incongruous and totally out of scale with the pattern of ground floor extensions to the rear of these 6no. terrace houses.
- In the previous application on site, Reg.Ref.F15A/0289 (withdrawn), the Planning Officer asked for additional information and revised plans were not submitted.
- They are at a loss to understand how the Planning Officer granted permission for an extension of 16.4m when measured from the rear of the house.
- They have serious concerns with regard to the unacceptable effects on the amenities of their property, the loss of sunlight and the overlooking.
- The proposed first floor extension incorporating the window in the east elevation will give rise to overlooking.
- While they are not opposed to an extension to the rear of this property taking all of the above into consideration i.e. the size of the proposed extension, the potential for overlooking and the loss of privacy and sunlight this proposed extension is totally unacceptable.
- They seek to ensure that the objectives of the DP are adhered to in the interests of the proper planning and sustainable development of the area.
- They include a number of photographs showing views from the rear garden of no. 4 St. Patrick's Terrace.



## 6.2. Applicant Response

Downey Planning have submitted a response on behalf of the First Party to the grounds of appeal. They have regard to the locational context and the planning history of the site and provide a description of the proposed development. Their response includes the following:

- The proposed extensions will provide much needed living accommodation.
- It is situated to the rear of the existing dwelling to ensure minimal visual impact from neighbouring properties.
- They consider that the extent to which the ground and first floor extension protrude northwards from the rear building development line is consistent with the parameters of adjoining developments in terms of bulk, scale, massing and height.
- They note that there are discrepancies between the land ownership map, the existing boundary and shared access route between properties nos. 2 and 3 St. Patrick's Terrace.
- They provide that it is evident that the access path and the boundary of no.2 encroach into lands that are within their client's ownership.
- The size, scale and design of the proposed structure will assimilate into the surrounding context.
- They refer to Fingal DP policies and objectives relative to extensions and submit that the proposal would comply with these and offers the efficient use of zoned land in the centre of Donabate.
- The rear extension will not adversely affect adjoining properties for reasons relating to overlooking and loss of privacy and they provide reasons for this.
- They consider that both the ground and first floor extensions will complement the setting and character of the area together with the protection of adjoining residential amenities.
- That the proposed development represents a high quality design whilst optimising the appropriate use of the site.

- Cognisance has been given to the surrounding environment and the provision of a high quality contemporary design.
- They provide details of minor revisions to the design of the proposed extension to address the Third Party concerns and note revised drawings submitted. The drawings include a timber fence sited on-top of the existing boundary walls to increase privacy.
- They provide a rebuttal of the Third Party grounds of appeal.
- The proposed extension to an existing residential development is permitted in principle under the TC zoning.
- The proposed design is such that the side elevation consists of several volumes and setbacks which breakup the overall scale and massing of the extension.
- The design of the proposed development is in keeping with the existing pattern of development in the vicinity of the subject site and will represent a sustainable form of urban development established by planning precedent.
- They include Figures (photographs/aerial photos) to support that the proposal will not result in a loss of sunlight and overshadowing.
- Detailed 3D images indicating the sunlight/shadow analysis has been prepared by Downey Planning & Architecture indicating the extent of potential overshadowing.
- They provide that the first-floor rear extension will not impact on overshadowing. Also, that given the orientation of the site, the direction of the extension, the extensions on either side, they consider that the proposal will not impact adversely on sunlight and daylight or on overshadowing of adjoining properties.
- They note existing trees and hedgerows on site contribute to overshadowing and these have not been depicted in the 3D sunlight/shadow analysis.
- The proposed height is not excessive and will create a transition from first to ground floor and a stepping down effect, it will not be overbearing or impact adversely on adjoining properties.

- The rear extension will not adversely affect adjoining properties for reasons relating to overlooking and they provide reasons for this Figures 16 & 17 relate. This includes the use of opaque glazing.
- Figure 18 shows a view of the ground floor extension to no. 2 St. Patrick's Terrace from the application site.
- They note that the ground floor extension along the east and west façade will contain clerestory windows as part of a key design feature and that these will not cause overlooking.

### *Conclusion*

- The subject site provides sufficient space and the best possible location for the proposed development.
- The proposed development will not represent the overdevelopment of a constrained site and will not impact on the residential amenities of adjoining properties.
- The contemporary design of the proposed extension has demonstrated its compliance in protecting the amenity of adjoining properties.
- The applicant is proposing additional treatments to the eastern boundary between nos. 3 and 4 St. Patrick's Terrace, which they consider an appropriate mitigation measure.
- The proposal has been designed in accordance with the Fingal CDP's development management guidelines as well as planning precedence where the area and depth of the extension is consistent with the parameters of adjoining developments.
- They consider that the proposal will successfully integrate into the surrounding built environment, which has already seen significant infill development.
- It will not give rise to any significant impact on the residential amenity of the appellant or indeed any other third party.
- They ask the Board to uphold the decision of Fingal County Council and grant permission.

### 6.3. Planning Authority Response

They provide that the appellant's concerns were taken into account in the assessment of this application. The proposed works are considered acceptable in principle given the location of the site within 'TC' zoned lands and taking into account consideration of the character of the development in the surrounding area and the orientation, size and layout of the site and overall design of the proposed extension.

In the event that the PA's decision is upheld, they request that Condition no. 8 (development contributions) be included in the Board's determination.

### 6.4. Further Response from Third Party

This has been submitted by WCA Architects on behalf of the Third Party in response to the First Party response to their appeal. While many of the points have already been made in their grounds of appeal, this includes the following:

- As per the previous application Reg.Ref. F15A/0289 the PA requested that revised drawings be submitted showing the ground floor extension reduced in depth to 6m in length from the rear of the house.
- This proposal which extends 10.7m beyond their extension is at odds with this requirement of the Council.
- The original dwelling is 2 not 3 bedroomed.
- The residents to the east and west consider the proposed development will impact negatively on their properties and the nature of the surrounds area and will not be in keeping with the character and unique identity of St. Patricks Terrace dating back over 70 years.
- The proposed development is not sensitively designed and is over sized and over futuristic and not in keeping with the design of the terrace. It will be contrary to Objective DMS42 of the Fingal DP 2017-2023.
- There is no spare capacity for parking to take account of the proposed development.
- Their home will be seriously impacted by light pollution during the hours of darkness because of these high clearstory windows.

- They are concerned with the proposal to increase the height of the boundary wall and consider it unacceptable. They provide their existing boundary wall is lower than stated by the First Party.
- They consider that the proposal will result in a loss of sunlight and lead to overshadowing. They consider that the overshadowing studies submitted are incorrect and misleading.
- They note their concerns about the relocation of the stairway at no. 3 St. Patrick's Terrace and are concerns about impact on their property.
- They consider that this action could again diminish the structural integrity of the internal boundary wall between both houses and also from a fire stopping perspective.

## 7.0 Assessment

### 7.1. Policy Considerations

7.1.1. As noted in the Policy Section above the site is located within the 'TC' Town and District Centre zoning within the centre of Donabate. The proposal concerns the erection of a part single/part two storey rear extension to an existing terraced house in an established residential area. While the principle of such is acceptable within the zoning, the Third Party is concerned regarding the appropriateness of the scale, design and layout of the proposed extension taking into account its locational context and the character of the area and impact on their residential amenities. In response the First Party provide that the proposed development will provide for the renewal of the subject site by providing a high-quality residential extension that will be integrated with the existing surrounding town centre area.

7.1.2. I am satisfied that the proposal as an extension to an existing residence is acceptable in principle, however regard is had to the issue of its impact on the adjoining properties and on the character and amenities of the area. Objective PM46 is of note in that it seeks to: *Encourage sensitively designed extensions to existing dwellings which do not negatively impact on the environment or on adjoining properties or area.* Issues of concern including relative to design and layout and

impact on the character and amenities of adjoining properties and of the area are discussed further in the context of this Assessment below.

## **7.2. Design and Layout and Impact on the Amenities of Adjoining Properties**

- 7.2.1. It is proposed to construct a large extension to the rear of the property comprising both a single storey and two storey element. The floor area of the existing house is 80sq.m and of the extension is 109sq.m. The majority of the extension is shown single storey and this element extends out c.16.4m from the rear elevation, with the smaller two storey element above.
- 7.2.2. The first floor extension is to extend 2.3m further forward of the rear elevation on the west side adjoining the single storey dwelling no. 2 St. Patrick's Terrace. Part of the first floor extension will cantilever over the shared access route that is situated along the western boundary between properties nos. 2 and 3 St. Patrick's Terrace. It is noted that no. 2 is a single storey dwelling with a single storey rear extension that is offset from the boundary and does not have windows facing. If the Board decides to permit, I would recommend, that it be conditioned that the proposed first floor extension not overhang the boundary with no. 2.
- 7.2.3. It is proposed to extend c. 2m at first floor level and be marginally set off the eastern site boundary with no. 4 St. Patrick's Terrace. A central area containing the stairwell is to extend further at the rear. There is concern that the first floor extension incorporating a window in the eastern elevation will give rise to overlooking to the appellant's adjoining property no. 4 St. Patricks' Terrace. It is noted that the first floor plans show an obscure glazed window on either side of the central projecting stairwell element. Also, that no. 4 has a first floor obscure glazed side window facing in its offset two storey rear extension. It does not have any other windows directly facing. Therefore, while the first floor extension is not extensive and will allow for additional bedroom/bathroom accommodation, it is important that side windows be obscure glazed to ensure that it does not cause overlooking nor adversely affect the adjoining properties.
- 7.2.4. The single storey element proposed is more extensive and extends some 16.4m to the rear. It has a shallow sloped pitched roof and varies in height from c.5m to 3.8m at the rear. The extension is unusual in form and layout and is not similar to the

existing house. It is provided that the design is contemporary in nature and external materials proposed include painted render with 'clerestory' glazing at upper levels with aluminium windows. Also, that it has been designed to fit into the unusually shaped rear garden area. The Third Party are concerned that as the proposed extension extends 10.7m beyond their extension it will be seriously overbearing in terms of bulk, scale, massing and height.

- 7.2.5. It is noted that this area is screened by planting at present. If the Board decides to permit, I would recommend, that the single storey element be set a minimum of 1m off the eastern site boundary with no.4 St. Patrick's Terrace. As part of their appeal response the First Party propose to revise the boundary treatment between nos. 3 and 4 and provide a timber fence on top of the existing c. 1.45m boundary wall to raise the height to c. 2.17m. This is to match the height of the higher part of the existing party garden wall between the two properties. Third Party concerns have been noted relative to this, however it would increase screening, as much of the boundary planting will be removed and I would recommend that if the Board decide to permit that this be included.
- 7.2.6. The issue of overshadowing has been raised by the Third Party. Sunlight/Shadow images have been submitted having regard to the impact on their property dated 21<sup>st</sup> of June and the 21<sup>st</sup> of December and have regard to the existing and proposed scenarios. These show some marginal additional overshadowing including on the 21<sup>st</sup> of June at 4.45pm. There will also be some additional overshadowing on the 21<sup>st</sup> of June at 8am. The Third Party have queried the accuracy of this study. However, in view of the nature and orientation of the proposed extension it is not considered that overshadowing is a significant issue.
- 7.2.7. However, having regard to the proposed extension, I would consider that it will be excessive in scale, length and bulk particularly when seen in the context of the existing house and length of adjoining extensions on the properties either side. I would be concerned that it would set an undesirable precedent for extensions to such houses and that it would impact on their character in this period terrace and the pattern of development of the area. I would recommend that if the Board decide to permit that it be conditioned that the family room at the rear be omitted and that the single storey extension not extend further than 10m from the rear of the existing

house. This would also allow for some element of redesign so that the ground floor kitchen window of concern to the appellant could be relocated to the rear.

### **7.3. Access and Parking**

- 7.3.1. There is concern that there is already limited parking to the front of this terrace of houses. That the provision of additional accommodation will only exasperate the existing parking congestion for all of the residents of St. Patrick's Terrace.
- 7.3.2. The proposed development would increase the number of bedrooms from 3 to 4. In accordance with Development Plan Standards as provided in Table 12.8 of the Fingal County DP 2017-2023, there is no additional parking demand associated with the proposed development. The existing dwelling has no parking provision and there is no scope to provide any parking within the curtilage of the proposed development. The proposed development provided the house and extension is restricted to use as a single dwelling as per condition no. 2 of the Council's permission is not considered to be an intensification of development. It is noted that the Transportation Planning Section of the Council has no objections to the proposed development.

### **7.4. Drainage issues**

- 7.4.1. The drawings submitted indicate a 150mm main underground sewer pipe traversing the site of the proposed extension. This pipe is the main artery for the sewage from houses no. 4,5,6,6a & 7 St. Patrick's Terrace. There is concern that this drawing is inaccurate and the Third Party submits a drawing to show the location of the sewer pipe nearer to the houses than is indicated.
- 7.4.2. It is noted that the drawings submitted in response to the appeal also show the existing public foul sewer shown well set back in the rear garden area. The Council's Water Services and Irish Water have no objection to the proposed development. If the Board decide to permit, I would recommend, that standard drainage conditions be included.

### **7.5. Screening for Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban 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 for the reasons and considerations below.

## 9.0 Reasons and Considerations

Having regard to the established residential nature of the site and the 'TC' Town Centre zoning objective for the area as set out in the Fingal County Development Plan 2017 - 2023, and to the nature and scale of the proposed development as a rear extension to an existing house, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of July, 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.

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

2. The proposed development shall be amended as follows:
  - (a) The length of the proposed single storey rear extension shall be reduced to a maximum of 10 metres from the existing rear elevation.

- (b) It shall be sited a minimum of 1m off the side boundaries.
- (c) The kitchen window shall be re-located to the rear elevation.
- (d) There shall be no overhanging of the first-floor extension over the party boundaries.
- (e) First floor side elevation windows shall be obscure glazed.

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

**Reason:** In the interests of orderly development and the amenity of the area.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

4. 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.

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

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

6. 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 and traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. 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.

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Angela Brereton  
Planning Inspector

26<sup>th</sup> of August 2020