



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307737-20

<b>Development</b>	Demolition of 2 garages/outhouses to the rear garden of no. 50 & 52 Clonliffe Road and construction of a dwelling on the combined rear gardens of both houses.
<b>Location</b>	50 & 52, Clonliffe Road, Dublin 3, D03 AK63 & D03 EP64
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	2685/20
<b>Applicant(s)</b>	Martin Grehan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Kathleen and William Doyle
<b>Observer</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> October 2020
<b>Inspector</b>	Máire Daly

## 1.0 Site Location and Description

- 1.1. The subject site is located at the junction with the Clonliffe Road and Orchard Road and combines the sites of dwellings number Nos. 50 and 52 Clonliffe Road. The site has a stated area of 178 sq m and is approximately 1.2km northeast of the city centre. The 2 no. existing dwellings are end-of-terrace, single-storey over basement level properties, with two-storey returns and single-storey rear extensions.
- 1.2. The site fronts onto Clonliffe Road to the south, Orchard Road to the south-west and north-west and onto a laneway which extends off Orchard Road to the rear and north. A two-storey, semi-detached dwelling known as "Orchard House" adjoins the north-eastern boundary of the site, one other house, which mirrors Orchard House in size and design then exists to the east, at the end of the laneway. A wall circa. 2.6m in height extends along the western boundary of the site, with Orchard Road on the outer side.
- 1.3. The rear gardens of Nos. 50 and 52 Clonliffe Road have been amalgamated and a number of single-storey shed and garage structures, which are proposed for demolition under the current proposals, are located to the rear and side boundaries of the combined site. A pedestrian entrance gate in the rear boundary wall provides access onto the rear laneway. Uncontrolled, on-street car parking is located along this laneway and Orchard Road.

## 2.0 Proposed Development

- 2.1. The proposed development is to comprise:
  - Demolition of 2 no. existing single storey domestic garages/outhouses (combined area of 52sq m) to the rear garden areas of both 50 & 52, Clonliffe Road, Dublin 3,
  - Construction of a single new two-storey detached 4 bedroom dwelling with a floor area of 131sq m, on the combined rear gardens of both houses.
  - Off street parking provision for 1 car with access from laneway to the rear.
  - Proposed new footpath along the front of the proposed dwelling 1.8m in width.
  - Associated site development works and service connections.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to seven conditions, most of which are standard in nature, but also including the following condition no.4:

*The Developer shall comply with the following drainage requirements of the Transportation Planning Division:*

- a) Driveway entrance shall have a minimum width of 2.5m and shall not have outward opening gates.*
- b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*
- c) The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

*Reason: To ensure a satisfactory standard of development*

The Board should note that there appears to be a typo above where reference to drainage requirements is made when in fact it refers to the Transportation Planning Division's requirements.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer (July 2020) reflects the decision of the Planning Authority. The Planning Officer notes the following in their report:

- The proposal is acceptable in principle within the Z1 zoning.
- The proposed development complies with the density controls as sets out within Sections 16.4 and 16.6 of the Dublin City Development Plan 2016-2022. The proposal is compliant with current density recommendations and is welcomed by the planning authority in principle as it would make good use of underutilised, residential zoned land in the city.

- The proposed development with its hipped roof design and adherence to the existing building lines along the laneway and Orchard Road reflects and complements the existing uniformity and character that exists along the streetscape.
- The zinc cladding proposed around two of the windows at first floor level is considered acceptable.
- The area planner noted the three existing windows on the western elevation of Orchard House face onto the shared boundary with the proposed development. An observation was lodged by the residents of this property objecting to the proposed development due to the potential impact that the development may have on the availability of light to Orchard House. The planner states that it would be unreasonable to expect development of the subject site to be sterilized as a result of the adjoining property. They state that Orchard House is located adjacent to an infill site suitable for the provision of housing and therefore the proposal must be assessed as such.
- The current proposal has sought to address the previous reason for refusal on the same site by setting back the proposed dwelling from the adjoining boundary by 2.9m and also proposes to insert frosted glazing on the only window that faces the common boundary in order to prevent overlooking.
- The proposed dwelling meets all the requirements and standards for residential development as outlined in the guidance document 'Quality Housing for Sustainable Communities', this includes standards for internal space requirements and private open space requirements.
- The area planner notes that the subject site is located on the boundary of Area 2 and Area 3 of Map J of the Dublin City Development Plan 2016 – 2022. Table 16.1 of the Development Plan outlines the maximum car parking standards for residential units in this area as being between 1- 1.5 spaces per dwelling. The area planner notes the Transportation Planning Division's concerns regarding the minimum width for new accesses. The current proposal has an access width of 2.4m and a condition has been attached to the notification of decision to grant permission to widen this access width to

2.5m in accordance with the recommendations of the DCC Transportation Planning Division.

### 3.2.2. Other Technical Reports

- Drainage Division – DCC Report dated 16/06/20 – no objection subject to conditions.
- Transportation Planning Division – DCC Report dated 24/06/20 – No objection subject to conditions which ensure that the driveway entrance proposed will have a minimum width of 2.5m and shall not have outward opening gates.

### 3.3. Prescribed Bodies

Irish Rail – No response.

Irish Water – No response.

### 3.4. Third Party Observations

One third party observation was received from Mr & Mrs William and Kathleen Doyle who are the residents of Orchard House, which is the dwelling on the adjoining site to the east of the proposed development. The following concerns were raised:

- The observers state that there were three incorrect statements in the submitted application documents, these relate to the following:
  - use of the existing garages, which the observers state are used regularly.
  - They state that their house 'Orchard House' is not a mews development and therefore that a precedent has not been set on the laneway for this type of development.
  - They also state that there has been previous flooding on the lane.
- The current sewage system used by Orchard House and three other properties is under severe stress. Therefore, concerns are raised regarding the capacity of this sewer to deal with additional development.
- Concerns raised that the proposed development will restrict the light available to the windows on the side gable of Orchard House.

- Existing carparking and traffic issues on the lane would only be further exacerbated by the proposed development and construction works may cause road safety issues.
- The proposed off-street parking space and the positioning of windows on the proposed dwelling would have an impact on their residential amenity.
- The proposed development if constructed would set an unwanted precedent for this type of infill development.
- Issues raised in relation to deeds and property boundaries.
- The proposed development varies little from previous proposal on site and still results in overdevelopment of the site.
- Copy of signatures attached from local residents in support of the observation lodged has also been attached.

#### 4.0 Planning History

- ABP Ref. 305649-19 (P.A. Ref. 2367/19 DCC) – 2020 - Permission refused for demolition of two number existing single storey domestic garages/outhouses to the rear garden areas of both numbers 50 and 52 Clonliffe Road and the construction of two number two bedroomed, two-storey, semi-detached mews dwellings on the same site at numbers 50 and 52 Clonliffe Road, Dublin. The following reason for refusal was given:

*Having regard to the site location and its proximity to separate adjoining residential properties, the Board considered that the proposed development would seriously injure the amenities of the area, including property in the vicinity, by reason of overbearance. In addition, it is considered that the provision of two dwelling units would constitute overdevelopment of this tight back-land site.*

## 5.0 Policy Context

### 5.1. National Guidance

5.1.1. **Quality Housing for Sustainable Communities** – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). The following sections are particularly relevant to the current proposal:

- Section 1.4 Detailed Considerations, Inspection and Report and Subsection 1.4.1 – Infill sites.
- Section 4.3.4 Densities – states '*Infill developments and urban redevelopment projects should respect the character of the existing neighbourhood*'.
- Section 4.3.5 Private Space states '*Provision for private open space should take account of the requirements of the Development Plan for the area*'.
- Table 5.1: Space provision and room sizes for typical dwellings – 4BED/7P House (2 storeys) – Target gross floor area – 110sqm, Minimum Main living Room – 15sqm, Aggregate Living Room -40sqm, Aggregate Bedroom Area – 43sqm, Storage – 6sqm.

5.1.2. **Sustainable Residential Development in Urban Areas** (Cities, Towns and Villages) Planning Guidelines, DEHLG, 2009.

- Section 5.9 Inner suburban/infill:
  - (i) Infill residential development – *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*

### 5.2. Development Plan

5.2.1. The operative Development Plan is the Dublin City Development Plan 2016-2022. Land use zoning objective Z1 '*to protect, provide and improve residential amenities*'.

### 5.2.2. Chapter 5 Quality Housing

- **Policy QH1:** To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).
- **Policy QH8** - To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- **Policy QH13** - Housing design compatible with 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- **Policy QH22** – To ensure that new housing development close to existing houses has regard to the character and scale of existing houses unless there is a strong design reason for doing otherwise.

### 5.2.3. Chapter 16 – Development Standards

- **Section 16.2.1 – Design Principles**
- **Section 16.2.2 – Design Standards – Sub section 16.2.2.2 Infill development**
  - Within terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole.
- **Section 16.5 – Plot Ratio.**
- **Section 16.6 – Site Coverage.**
- **Section 16.10.2 Residential Quality Standards** – Houses – sets out standards to be achieved in new build houses, including consideration of:
  - Floor space
  - Private Open Space – 10sqm per bedspace. Generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city.
  - Aspects, Natural Light and Ventilation.



- Separation distance – 22m sought between the rear of 2-storey dwellings.

- **Section 16.10.8 Backland Development**

- The development of individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. Applications for backland development will be considered on their own merits

- **Section 16.10.10 Infill Housing**

Infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
- Comply with the appropriate minimum habitable room sizes.
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

5.2.4. **Appendix 5: Roads Standards for Various Classes of Development** states:

- Where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates.
- The design standards set out in the planning authority's leaflet 'Parking Cars in Front Gardens' shall also apply.

5.3. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. An appeal has been lodged by Kathleen and William Doyle, Orchard House, Orchard Road, Dublin 3, the grounds of which can be summarised as follows:

- While the current proposed plan has been set back a bit from Orchard House, the appellants, in their opinion, still believe the development will result in an overdevelopment of the site and would impact on their residential amenity at ground floor level, by impacting on the availability of light to their downstairs area.
- The nature of the narrow parking space and its location within such close proximity to the appellants ground floor windows will be intrusive and dangerous as it blocks the appellants means of emergency escape from their downstairs window.
- The ground floor plan conflicts with the deed plan for Orchard House in the location of the proposed bin storage area.
- The proposal will result in overdevelopment of the site and will have an overbearing impact taking into account its height and scale, the location of the car parking and the large patio sized footpath proposed. The jutting windows onto the lane and onto Orchard Road make it even more imposing.
- Previous flooding issues have been experienced in the area.
- The development would compound parking problems on Orchard Road, with numerous businesses in the area and Croke Park within close proximity and also approval of other housing developments in the area which will increase demand.
- The impact of construction works on this site would result in traffic impacts and would be extremely dangerous for the general public but in particular for children who play in the area.
- The non-resident landlord of the property has already placed the property, as if it had a grant of planning permission, on the market for sale in three separate lots.
- The current proposal would result in the same impacts as outlined under the previous proposal for the two, two-bedroomed houses.

## 6.2. Applicant Response

6.2.1. A response to the third-party appeal was lodged on 24<sup>th</sup> August 2020, which can be summarised as follows:

- The applicant submits that the appeal relates to the same arguments as put forward in the previous appeal submission. Any negative aspects of the first application have been eliminated in this new application which is for a single detached house and an additional distance of 2.4m is considered above normal and entirely reasonable.
- There will be no loss of daylight to the side windows of Orchard House contrary to the argument put forward by the appellants.
- The applicant has previously and as part of the current proposal put forward an alternative proposal which they believe works well and meets all the requirements of the development plan.
- The appellants in their submission fail to note their gable wall is located on the boundary line and as such they shouldn't have any window on that wall. The applicant states that it is them who in fact overlook his property. Nonetheless the applicant has respected the fact that a window exists by including a separation distance of 2.4m to the proposed dwelling.
- The applicant states that all other issues relating to flooding, sunlight and car parking have been addressed by agreement with DCC.
- The applicant states that he is aware that the current decision to grant permission in this application is not a final grant and he doesn't currently have planning permission for this development. He states however that this is irrespective of whether he intends to sell the site or develop it himself after this application.
- The applicant states that he has provided a comprehensive flood assessment report as part of his original submission and this has been deemed acceptable by the Drainage Department of DCC. The applicant states that the development will not cause flooding in the area and that there is no greater extent of hard surface area involved from the current situation on site with the two garages in place.

- The proposed dwelling will utilise an infill site in an attractive manner and consolidate the corner. There are many other precedents for this type of development in the area

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

- None received

### 6.4. **Observations**

- None received.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows which are addressed in the sections that follow:

- Impact on Neighbouring Properties
- Design Standards
- Carparking
- Flooding
- Other issues raised under appeal
- Appropriate Assessment

### 7.2. **Impact on Neighbouring Properties**

7.2.1. The appellant in their submission raises concerns regarding the impact that the proposed development may have on their availability to light in the ground floor rooms and also the overbearing nature that will result on their property if the dwelling is constructed.

7.2.2. The appellant's property "Orchard House" is built up to the north-eastern boundary of the application site and has 3 no. windows in its side (north western) elevation facing

the side elevation of the proposed dwelling. Two of these windows are at first floor level and one is at ground floor level on this elevation/shared boundary. A separation distance of 2.4m to 2.9m respectively is proposed between both properties, this space is proposed to be used for off street carparking for the proposed dwelling.

- 7.2.3. The proposed dwelling has one window on its south-eastern elevation which faces the appellants house. This window provides light to the upstairs main bathroom and therefore a condition can be attached to ensure obscured glazing is used to prevent any potential for overlooking.
- 7.2.4. The existing separation distance on site between the north western elevation of 'Orchard House' and the existing garage on the appeal site is approx. 2.1m. The height of the existing garage structure is approx.3m. The proposed height of the two-storey dwelling house is 5m to eaves height, with the hipped roof measuring an additional 2.6m. Given the additional separation distance proposed and the roof design proposed, it is not envisaged that the proposed dwelling will cause any excessive overshadowing of the appellants property at 'Orchard House' or any of the other properties in the vicinity.
- 7.2.5. The applicant has sought to address the previous reasons for refusal on site under ABP Ref. 305649-19 by reducing the size of the proposal from 149sqm to 131sqm and also by reducing the number of units proposed on site, previously two units were proposed, the current application proposes one 4 bedroom dwelling. In addition, the applicant has increased the separation distance between the appellants dwelling and the proposed dwelling. It is considered that the dwelling as currently proposed mitigates against overlooking, overshadowing and any overbearing impact on the adjoining property to the east.

### **7.3. Design Standards**

- 7.3.1. The appellant states in their submission that the overall footprint of the proposed development is too big and overbearing for the site. In assessing if the proposal on site would constitute overdevelopment Sections 16.4-16.6 of the Dublin City Development Plan 2016-2022 have been consulted. The proposed development has a total floor area of 131 sq m and therefore would have a total plot ratio 0.83 and site coverage of 41%. According to the Dublin City Development Plan 2016-2022, an indicative plot ratio for Z1 lands is 0.5 - 2:0 and the indicative site coverage is 45%-

60%. The site coverage therefore is below the indicative standard, based on the figures determined the proposal is considered acceptable.

- 7.3.2. The proposed development would involve the construction of 1 no. 4 bedroomed, 2 storey, detached infill dwelling on lands to the rear of the site. The proposed dwelling seeks to complement the existing character and pattern of development along the surrounding streetscapes. The proposed dwelling has a hipped roof design which compliments that at 'Orchard House' and the end of terraced dwellings along Orchard Road.
- 7.3.3. In addition, the proposed dwelling keeps to the existing established building line along the laneway on which it fronts. The existing site is in a prominent location on the corner with Orchard Road and the laneway which travel east. The applicant has sought to incorporate some individuality into the proposed design through the inclusion of two proposed vertical 2m long windows cladded in zinc framing, one on the first floor front elevation and one on the first floor side (north-eastern) elevation, which faces onto Orchard Road. Given the existing pattern of development along Orchard Road and the orientation of dwellings facing onto the road, I do not consider that the addition of these 3 windows at first floor level facing onto the Orchard Road will cause any significant negative impacts on the residential amenities of those properties on the opposite side of the street or those in the vicinity.
- 7.3.4. The standards for residential development are outlined in the 'Quality Housing for Sustainable Communities' Guidelines 2007. Table 5.1 of the guidelines sets out the required minimum standards for space provision and room sizes for typical dwellings. The proposed development comprises a 131sqm two-storey 4-bedroom dwelling and having assessed the submitted plans I am satisfied that the dwelling exceeds the 110sq m minimum floor area standard and that the minimum room standards have also been met.
- 7.3.5. Section 16.10.2 of the Development Plan outlines the residential quality standards for private open space and states that a minimum standard of 10 m<sup>2</sup> of private open space per bedspace will normally be applied, with up to 60-70 m<sup>2</sup> of rear garden area sufficient for houses in the city. An area of 77.8sq m of private open space is proposed to the rear of the dwelling which is considered satisfactory. The provision of this open space to the rear of the proposed property in turn reduces that available

to the other properties on site at no.50 and no.52 Clonliffe Road. If the development is permitted no.52 will have a reduced garden space of 51sqm and no. 50 will have a garden space of 60sqm. It is noted, according to the property sale advert submitted as part of the appeal that both dwellings have 3 bedrooms, which would in turn provide 5no. bedspaces, therefore if the minimum standards of 10sqm open space per bedspace is calculated a maximum of 50sq m would be required per dwelling, the current private open space allocation for these properties therefore appears to meet these requirements.

#### 7.4. **Carparking**

- 7.4.1. The appellants state that the proposed development will compound the parking problems already experienced on Orchard Road. The appellants note the demand from uses in the surrounding area at different times e.g. Croke Park and that other proposed housing developments in the area may also add to the demand for parking along Orchard Road and the laneway.
- 7.4.2. The appeal site is located on the boundary of Area 2 and Area 3 of Map J of the City Development Plan. Table 16.1 of the Development Plan outlines the maximum carparking standards for residential units in this area as being between 1- 1.5 spaces per dwelling. The applicant proposes to widen the existing pedestrian entrance to the east of the existing garage on site to a width of 2.4m to provide off street carparking for one car space via inward opening gates. I note the comments received from the Transportation Planning Division of DCC who raised an issue with regard to the width of the proposed access stating that '*Development Plan requirements stipulate that a new access must have a minimum width of 2.5m*'. Section 5.1 of Appendix 5 of the Development Plan states '*Where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates*'. The current separation between the proposed dwelling and Orchard house is 2.4m, therefore any widening of this entrance would require a reduction in the floor area of the proposed dwelling. Given that the additional 100mm space required in this instance is minimal, I would consider the existing 2.4m entrance in the case of this entrance acceptable. Given that there is manoeuvrability space on the laneway to allow for the necessary turning space in and out of the car space I would consider the proposal acceptable.

7.4.3. The carparking area will abut the side (western) wall of 'Orchard House'. The appellant argues that parking in this area may block the use of their window as an emergency escape. The window on the ground floor side elevation of 'Orchard House' appears to be small and therefore its application as an emergency exit window is questionable, however if required in my opinion there would still be sufficient space to exit if required.

7.4.4. In addition to the above the applicant also proposes to construct a new footpath of 1.8m in width to the front of the dwelling. The proposed footpath will incorporate a 100mm high kerb. A drop kerb and dished footpath is to be provided at the eastern end of the new footpath to provide access to the proposed vehicular entrance. I see no issue with this proposal.

## 7.5. **Flooding**

7.5.1. The appellant submits that the proposed development may cause a recurrence of previous flooding problems in the area. As part of the documentation submitted with the original application, the applicant submitted a 'Roads and Drainage Report'. This included details for the surface water drainage from the site. The existing garage/shed structures on site have a stated combined floor area of 52sq m. The proposed dwelling has site coverage equivalent of 65.5sqm. The applicant states in their submitted report that the proposed development therefore does not represent a significant increase in the impermeable area on site however they have put forward a number of measures to improve surface water management for the site, these include the following:

- Rainwater harvesting tanks which will collect initial run off from roofs, which can in turn be used for re-use in the house and therefore reduce the amount of total run-off to the public system.
- Overflow from any rainwater harvesting will then be collected in the onsite soakaways proposed in the rear garden which will allow discharge to ground and attenuation of peak flows. Any overflow from the soakaways will then be directed to the storm sewer on Orchard Road.

7.5.2. In considering the foregoing I note that the mechanism proposed above will ensure that where possible water is attenuated on site and that any excess is directed to the existing stormwater sewers rather than the combined sewers. This will significantly



reduce the chances of flooding as result of complications with the public sewer system.

- 7.5.3. I note that the applicant has not submitted any assessment in relation to flood risk. Having consulted with the most up to date flood information available from the Eastern CFRAMS study (Nov 2017), available on the OPW's website [floodinfo.ie](http://floodinfo.ie) no probability of fluvial or coastal flooding is recorded in the area. The Drainage Division of Dublin City Council had no objection to the proposed development subject to conditions, including the undertaking of an appropriate Flood Risk Assessment in accordance with OPW Guidelines and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment. This requirement is considered reasonable should planning permission be granted in this instance. I am therefore satisfied that the measures proposed on site address any concerns raised in relation to flooding in the vicinity.

#### **7.6. Other issues raised under appeal**

- 7.6.1. The appellant submits that the ground floor plan of the proposed development is at odds with the deed plan for Orchard House with reference to the proposed bin storage area. I note that this is not a relevant planning consideration and draw the Board's attention to Part III, S. 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

#### **7.7. Appropriate Assessment**

- 7.7.1. Given that the development is proposed to be connected to the public water supply and drainage networks, and having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

### **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted subject to conditions.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not injure the residential or visual amenities of the area or of property 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. 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 the 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. Obscure glazing shall be provided in the side elevation (southeast) 1st floor bathroom window.

**Reason:** In the interests of residential amenity.

3. The Developer shall comply with the following requirements:
  - a) The gates provided on the driveway entrance shall be inward opening only.
  - b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
  - c) Prior to commencement of development the developer shall submit details of the footpath serving the proposed development to the planning authority for written agreement.

**Reason:** To ensure a satisfactory standard of development

4. (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) The developer shall ensure that an appropriate Flood Risk Assessment, in accordance with OPW Guidelines and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment, is carried out for the proposed development.

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

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development

8. 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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Máire Daly  
Planning Inspector

04<sup>th</sup> November 2020