



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308464-20

---

<b>Development</b>	Demolition of eastern boundary wall of existing rear garden and construction of 2 storey dwelling.
<b>Location</b>	71, Collins Avenue East, Donnycarney, Dublin 5
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB1351/20
<b>Applicant</b>	Paul Daly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	First Party v. Conditions
<b>Appellant</b>	Paul Daly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> January 2021
<b>Inspector</b>	Máire Daly

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 170sq.m is comprised of the rear garden of existing end of two storey, hipped roof terrace dwelling house off Collins Avenue East, approximately 300m east of Parnell Park in north Dublin city. Clontarf Golf Club is located to the immediate south of the site's boundary. Screen netting runs along the boundary with the golf club grounds to the rear of the site. A narrow row of deciduous trees runs south of the rear boundary, and a row of tall broad evergreens runs along the boundary with the service laneway to the southeast of the site.
- 1.2. No. 71 Collins Avenue has an extensive rear garden, running approximately 33m long from the rear wall of the dwelling house to the rear boundary. The adjoining sites to the northwest have the same layout, with the gardens gradually decreasing in length the further west one travels. Several of the dwellings in the terrace have larger sheds or ancillary accommodation located along the rear boundaries of their sites.
- 1.3. A side wall approximately 2m high runs along the south-eastern boundary of the site, and a side alleyway is located outside of this. This alleyway provides access to rear service area and carparking areas of the adjoining 'Z3' zoned two storey shopping parade. Access to the rear of these properties is currently available through two separate entrances off this alleyway.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Construction of 1no. three-bedroom, two storey dwelling of 110sq.m in area.
  - The partial demolition of the existing eastern boundary wall facing the adjacent laneway.
  - A new vehicular access onto the existing laneway situated on the eastern boundary of No.71 Collins Avenue east and discharging onto Collins Avenue East
  - Creation of an access laneway to the rear of the site, to provide future access opportunity to sites to the west.

- The provision of 1 no. new parking space and bin store.
- All associated site and infrastructural works including foul and surface water drainage, surface car parking, landscaping (hard and soft).

2.1.1. The Board should note the following changes to the development are proposed as a result of further information received by the planning authority (August 2020):

- Reduction in no. of bedrooms from three to two and rearrangement of downstairs layout.
- Increase in upper floor amenity space from 33sq.m to 40sq.m (including new 5sq.m recessed patio on eastern elevation at first floor level).

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 10 conditions, most of which are of a standard nature, but also included the following Condition no.3:

*3. The development shall be revised as follows:*

*a) The western side 1.8m high obscure glazing screen boundary treatment shall be set back at least 1.5m from the boundary with No.73, with the 1st floor deck layout and internal layout rearranged as required.*

*b) The rear 1st floor elevation of the revised 2- bedroom 4-bedspace mews dwelling shall be constituted by either a wall and/or opaque glazing to at least 1.8m above finished floor level for a distance of at least 1.5m back from the boundary with No.73 Collins Avenue East, with the access to the 1st floor outdoor deck relocated as required.*

*c) The proposed 5m<sup>2</sup> recessed living room side terrace space shall be either incorporated back into the main living area, with the option of being fitted with a high level opaque glazed clerestory type window at least 1.8m above finished floor level, or the recessed side terrace shall be fitted with an external solid or opaque glazed screen to at least 1.8m above finished floor level.*

d) *The proposed eastern-side fin screen on to the existing access laneway shall be fitted with angled vertical slats that redirect overlooking to the south as much as possible and away from the rear of No.69 Collins Avenue East, or shall be replaced by a 1.8m high screen.*

e) *The southern 1st floor screen may be fitted with vertical fins for its entirety or as required.*

f) *No flat roofed area shall be used or accessed as roof garden/patio space or any additional roof plant, from what is depicted, be placed on the roof which projects above parapet-level whether or not they would be exempted developments*

*Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.*

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

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

#### Initial Planner's Report August 2020

- The area planner noted that the proposed mews is the first such development along this section of Collins Avenue East and may set a precedent for adjoining plots with similar site parameters.
- An indicative masterplan for the development of these adjacent sites has been submitted with the application.
- A 5.5m gap is proposed between the southern side of the proposed dwelling and the existing southern boundary with Clontarf Golf Course – Section 47 agreement is recommended on any grant of permission which would allow for the provision of shared access over this area of the current site to allow for future access to adjoining lands.
- The proposed development meets the standards outlined in the DECLG's 2007 guidelines 'Quality Housing for Sustainable Communities'.

- Concerns regarding outlook, daylight and sunlight impacts on 3<sup>rd</sup> parties. Concerns that the 1.8m louvre type screening at first floor patio level will not be sufficient to prevent overlooking of neighbour's garden to west. Further information was requested to investigate the possibility of relocating the open terrace and its 1.8m high screening towards the eastern side of the layout.
- Only 51sq.m of private open space is to be provided as part of the development and only 33sq.m (located at first floor terrace level) of this is considered useable. The area planner stated that the net bedspace should be reduced to comply with the required standards in the development plan – further information requested to show same.

#### Planning Authority Report September 2020

Further information was submitted on 27<sup>th</sup> August 2020. This proposed changes to the treatment of elevations, an increase in private amenity space at first floor level, the reduction in the number of bedrooms to two (two-bedroom 4-bedspace mews) and the provision of a small playroom at ground floor level, where the single bedroom was previously proposed. The open lightwell to the north western corner of the site has also been removed and the space will now form part of the mews dwelling. The area planner made the following comments:

- The applicant proposes an opaque glazed treatment to the western first floor terrace screening. The area planner stated that they had previously recommended that this screen be recessed slightly back off the western boundary. As no daylight or sunlight review was submitted as part of the further information, it is not clear if the change to an opaque glazed boundary will have any reduced impact on 3<sup>rd</sup> party sites to the west or reduce the amount of overshadowing of these gardens. The area planner therefore recommended that the proposed first floor patio area is flipped to the eastern side of the layout and screening should be set back by at least 2m from the westerly edge of the site. Condition no.3 reflects this required change.
- In response to the second point of further information, the area planner notes the proposed changes to the design. They do not believe the newly proposed recessed first floor 5sq.m terraced on the eastern elevation can be considered fully useable open space, given the high screening also proposed to prevent

overlooking. The omission of the lightwell in the north western corner was also noted and the insertion of the ground floor recessed ope fronting onto the shared laneway on the eastern side, to provide light to the downstairs rear bedroom, in lieu of the now omitted lightwell to the north west corner.

### 3.2.2. Other Technical Reports

- DCC - Engineering Department (Drainage Division) two reports submitted, both stated no objection, subject to conditions.
- DCC – Transportation Planning Division report stated no objection, subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

### 4.1. On site:

- P.A. Ref. 4531/19 – 2020 – Permission refused for 87.5m<sup>2</sup>, 2- bedroom, 4- bedspace, 2-storey flat-roofed brick finished dwelling in rear garden of no.71 Collins Avenue East. Reason for refusal stated as follows:

1. *Having regard to the Residential Quality Standards set out in Sections 16.10.3 Residential Quality Standards and 16.10.16 Mews Dwellings of the Dublin City Development Plan 2016-2022, it is considered that the proposed development would result in a deficient provision of usable private open space for future occupants of the 2-bed 4-bedspace dwelling, would not adequately provide for the development potential of adjacent lands, and would, therefore, give rise to a development of substandard quality in relation to residential amenity, would contravene the provisions of the said development plan, and by itself and by the precedent it would*

*set, would be contrary to the proper planning and sustainable development of the area.*

- P.A. Ref. 3362/09 – 2009 – Permission granted for part single-storey and part two-storey extension to the rear of existing dwelling at no. 71 Collins Avenue East and new entrance onto the side laneway with car parking (this part of the proposal is located on the current site).

#### 4.2. Adjoining site to north – house at no.71 Collins Avenue East

- P.A. Ref. 3224/18 – 2018 – Permission granted for 16.5sq.m single storey side and front porch extension and modifications to existing boundary wall and existing south elevation to incorporate new window and door openings.
- P.A. Ref. 4020/17 – 2018 - Retention permission granted for front vehicular access gateway, 3.6m wide between gateposts and new boundary wall and associated site drainage works to the driveway.

## 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 4.3.5 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 – 2BED/4P House (2 storeys) – Target gross floor area – 80sqm, Minimum Main living Room – 13sqm, Aggregate Living Room – 30sqm, Aggregate Bedroom Area – 25sqm, Storage – 4sqm.

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

- Section 5.9 Inner suburban/infill:

5.1.3. Quantitative methods for daylight assessment are detailed in the following documents:

- *BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* and;
- *BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting*.

## 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 QH13** - Housing design compatible with 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- **Policy QH21** - To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.
- **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 16.10.2** 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.

5.2.4. **Section 16.10.8** Backland Development

5.2.5. **Section 16.10.16** Mews Dwellings.

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

5.3. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A first-party appeal has been lodged against Condition no.3 parts (a) and (c), which was attached to the Planning Authority’s notification of a decision to grant planning permission. The following grounds of appeal are raised:

Condition no. 3 (a):

- The request to set back the western 1.8m screen boundary by 1.5m as stated under Condition 3 (a) is onerous and will reduce the amount of outdoor space available to the applicant and his family.
- The applicant refers to the planner’s assessment of the previous application on site under P.A. Ref. 4531/19 which stated in that instance, that it was not considered that the proposed new dwelling would result in any significant obstruction to adjoining 3<sup>rd</sup> parties access to daylight.
- The length of the adjoining garden at 33m long from rear of ground floor extension to southern boundary, along with the site’s southern orientation would allow for future mews development. The applicant has insured a gap of 5.5m between the southern boundary of the proposed mews structure and the

golf course boundary, to allow for the development of a future access road to open up the potential development of the adjoining back gardens to the west.

- The design of the proposed dwelling took account of the impacts on the neighbouring properties and sought to mitigate these by virtue of its flat roof and stepped design approach. In addition, the proposed replacement of solid walls on the western boundary with opaque glazing with associated timber/aluminium fin cladding screen sought to allow more light into the neighbouring garden to the west and reduce the impact of the structure.
- The applicant has submitted revised daylight analysis drawings which show setbacks of 400mm, 700mm and 1500mm respectively and states that these setbacks have minimal impact on the neighbour's amenities. He states that the issue at hand is the tall trees present to the southeast of the site, along the boundary of the golf course, which places the rear gardens on Collins Avenue East in shade. The daylight analysis clearly shows the impact that these trees have on the rear garden of no.73.
- The applicant requests that a minimal setback be allowed, so as to retain as much amenity space for the new dwelling as possible.
- The applicant also suggests that a gate be provided to the top of the mews lane in the interim for security purposes.

Condition no. 3 (c):

- The applicant wishes to appeal the planning authority's condition stating that they have concerns regarding antisocial activity on the laneway. The applicant feels that it is essential to maintain the full height opening at first floor level which overlooks the laneway and entrance to the house and will act as a deterrent for anti-social activity in the laneway.
- The applicant refers to good practice in house management guidance which encourages overlooking of all public/semi-public areas.
- The applicant refers to the previous application on site P.A. Ref. 4531/19 which saw a bedroom window proposed on the eastern elevation, for which the area planner at the time was satisfied, provided some form of screening/obscuring measures were applied to the window.

- While the applicant acknowledges overlooking of third party lands to the east at no. 69 Collins Avenue East needs to be avoided, they highlight condition no.3 (d) which provides the option of a fin screen, which is to be angled to the south to redirect overlooking as much as possible away from the rear of the neighbouring property. The applicant suggests that the same treatment be applied to the 5sq.m recessed terrace space or that a full height window could replace this terrace area, and that southerly angled fins could be put in place to ensure overlooking of the commercial premises is negated.

## 6.2. Planning Authority Response

- None.

## 6.3. Observations

- None.

## 7.0 Assessment

- 7.1. This is a first-party appeal against Condition no. 3 parts (a) and (c) attached to the planning authority's decision to grant permission. Condition no. 3 (a) requires the 1.8m high obscured glazing screen boundary treatment on the western side of the first storey to be set back at least 1.5m from the boundary with no. 73 Collins Avenue East. Condition No.3 (c) requires the 5sq.m recessed side (eastern) terrace area to be either incorporated back into the main living area, and an opaque window to at least a level of 1.8m above finished floor level be inserted in its place, or that the recessed side terrace remain but that it be fitted with an external solid or opaque glazed screen to at least 1.8m above finished floor level.
- 7.2. Having regard to the nature and scale of the proposed development and the nature of Condition no. 3 (a) and (c), it is considered that the determination by the Board of the application, as if it had been made to it in the first instance is not warranted and a de novo assessment is not required. I am satisfied that the proposed development is otherwise in accordance with the proper planning and sustainable development of the area. Therefore, the Board should determine the matters raised in the appeal

only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

### **7.3. Condition No.3 part (a)**

- 7.3.1. The applicant in their appeal highlight the amendments which have been made to the overall design of the dwelling and site at the request of the planning authority. These have included the reduction in the number of bedrooms and an increase in private amenity space for the occupants. They also highlight that by reason of the proposed mews access laneway, which will allow access to possible future mews developments to the west, their site area has been significantly reduced, by a width of 5.5m from the southern boundary to the southern wall of the proposed dwelling unit. The applicant states that the first-floor outdoor space/terrace is an important space in this family home, and any reduction as proposed by Condition no.3 (a) would impact significantly on their residential amenities.
- 7.3.2. Condition no.3 (a) requires the western boundary which is to be comprised of a 1.8m high obscure glazing screen boundary to be set back at least 1.5m from the boundary with the adjoining property at no. 73. This would in turn necessitate the rearrangement of the 1<sup>st</sup> floor outdoor deck layout. The area planner had originally raised concerns regarding the impact of the initially proposed first floor western boundary wall, which by the nature of its mainly solid form would impact on the availability of light to the neighbouring garden at no.73 and would cause overshadowing. I note the applicant in response to planning authority's further information request proposed an amendment to the finish of this wall, to incorporate aluminium/timber fins with opaque glazing placed behind for the entirety of the length of the wall, so as to reduce the bulk and massing along the western boundary while also addressing the concerns in relation to privacy, availability of daylight and the neighbour's amenities. The area planner in response, noted that no daylight or sunlight analysis was submitted and recommended a significant change to the plans and set back of the western boundary.
- 7.3.3. Guidance on testing daylight/sunlight access to garden areas is provided in Section 3.3 of the 'BRE209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. The potential for good sunlight amenity in outdoor spaces is assessed with regard to the area which is capable of receiving direct sunlight. The BRE209 Guide

advises that an outdoor space will appear adequately sunlit through the year in instances where at least half of its area is capable of receiving two hours of direct sunlight on the 21st of March. The neighbouring garden at no. 73 is over 33m in length from the rear of the dwelling to the rear boundary wall. I note that the applicant has submitted a daylight analysis with their appeal statement, which clearly shows how the proposed additional setback of 1.5m will have no discernible impact on the availability of daylight to the neighbouring garden. According to the submitted drawings, approximately half of the area of overshadowing in the adjoining rear garden on 21<sup>st</sup> March would be caused by the proposed main dwelling structure to central area in the garden. The remaining southern end of the garden in fact would not be significantly impacted by the proposed screening, as it is the existing tall trees to the south of the site (along the golf course boundary) that cause the majority of overshadowing to this southern area of the garden. While a small difference is noted between the various setbacks submitted, with regard to the amount of overshadowing to southern middle area of the adjoining garden, this is considered negligible. In any case, the gardens to the west of the site are south facing and of a significant length to ensure that an adequate area receives daylight throughout the day and is in accordance with the advice set out in the BRE Guide. I therefore see no reason as to why the western first floor boundary should be set back 1.5m as required in Condition no.3 (a) and I am satisfied that the boundary treatment as provided for in the submitted plans Dwg No – 006 Rev – A and Dwg No – 004 Rev B which incorporate vertically perforated screening/fins and opaque glazing is adequate to ensure no significant negative overlooking or overshadowing of adjoining properties to the west, while also allowing for the future development of the adjoining site to the west without constraints.

- 7.3.4. In addition, while a negligible difference in overshadowing is noted between the various set back levels, a much larger impact is noted on the availability of private amenity space in the proposed development. To necessitate a setback of 1.5m would see a loss of approx. 10.5sq.m in private amenity space bringing the total area available to below 30sq.m, which would be contrary to the requirements set out in the Section 16.10.2 of the development plan, which requires 10sqm minimum of private open space per bedspace. In my opinion the minimal reduction in overshadowing to the neighbouring property would not justify the loss of such a large

area of private amenity space. Therefore, taking all matters into consideration, I would recommend the removal of this part of the condition.

#### **7.4. Condition no.3 part (c)**

- 7.4.1. The applicant also wishes to appeal Condition 3 (a), stating that while they appreciate the need for the fin screening, they feel it is essential to maintain the full height opening at first floor level so as to allow some form of surveillance of the laneway and entrance to the proposed property and to combat anti-social activity.
- 7.4.2. The proposed 5sq.m terrace was incorporated into the plans as part of the response to further information. The area planner in their second report questioned the usability of the space and therefore its contribution to the overall private open space allocation for the dwelling house. Having examined the plans, I would consider that the space is indeed useable by virtue of the foldable doors that will allow access to it and provide an extension to the kitchen/dining room area. Though not a conventional approach to open space, the terrace will allow fresh air and light to enter the first-floor area and add to the quality of space available to the occupants. I acknowledge however that unscreened, the terrace would allow for overlooking of 3<sup>rd</sup> party lands across the existing laneway, 6 metres to the east. This area is currently used as a rear yard, which services the properties on the Z3 neighbourhood centre zoning, facing onto Collins Avenue East. A solution to the issue of overlooking has been proposed by the applicant, one which was already discussed and considered appropriate in a previous application on the same site (P.A. Ref. 4531/19). This solution involves changing the angle of the vertical slats/fins, so as to redirect overlooking to the south as much as possible, thereby creating an obstacle to overlooking the 3<sup>rd</sup> party lands to the east. I see no issue with this approach and would think it satisfactory to alleviate any potential overlooking of adjoining properties to the east, while also allowing some degree of surveillance for the residents of the proposed property onto the laneway in a south easterly direction.
- 7.4.3. With regard to the ground floor rooms and adequate lighting to same, a recessed open fronting onto the eastern laneway is proposed in the area under the proposed terrace. A small 1 metre wide window set back approx. 700mm from the side elevation is proposed, which will provide light to the rear ground floor bedroom. With the setback involved and the proposed fin screening to the eastern elevation, I have

concerns regarding the quality of lighting that will be available to this room. In order to ensure sufficient daylight is available to this room, I would recommend that this window opening is extended to the south to the internal wall boundary of the room (adjacent to the en-suite). The Board should note that there are discrepancies in the measurements and scales presented on the drawings, therefore an accurate measurement of what is required cannot be given. I would therefore recommend that Condition no. 3 (c) is amended to include the above stipulation, as well as the requirement for angled fin screening (as required for the first-floor terrace) to ensure a degree of privacy. Revised plans and drawings showing these amendments should be submitted to the planning authority for agreement prior to commencement of works, as required under Condition no.3.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, 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. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** condition number 3 as follows:

3. The development shall be revised as follows:

- a) The rear 1st floor elevation of the revised 2- bedroom 4-bedspace mews dwelling shall be constituted by either a wall and/or opaque glazing to at least 1.8m above finished floor level for a distance of at least 1.5m back from the boundary with No.73

Collins Avenue East, with the access to the 1st floor outdoor deck relocated as required.

b) The proposed recessed eastern 5sq.m terrace at first floor level and ground floor recessed area underneath shall be screened/fitted with angled vertical slats/fins that redirect overlooking to the south as much as possible and away from the rear of No.69 Collins Avenue East. In addition, the rear bedroom window located on the eastern elevation, to the inside of the screened area at ground floor level, shall be redesigned to incorporate a larger area of glazing extending southwards.

c) The proposed eastern-side fin screen on to the existing access laneway shall be fitted with angled vertical slats that redirect overlooking to the south as much as possible and away from the rear of No.69 Collins Avenue East, or shall be replaced by a 1.8m high screen.

d) The southern 1st floor screen may be fitted with vertical fins for its entirety or as required.

e) No flat roofed area shall be used or accessed as roof garden/patio space or any additional roof plant, from what is depicted, be placed on the roof which projects above parapet-level whether or not they would be exempted developments

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

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

## 9.0 Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed western boundary's first floor terraced area's screen boundary treatment, by reason of its limited scale, nature and design, and its location with respect to adjoining properties, would not result in significant overshadowing and would not seriously injure the amenities of the adjoining property. The planning authority's Condition 3 part (a) requiring the set back of the screened boundary is, therefore, not warranted.

In addition, it is considered that with adequate angled screening, the proposed recessed terraced area along the eastern elevation will not result in any significant levels of overlooking onto adjoining properties. However, given the set back involved a larger window at ground floor level is required to ensure adequate natural lighting to this rear bedroom. The planning authority's Condition 3 part (c) shall therefore be amended to incorporate these changes.

---

Máire Daly  
Planning Inspector

21<sup>st</sup> January 2021