



An
Bord
Pleanála

Inspector's Report

ABP-308645-20

Development

PROTECTED STRUCTURE:

Permission for the demolition of the two-storey extension to the side and the construction of a new two-storey extension to the side and rear. Internal alterations and general refurbishment works to the original house and a temporary opening in the east boundary wall for site access

Location

Thorndale, 31, Temple Road, Dartry, Dublin 6.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3242/20

Applicant(s)

Killian and Avril Whelan

Type of Application

Permission

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party

Appellant(s)

Mark McCann

Observer(s)

TII

Date of Site Inspection

23rd of February 2021

Inspector

Adrian Ormsby

1.0 Site Location and Description

- 1.1. The appeal site is c. 4.2km to the south of Dublin City centre at no. 31 Temple Road, Dartry, Dublin 6. The site is the curtilage of a two storey over basement level house with large garden areas with significant landscaping and high walls along its boundaries. The site has a stated area of 1836 sq.m.
- 1.2. The site is located on the corner of Temple Road and Richmond Avenue South. Temple Road runs from east to west and Richmond Avenue South runs from north to south. The Luas green line runs parallel to Richmond Avenue South and along the eastern boundary of the site. The site is located between the Cowper and Milltown Luas stops. The entrance to the site is located in the south eastern corner with the dishing to the public path onto the junction of both public roads.
- 1.3. The house is known as Thorndale and it and the site are recorded on Dublin City Council's Record of Protected Structures as RPS Ref No. 8050- 'House.' The house is a substantial three bay to front elevation, building with the elevation to Temple Road facing south. The house has a protruding gable to the west side of the front elevation and it is noted there are windows at first floor level on all elevations. The front, west side and rear elevations are finished with brown/yellow style brick with quoins. The east facing elevation is smooth plaster finishes. There is an existing recessed annex to the western side of the house that appears to adjoin the western boundary. There is a large landscaped lawn area to the front and side of the house. The rear of the property includes landscaped hard surfacing. There are mature trees and planting along all boundaries.
- 1.4. To the west of the site there is another large house No. 29 Temple Road. To the north there is a more modern style house known as 'Carns' that appears single storey. It is finished in red brick and is gable fronted with a recessed central entrance to the house. The southern boundary of this house adjoins the northern boundary of the application site.

2.0 Proposed Development

- 2.1. The proposed development comprises-
 - demolition of an existing two-storey extension to the west side (62 sq.m),

- construction/rebuild of a two-storey annex/extension to west side of existing house and construction of a two storey extension to the rear and north side (Total extension 263 sq.m), (total floor area proposed- 768 sq.m)
- a west-facing terrace at upper ground floor level
- internal alterations and general refurbishment works to the original house and
- a temporary 4m opening in the east boundary wall for site access

2.2. The application is accompanied by the following documentation-

- Design Rationale Report
- Conservation Report
- Building Survey Report
- Sunlight & Daylight Access Impact Analysis and
- A Drainage Report

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 19/10/20, subject to sixteen conditions generally of a standard nature including-

- C4- details to be submitted to demonstrate that the raised platform to the rear of the western extension and the external stair on the north western corner of the northern extension will not give rise to material overlooking of neighbouring properties.
- C8-11- Architectural Conservation conditions
- C13- tree protection

4.0 Planning Authority Reports

4.1. Planning Reports

The report of the Planning Officer (19/10/20) generally reflects the decision of the Planning Authority. The following is noted from the report:

- The proposal is acceptable in principle subject to compliance with the relevant sections of the development plan.
- The existing side extension to the west is to be increased in height by 650 mm over the same footprint. This extension would remain subordinate in scale to the protected structure, and the proposed materials will be in keeping with the character of the original building
- the two storey extension to the rear would extend beyond this east elevation into the side garden and will be sunken 900mm below existing ground level.
- the proposed extension will be a contemporary addition to the protected structure and it is considered that it would relate sensitively to the scale, proportions, design, period and architectural detail of the original building
- direct interventions to the fabric of the protected structure are limited in and minor in nature
- proposed materials are of high quality and will complement the existing structure
- given the position of the existing building and extension set back within the site together with the limited height and flat roof form of the extension and retention of boundary screening and planting within the site, the proposed works would not detract from the integrity of the protected structure or the character of the conservation area
- overall it is considered the proposed extension, alteration for refurbishment of the existing building would be appropriate having regard to the character of the protected structure and conservation area and therefore is in accordance with the policies of the City Development Plan 2016 to 2022 .

- It is considered that the post development is acceptable in terms of impacts from daylight, sun light and overshadowing
- Given the stepped height of the extension, the scale of the existing building, the separation distance from the boundary, and retention of boundary fencing and planting, it is considered that the proposed development would not result in a significant overbearing impact on adjoining occupiers. It is considered that material impact in terms of overlooking will not arise.
- With regards to overlooking towards the western boundary and No. 29 Temple Road, the platform to the rear of the western extension would enable a view into the neighbouring garden, however this can be addressed through the provision of a screen. It is not considered that a material impact in terms of privacy arises.
- The location of the proposed temporary entrance does not impact street parking, the provision of a temporary access is considered acceptable

4.2. Other Technical Reports

- Conservation Officer- No objection subject to condition
- Drainage Division- No objection subject to condition
- Transportation Division- No objection subject to condition

4.3. Prescribed Bodies

- Transport Infrastructure Ireland- No objection subject to condition including submission of a Construction Management Plan.

4.4. Third Party Observations

One submissions was received. The issues raised include-

- Overbearing impact of the development along the northern boundary
- Non-compliance zoning and policies of the Dublin City Development Plan

- The development is significant in scale in relation to the original house, its setting within its curtilage and that of neighbouring property.
- The traditional proportionate relationship in scale between the subject building and neighbouring buildings, returns, gardens and mews structures will be significantly and detrimentally altered and the landscaping and boundary trees, which contribute to the special interest of the structure will be destroyed.

These matters and others are also included in the third party appeal and are set out in the Grounds of Appeal in section 7.1 of this report.

5.0 Planning History

- None

6.0 Policy Context

6.1. National Guidance

6.1.1. Architectural Heritage Protection – Guidelines for Planning Authorities 2011

Chapter 6 deals with Development Control. Section 6.8.1 – 6.8.5 deals with ‘Extensions’ and are considered relevant guidance to the proposed development.

6.2. Dublin City Development Plan 2016-2022

6.2.1. The appeal site has a zoning objective ‘Z2 - Residential Neighbourhoods (Conservation Areas)’ within the Dublin City Development Plan 2016-2022, with a stated objective *‘To protect and/or improve the amenities of residential conservation areas.’*

6.2.2. The following sections and policies are of particular relevance-

Section 11.1- Built Heritage

CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

(a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest

(b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances

(c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials

(d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.....

Section 11.1.5.4- Architectural Conservation Areas and Conservation Areas.

The policy mechanisms used to conserve and protect areas of special historic and architectural interest include:

- Land-use zonings: Residential Conservation Areas (land-use zoning Z2)....

The policy to ensure the conservation and protection of the areas of special historic and architectural interest is as follows-

It is the Policy of Dublin City Council:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.....

Section 16.2.2.3 Extensions and Alterations to Dwellings-

....extensions should:

- *Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings*
- *Retain a significant proportion of the garden space, yard or other enclosure*
- *Not result in the loss of, obscure, or otherwise detract from, architectural features which contribute to the quality of the existing building*
- *Retain characteristic townscape spaces or gaps between buildings*
- *Not involve the infilling, enclosure or harmful alteration of front lightwells.*

Furthermore, extensions should:

- *Be confined to the rear in most cases*
- *Be clearly subordinate to the existing building in scale and design*
- *Incorporate a high standard of thermal performance and appropriate sustainable design features.*

- Section 16.10.12 Extensions and Alterations to Dwellings:

‘Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- *Not have an adverse impact on the scale and character of the dwelling;*
- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.’*

- Appendix 17 Guidance for Residential Extensions
- Section 17.3 Residential Amenity Issues
- Section 17.4 Privacy-

- *Balconies will only be allowed where they are well screened and do not adversely overlook adjoining properties. The use of the roofs of flat-roof extensions as balconies can often lead to problems of overlooking.*

6.3. Natural Heritage Designations

- None Relevant

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal was received from Mark McCann of Carns, Richmond Avenue South, Dublin 6 (neighbouring property to north). The grounds of appeal can be summarised as follows-

- DCC's grant of planning permission includes matters relating to the protection of our property and amenity by condition and agreement with the planning authority. It is unacceptable to have to expect compliance will do anything to address justifiable concerns.
- The applicant's Sunlight and Daylight Access Impact Analysis Report was accepted despite the fact that the proposed extension on the northern side of the dwelling would introduce significant new massing in proximity to the boundary with the adjoining property to the north.
- The only issue noted by the planning authority in the context of neighbouring amenity was the possibility of overlooking from the spiral stair leading from the terrace of the northern extension towards Carns.
- The extremely large extension is being proposed in close proximity to the northern boundary and will rob Carns of its amenity, particularly in the patio area. There is also potential for overlooking.
- Condition 4 does not even require the applicant to agree details to prevent overlooking with the planning authority

- The proposed design, form, scale, height, proportions, siting and materials will significantly reduce the quality of the amenities of the family resident in Carns. The gap between the existing house and Carns is being reduced from 10m. to c 2.3 m. There is no explanation of how boundary planting will survive the construction stage let alone the future operational stage.
- Both properties are located in a Z2 Residential Conservation Area. It is a requirement that modern interventions respect heritage and local distinctiveness and enriches the area to make a positive contribution to the area without undue impact on neighbours. The proposed development fails to make a positive impact. It makes a significantly unwelcome impact on the neighbours.

7.2. Applicant Response

The applicants response to the grounds of appeal can be summarised as follows-

- The design rationale document describes in detail how to design solution was reached.
- The location of the northern extension is a heavily overshadowed and underused part of the site. The intention was to place the new extension within the shadow of the existing house and use imaginative means to channel sunlight from the East and West into the new kitchen.
- The height and form off the extension has been designed to ensure it cast no greater shadow on two neighbouring gardens than the existing house this strategy was affirmed by the sunlight and daylight impact analysis report
- In order to ensure no overlooking of neighbouring gardens there are no windows on the side elevation facing Kerns the kitchen playroom and patchy windows have been placed to face onto the internalised terrace only open to the West where it faces mature trees an existing bamboo screening
- Additional section drawings to address DCC's Condition 4 have been submitted. This section is through the extension and shows how the spiral stairs will be 1.8 metres above the stair treads ensures no overlooking of Carns.

- It is proposed to maintain the existing mature planting along the boundaries with Carns and 29 Temple Rd. All plants currently growing in this area are shade tolerant species and are thriving despite the shade from the existing house and large evergreen oak trees. Sufficient space has been left to allow the plants to grow while allowing for construction works and later maintenance.
- The extension to the west of the site has a primary elevation onto Temple Rd and the design is more traditional in keeping with the almost homogeneous 19th century streetscape.
- The extension on the northern side faces on to Richmond Ave South where the building date mostly from the 20th century and each building including Carns is of its time architecturally.
- The scale and height of the northern extension transitions from the three storeys of the existing house to two storeys, and reduces again closer to the northern boundary. This is intended to create an architectural tension between the scale and massing of the old house and the extension .
- The location of the extension makes the maximum use of an underutilised portion of the site that is in permanent shadow while having minimal impact on the setting of the protected structure or on the amenity of neighbouring properties.

7.3. Planning Authority Response

- None received

7.4. Observations

One observation has been received from Transport Infrastructure Ireland and can be summarised as follows-

- It seeks the submission a Construction Management Plan to the Planning Authority for agreement, prior to the commencement of development.
- As the proposed development is in close proximity to a Luas line, the applicant shall ensure there is no adverse impact on Luas operation and

safety. The development shall comply with TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".

7.5. Further Responses

A further response has been received from the third party appellant and can be summarised as follows-

- Referring to the design rationale, it is expected to be believed that a substantial structure can be moved North towards the boundary which no material effect.
- The designers have failed to assess all of the parameters of relationship represented in the four O's- overshadowing, overbearing, overlooking and overdevelopment.
- Referring to the applicants response and the submitted section drawing, the section drawing shows that the proposed extension to the south of Carns overlaps to the front and to a significant distance to the south, is higher and longer than Carns for its full extent.
- Referring to maintenance of boundary planting, the reality is that the proposal is to significantly reduce the setting, root area and water supply further existing boundary plants during and after construction. The development management guidelines do not advocate a condition of the type proposed and which may not be enforceable.
- The architects have not dealt with the tension between the proposed extension and a neighbouring property Carns. That tension is unacceptable.
- Under ABP-304542-19 the Board dealt with a proposal that shoehorned development into a confined space in a Residential Conservation Area in Dublin 6. The board direction dealt with similar considerations, albeit in that case the trees and vegetation impacted, were located in the adjacent site.

- It is respectfully suggested that a split decision can be reached, whereby the western extension is granted permission and the northern extension is refused permission for reasons similar to those of ABP-304542-19.

8.0 Assessment

8.1. Introduction

- 8.1.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.
- 8.1.2. I note the applicants have submitted revised drawings with their response to the appeal that attempts to address condition 4 of DCC's grant of permission. These and the original drawings will form the basis for this assessment
- 8.1.3. I consider that the main substantive issues for this appeal are as follows-
- Zoning
 - Conservation and Visual Impact
 - Residential Amenity
 - Planting to the site's northern boundary
 - Appropriate Assessment

8.2. Zoning

- 8.2.1. The subject site is located in an area with a zoning objective 'Z2- Residential Neighbourhoods (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective *'To protect and/or improve the amenities of residential conservation areas'*.
- 8.2.2. The proposed development seeks to provide residential extensions to an existing house. The proposed development is, therefore, acceptable in principle, provided it does not negatively impact on the conservation status, visual or residential amenities of the area.

8.3. Conservation and Visual Impact

- 8.3.1. The house and the site subject to this application are recorded on Dublin City Council's Record of Protected Structures as RPS Ref No. 8050. The site is not located within a designated Architectural Conservation Area but as identified in section 8.2 above the site is located in a designated Residential Neighbourhoods (Conservation Area).
- 8.3.2. Policies CHC1, CHC2 and CHC4 as set out in the Development Plan seek- the preservation of the built heritage of the city and makes a positive contribution to the character, appearance and quality of local streetscapes, ensuring the special interest of protected structures is protected and also protects the special interest and character of all Dublin's Conservation Areas including areas zoned Z2.
- 8.3.3. The subject site is extremely well screened from public views by large mature trees, hedgerows and other planting along all boundaries. Condition 13 of DCC grant of permission requires all trees shown to be retained on site to be adequately protected during construction.
- 8.3.4. The proposed extensions are located along the west and northern side of the existing house. It is considered that the proposed structures will be subordinate in scale to the protected structure. The proposed materials to the west extension are in keeping with the character of the original building. The northern extension will be a contemporary addition to the protected structure finished in suitable materials in this context (including brick, copper, roof lights and glazing). Both extensions will require some works to the original building.
- 8.3.5. According to the Conservation Report and the submitted drawings the works to facilitate both extensions will be limited to making doorway style connections to the extensions, minor reordering on the first floor bathroom partition and to one room in the basement including closing of a door and provision of a new en-suite to bedroom 4. An existing bathroom will be made into an access lobby into the new rear extension and an arched sash window will be removed at upper ground floor to facilitate access. New double doors are also proposed between the rear extension and the existing dining room.

- 8.3.6. I am satisfied that these direct interventions to the original fabric off the protected structure to the west and north elevations are minor in nature and will not significantly impact upon the character of the protected structure.
- 8.3.7. I am also satisfied the proposed northern and western extensions are subordinate to the existing house and complement the structure in terms of its scale, materials and design. Accordingly in my opinion, the proposed development will not have a negative visual impact upon the Z2 Residential Neighbourhoods (Conservation Area) zoning objective.

8.4. Residential Amenity

- 8.4.1. The appellant has raised residential amenity concerns and in particular refers to overshadowing, overbearing, overlooking and overdevelopment.
- 8.4.2. The Planning Authority's planner's report raised some concerns in relation to overlooking towards the western boundary and No. 29 Temple Road. Through condition 4 they have requested the applicant to demonstrate that the proposed terrace area to the rear of the western extension and the external stair on the north western corner of the northern extension will not give rise to material overlooking of neighbouring properties.
- 8.4.3. In their response to the appeal the applicants have submitted a revised drawing that shows the proposed terrace and walls of the spiral terrace will not lead to overlooking of Carns to the north. The applicants state the terrace faces west to mature trees and existing bamboo.

8.4.4. Overlooking

Having visited the site, I have some concerns in relation to overlooking and subsequent impact on privacy to neighbouring properties. These concerns are-

- the proposed terrace area to the western elevation of the extension to the north of the building resulting in overlooking of the rear private amenity space of No. 29 Temple Road.
- A 1.2m deep balcony/terrace area and external staircase to the rear and first floor of the proposed western and side extension resulting in direct and oblique overlooking of the rear private amenity space of No. 29 Temple Road.

The proposed terrace at first floor to the proposed northern extension is indicated as 7.475m to the western boundary. There is high bamboo planting application on the application side of the western boundary. In my opinion, from this distance, this planting does not provide adequate screening to protect from overlooking of private amenity space to the rear of No. 29 Temple Road. It is considered that this can be addressed by condition and the erection of a 1.8m opaque screen or other similar feature along the western boundary of the proposed terrace. This height is considered sufficient to ensure the terrace will not feel enclosed, whilst also protecting the private amenity space to No. 29.

The application also proposes a 1.2m deep balcony/terrace at first floor to the rear of the proposed side extension. This balcony/terrace is orientated north and will be c.12.5m from the rear boundary and private amenity space of Carns, the house to the north. I note the existing extension has north facing windows (one of which is hoarded up). In my opinion the distance of this balcony/terrace from the northern boundary is sufficient to allay concern of overlooking to Carns, notwithstanding the existing mature planting along the northern boundary at this point.

The 1.2m balcony/terrace is proposed the full width at the rear of the side extension and will be erected directly on the boundary with No. 29 Temple Road. Oblique overlooking from the balcony/terrace to the private amenity space of No. 29 in this scenario will be inevitable notwithstanding existing planting. I note there are rear facing windows on the existing rear elevation at this level and some internal oblique overlooking in this context already exists.

It is considered that concerns of overlooking from the balcony/terrace can be addressed by condition and the erection of a 1.8m opaque screen or other similar feature along the western boundary of the proposed balcony/terrace and for two metres off the western boundary along the balcony/terraces northern boundary. This is considered sufficient to ensure the protection of the private amenity space to No. 29 from undue overlooking from the balcony/terrace.

I note this balcony/terrace can be accessed from an external staircase to the rear of the proposed extension. It is considered the use of the staircase is transitional in nature and is unlikely to lead to undue overlooking in this context.

8.4.5. Overshadowing

The proposed rear extension is located to the rear and northern side of the existing house. The proposed side extension is to the west of the existing house and at the location of an existing side annex.

The applicants have submitted a Sunlight and Daylight Access Impact Analysis Report with the application which details that the proposed development is not predicted to result in any undue adverse impacts on daylight and sunlight access to neighbouring lands and buildings. The existing house is c. 12m high to ridge level. The proposed extension is c.7.2 at its highest point and c. 6.05m at its northern most point. It will be set back c. 8.5m from the existing northern elevation and between 2.31m and 2.535m from the sites northern boundary.

Having regard to the orientation of the site, the height of the existing house, the location of the proposed extensions and the siting of Carns, I am satisfied the proposed development will not lead to undue or significant overshadowing or loss of light to neighbouring properties.

8.4.6. Overbearing

The existing annex directly on the western boundary is 6.265m deep and is indicated to have a roof level of 102.55m. The proposed extension has the same footprint save the proposed rear balcony/terrace and an indicated increased parapet level of 103.2m. I am satisfied the increased height and proposed terrace are minor additions that will not lead to a significant increase and overbearing impact on No. 29 Temple Road.

The proposed extension to the rear of the existing house is c.7.2 at its highest point and c. 6.05m at its northern most point. It will be set back c. 8.5m from the existing northern elevation and between 2.31m and 2.535m from the sites northern boundary. It will be c. 17.765m in length along the northern boundary and 6.325m from its closest point off the western boundary. The eastern elevation of the extension generally aligns with the front of Carns to the north and the rear elevation appears to extend c 8m to the rear of Carns.

Having considered-

- the siting of the proposed side extension on the footprint of the existing side annex and its minor increase in height,
- the existing mature planting along the site's northern boundary and
- the proposed rear extensions design, form, scale, height, proportions, siting and materials, and
- its set back more than 2m from the northern boundary,

I am satisfied the proposed development will not have undue overbearing impacts on neighbouring properties.

8.4.7. Overdevelopment

The proposed development will lead to a total floor area of 768 sq.m on a site area of 1836 sq.m. Significant areas of private amenity space and front garden space remain to the benefit of the existing house. The proposed development will not lead to overdevelopment of the site.

8.5. **Planting to the site's northern boundary**

- 8.5.1. The appellant has raised concerns over how planting along the northern boundary will survive during the construction stage let alone the operational stage. It is suggested that should these plants fail Carns will be exposed to the oppressive scale of the proposed rear extension.
- 8.5.2. In the applicant's response to the appeal they have indicated it is proposed to maintain the existing mature planting along the boundaries with Carns and No. 29 Temple Rd. They indicate that all plants currently growing in this area are shade tolerant species. They also state sufficient space has been left to allow the plants to grow while allowing for construction works and later maintenance.
- 8.5.3. The extension proposed to the rear is set back between 2.31m and 2.535m from the site's northern boundary. I am satisfied that this is sufficient space to provide for protection of existing planting during construction and for maintenance or replacement if necessary during the operation stage.
- 8.5.4. The appellant has referred to a Board decision under ABP-304542-19 in which the Board refused a development immediately adjoining the boundary with a separate

residential property for reason of concerns to the potential impact on trees located outside the site and within the adjoining property.

8.5.5. I do consider the Board's decision on ABP-304542-19 as relevant in this instance given that the proposed development will be set back in excess of two metres from the northern boundary and the planting in question appears to be solely within the boundary of the application site and the applicants control.

8.5.6. I note DCC have applied a condition relating to the protection of trees on the site. Having regard to the number of mature trees on the site I am satisfied a similar condition should also be applied in this instance.

8.6. **Appropriate Assessment**

8.6.1. Having regard to the nature and scale of the proposed development and the distance from 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.

9.0 **Recommendation**

9.1. I recommend that permission is granted subject to the following conditions-

10.0 **Reasons and Considerations**

10.1. Having regard to the design, bulk, massing and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of properties in the area, and would not detract from the character and integrity of the Protected Structure RPS Ref No. 8050. The proposed development would, therefore, be in accordance with the Z2 zoning objective of the Dublin City Council Development Plan 2016-22 and the proper planning and sustainable development of the area.

11.0 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 11th day of December 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) A 1.8m high obscure glazed screen (or similar boundary) shall be provided to the western boundary of the west facing terrace at upper ground floor of the first floor rear extension.
 - (b) A 1.8m high obscure glazed screen (or similar boundary) shall be provided to the western boundary and for 2m perpendicular from the western boundary along the north facing balcony/terrace at upper ground floor of the first floor rear extension.

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 residential amenity.

3. The external finishes of the proposed extensions shall be in keeping with the existing house in respect of colour and texture, unless otherwise agreed in writing with the Planning Authority. Samples of proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Upon the completion of works, the proposed temporary entrance shall be closed up, and the boundary wall reinstated in keeping with the existing boundary wall to the satisfaction of the requirements of the Planning Authority.

Reason: In the interest of traffic safety and visual amenity.

5. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items to be removed for repair or reuse shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of the works.

Reason: To ensure that the integrity of the protected structure is maintained, the structures are protected from unnecessary damage or loss of fabric and to ensure that the proposed works are carried out in accordance with best conservation practice.

6. 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 proposals to ensure there is no adverse impact on Luas operation and safety. The development shall comply with the 'Code of Engineering practice for works on, near or adjacent the Luas light rail system'.

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

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - a. Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - b. Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of twelve months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

8. 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.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. 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.

10. 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.

Adrian Ormsby
Planning Inspector

25th February 2021