



An
Bord
Pleanála

Inspector's Report ABP-308785-20.

Development	Construction of three storey building to provide for four apartment/duplex units.
Location	Site adjacent to Carrigmore View. Aylesbury, Tallaght, Dublin 24.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD20A/0073.
Applicant(s)	JAS Ventures Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Grant
Appellant(s)	Yvonne Heffernan representing the concerned residents of Carrigmore Estate.
Observer(s)	None.
Date of Site Inspection	3rd day of March 2021.
Inspector	Fergal Ó Bric.

1.0 Site Location and Description

- 1.1. The subject site is located adjacent to No. 23 Carrigmore View, Aylesbury, Tallaght, Dublin 24, approximately 500 metres west of the Thomas Davis GAA Club grounds. It is a vacant and underutilised site.
- 1.2. The site is at the end of a cul-de-sac comprising two-storey terraced units containing three dwellings per block. Similar properties back on to the site within Carrigmore Close to the east. The subject site has angled views of a large area of public open space on the opposite side of the internal service road to the north west. Immediately adjacent to and south of the appeal site, though with no vehicular or pedestrian access to it from Carrigmore View, is a three-storey apartment building containing 12 no. units (Marlfield Green). The boundary between the cul-de-sac and the apartment building comprises a wall with railings mounted on it, allowing views between both properties. Immediately west of the apartment building is Marlfield Mall, a three-storey mixed-use commercial and residential development.
- 1.3. The appeal site is under-utilised and covered in grass/vegetation with a gradual rise in ground levels from front (west) to rear (east). The site is fenced off towards the front. There is a public lighting column to the front. The low wall and railings to Marlfield Green forms part of the front area of the southern boundary but this boundary otherwise comprises a block wall. Timber fences form the boundaries with the properties to the rear and north/side except at the south east corner where there is a fenced-off 'gap'. Houses within Carrigmore Close have higher finished floor levels than those within Carrigmore View.
- 1.4. The site has a stated area of 0.04 hectares

2.0 Proposed Development

- 2.1. The planning application was lodged with the Planning Authority on the 16th day of March 2020 with further plans submitted on the 6th day of October 2020. The development would comprise a three-storey building containing 2 no. one-bed ground floor apartments and 2 no. two-bedroom duplex units at first and second floor level, new vehicular access, car parking and associated site works.

- 2.2. The building has a stated floor area of 291 square metres (sq. m.) with a maximum ridge height of 9.165 metres.
- 2.3. Further information was submitted to the Planning Authority in relation to: Addressing potential for overlooking of properties to the rear; Moving the development further away from the northern and southern (side) site boundaries; Access to storage areas; Bin storage proposals and surface water management proposals.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission subject to 19 conditions of a relatively standard nature, including: extension of the public footpath, connection to Irish Water services, surface water drainage, landscaping, building numbering, creation of a management company, relocation of bin storage, construction practices, development contributions and a security bond.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The proposed development was screened for Appropriate Assessment and Environmental Impact Assessment. Both screenings concluded that due to the nature, modest scale, and absence of sensitive receptors, neither were required.

The Planning Officer considered that the development would not seriously injure the amenities of the area or property in the vicinity, would provide an acceptable standard of residential amenity for future residents, would be acceptable in terms of traffic safety, would not be prejudicial to public health and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Roads Department: No objection, subject to conditions.

Parks Department/Public Realm: No objection, subject to conditions.

4.0 Planning History

The relevant planning history on site is:

Planning Authority reference number Reg. Ref. SD19A/0109, In 2019, planning permission was granted for the construction of a building containing 2 no. one bed apartments at ground floor level and 2 no. two bed apartments at first and second floor level, new vehicular access and car parking and associated site works. Under Board reference ABP-305443-19, the decision of the Planning Authority was overturned, and planning permission was refused for the following reason:

Having regard to the limited size of the usable floor areas in conjunction with the limited aspect from fenestration in the roof of the bedrooms on the second floor, the Board was concerned that the proposed development would result in an unsatisfactory standard of residential amenity for future occupants. The proposed development would, therefore, seriously injure the residential amenities of the areas and be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The site is in an area zoned Objective 'RES; To protect and/or improve residential amenity'. Residential development is acceptable in principle under this zoning objective.

There are a number of pertinent specific housing policies within the Development Plan which are pertinent to the current proposals as follows:

Housing (H) Policy 6 Sustainable Communities - It is the policy of the Council to support the development of sustainable communities and to ensure that new housing

development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Housing (H) Policy 7 Urban Design in Residential Developments – It is the policy of the Council to ensure that all new residential development within the County is of high-quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Housing (H) Policy 8 Residential Densities - It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Housing (H) Policy 9 Residential Building Heights - It is the policy of the Council to support varied building heights across residential and mixed-use areas in South Dublin County.

Housing (H) Policy 10 Mix of Dwelling Types - It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Housing (H) Policy 11 Residential Design and Layout - It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Housing (H) Policy 17 Residential Consolidation - It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate

locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 5 – To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

Section 11.2.7 (Building Height) – This states that varied building heights are supported across residential areas, urban centres, and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area.

Development proposals that include higher buildings' that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.

The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing – new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35 metres or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

Section 11.3.2 (Residential Consolidation) (i) (Infill Sites) – Development on infill sites sets out criteria that should be met including a site analysis addressing the scale, siting and layout taking account of the local context, and a degree of architectural integration with the surrounding built form.

5.2. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020)

Section 3 of the Guidelines in relation to design standards is relevant in this instance.

5.3. Urban Development and Building Heights Guidelines for Planning Authorities (2018)

Section 3.0 (Building Height and the Development Management Process) is relevant.

5.4. Natural Heritage Designations

The closest area of natural heritage designation is the Dodder Valley pNHA approx. 1.1km to the north east.

5.5. Environmental Impact Assessment - Preliminary Screening

Having regard to the nature and modest scale of the proposed development and the nature of the receiving environment, which is a fully serviced suburban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

A Third-party appeal was received from BPS Planning Consultants on behalf of Yvonne Heffernan, of number 23 Carrigmore View, which is located immediately north of the appeal site who states that she is representing the Concerned Residents of Carrigmore Estate. The main issues raised within the appeal submission can be summarised as follows:

Principle of Development

- The scheme as revised fails to address the refusal reason set out by the Board under ABP-305443-19.
- Proposals would be contrary to the underlying land use zoning objective to protect and/or improve residential amenity.

Design and Layout

- Proposals would establish an undesirable precedent for roof and fenestration forms.
- Proposals would be contrary to Section 5.9.1 of the Sustainable Residential Development in Urban Area Guidelines, 2009m where the design approach is required to protect the amenities of adjoining neighbours and the general character and amenities of the area.
- Proposals would be contrary to Policy H17 of the Development Pan regarding infill development.
- The rear elevation will be even more visually overbearing than the previous proposals and overshadow neighbouring residential dwellings and gardens.
- In the previous proposals the majority of the third storey accommodation was in the attic space, in the current proposals the majority of the third storey would be located in a true third storey and the remainder within the roof space. This results in an odd and ugly building and the quantum of

development that rises above the eaves of number 23, Carrigmore View is excessive.

- The rear elevation is unbalanced with excessive rising wall and insufficient roofspace.
- The proposed roof is unsightly and fails to integrate with neighbouring residential development and would be out of character in this area.
- There is inconsistency within the rear elevation with varying and inconsistent window sizes.
- The photomontages submitted demonstrate that the development would represent overdevelopment of the site and establish an undesirable precedent and adversely impact upon the character of the area.
- A revised design with a pitched roof, providing for two by two bedroom units within a two-storey building , incorporating west facing dormer windows should be presented or to revert to the sites extant planning permission for a pair of two-storey semi-detached dwellings.
- The building line should be set forward by 1.6 metres to be consistent with the building line of number 23, Carrigmore View.
- An increased building height and ground level heights results in the building being 0.745 metres taller than the development refused permission by the Board under reference number ABP-305443-19.
- The width of the side passageway to the north may not be as stated within the drawings submitted and may be narrower than that presented on the Site Plan submitted as part of the planning documentation.

- The design of the development, especially the roof element is inferior to the development previously refused permission by the Board on this site.
- Proposals are incompatible with Policy H11 of the Development Plan which seeks: High Quality of Design
- Large third storey windows within the rear elevation, are considerably larger than those proposed within the previous planning application.
- Proposal represents an inappropriate over-development of a cramped site, would be out of character with the pattern of development in the area and would establish a negative precedent for similar infill development.
- The development is being constructed to minimum standards contrary to Section 3.8 (Safeguarding higher standards) of the Sustainable Urban Housing, Design Standards for New Apartments Guidelines 2020.

Residential Amenity

- The location of the proposed bin store, next to the party boundary would be contrary to the provisions of Section 11.6.5 (ii) of the Development Plan regarding siting of refuse storage facilities.
- A three-storey building would be located less than 10 metres from the rear boundary with numbers 18 and 20 Carrigmore Close, and would be contrary to Section 2.3.5 of the Development Plan and less than the 22 metre separation distance requirement.
- Proposed planting along the eastern (rear) boundary would not prevent overlooking from the third-floor windows into the rear of neighbouring properties

- Proposals would cause overbearing, overshadowing, and overlooking of neighbouring properties to the north and east.
- The proposals would provide unrestricted views from the first and second floor rear elevation windows serving a kitchen/dining room areas and bedrooms into the rear garden amenity area of Number 23, Carrigmore View.
- The design and scale of the rear elevation windows is out of character in this area.
- By virtue of the design, height and scale, the development would be visually obtrusive and visually overbearing relative to number 23, Carrigmore View.
- Overshadowing of number 23 Carrigmore View would arise from the development.
- Proposals would be constructed within 1.32 metres of number 23, Carrigmore View.
- Proposals are incompatible at this location and would fail to protect the residential and visual amenities of the area.
- Proposals would result in permanent loss of privacy within neighbouring properties

Traffic Access and Parking:

- No credible argument has been put forward to provide only one car parking space per apartment unit.
- No Construction, Traffic and Management Plan has been submitted.

Other Issues:

- A number of precedents exist within Carrigmore, however within these instances a detached dwelling or pair of semi-detached dwellings have been permitted on infill sites.
- No precedent exists within the Carrigmore Estate for the development of a three-storey building.
- No details of the proposed boundary fencing have been submitted.
- Different floor areas for the development proposals are provided within the planning documentation.
- The Ordnance survey mapping submitted does not include ground levels, the ground levels are provided on existing and proposed site plans.
- No details of connection to the foul and surface water sewers have been submitted.
- The Board should ensure that issues in relation to noise, vibration, dust, waste, and safe access should be put in place if the development is to be permitted.
- Hours of construction should be as set out within the Development Plan.
- The design approach should be based on a balance between the protection of neighbouring amenities and privacy of those dwellings.
- The current proposal should be refused permission and the developer should revert to the extant permission for the development of two semi-detached dwellings on the site.
- The building height is substantially greater than houses to the north and east and will therefore, have an overbearing impact.

- Concern over revised bin storage location as per condition number 2 of Planning Authority decision.

6.2. Applicant Response to third party appeal submission

The main issues raised can be summarised as follows:

Design and Layout:

- There will be a height difference between the proposed development and 23 Carrigmore View of 575mm.
- Carrigmore View rises on a gradient, so some houses are higher than their neighbours, for example No. 7 is at least 900mm higher than No. 5.
- The Marfield Green apartment building and Marfield Mall complex are over 4 metres taller than 23 Carrigmore View.
- Photographs and an attached map showing developments in the area which have height differences in excess of that between the appeal site and its surrounds.
- There will be no overbearing impact on houses and the height is consistent and sympathetic to the streetscape.
- With regard to Section 11.2.7 of the Development Plan there are a number of three-storey houses constructed within a 35-metre distance of two-storey houses (as shown on a map attached by them to their submission).
- The three-storey building has been designed as 2.5 storey in appearance.
- The second floor bedrooms comply fully with the Building Regulations.

- The suggested plot ratio (0.75) in the appeal documentation is incorrect and no calculations were provided. The development has a plot ratio of 0.65 and this is not considered excessive having regard to the context of the site.
- The housing mix proposed provides for a variety of accommodation options.
- South Dublin County Council Policy 9 is to promote varied building heights to support compact urban form and visual diversity.
- The proposed development is arguably less bulky than the permission granted under P.A. Reg. Ref. SD17A/0339 due to the proposed hipped roof as opposed to a gable ended roof.

Other Issues:

- A three-dimensional drawing of the proposed development in the context of existing development has been submitted.
- There are fewer bathrooms proposed than permitted under P.A. Reg. Ref. SD17A/0339.
- The impact to the adjacent apartment building will be no different to that permitted under P.A. Reg. Ref. SD17A/0339. Those balconies were south and west facing.
- There is ample space to park and manoeuvre. The car parking provision has been deemed adequate by the planning authority. Many three-bed houses along Carrigmore View have provision for only 1 car parking space.

6.3. Planning Authority Response

Response received outlining the following:

- The Planning Authority has outlined that it would like a number of specified conditions to be attached to a decision in the event of planning permission being granted.

7.0 **Assessment**

8.0 **Assessment**

8.1. The main issues are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development

- Design and Layout

- Residential Amenity

- Drainage

- Other Matters

- Appropriate Assessment

8.2. **Principle of Development**

8.2.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity' under the South Dublin County Council Development Plan 2016-2022. Residential development is permitted in principle under the zoning objective, and it is noted that there is an extant grant of permission on site for 2 no. houses under P.A. Reg. Ref. SD17A/0339. The Plan sets out, in Housing Policies 8 and 17, that higher residential densities at appropriate locations and appropriate to their location and context will be promoted and that residential consolidation and sustainable intensification at appropriate locations will be supported.

8.2.2. I consider that the provision of a duplex building comprising of 4 no. apartment units on an infill site adjacent to existing terraced, apartment and mixed-use development is acceptable in principle.

8.3. **Design and Layout**

- 8.3.1. The reason for refusal set out by the Board under reference number 305443-19 related to the internal design, and specifically the head height afforded to the second-floor bedroom spaces and the poor-quality aspect afforded to the second-floor bedroom spaces from rooflight fenestration detail provided within the rear roof slope. The applicants have modified the design whereby the height of the building has been increased by approximately 0.7 metres to a height of 9.165 metres, which has enabled the ceiling heights within the second-floor bedrooms to be increased. This has resulted in the second-floor fenestration being incorporated within the upper rising wall of the rear elevation as well as within the rear roof slope. I consider that the internal and external design modifications provide for an improved development from that previously proposed on-site, that will provide for a higher standard of residential amenity for future occupants in accordance with Policy H 11 of the South Dublin County Council Development Plan 2016-2022 and in accordance with the Sustainable Urban Housing, Apartment Guidelines 2020.
- 8.3.2. The height of the proposed building, in the context of the existing houses within Carrigmore View and Section 11.2.7 (Building Height) of the South Dublin County Council Development Plan 2016-2022, is an issue raised in the appeal submission received. Contextual elevations have been submitted as part of the planning documentation, and I consider that the building height is appropriate in this context, providing for a gradual rise in height as provided for within the existing Carrigmore View cul-de-sac and a further gradual increase in height to the Marlfield Green apartment development to the south of the appeal site. In this context, the building height provides for an improved standard of residential amenity for the future occupants, in terms of internal ceiling heights and I am satisfied that the building height would assimilate appropriately within the local built environment.
- 8.3.3. Neighbouring houses in the vicinity to the north and north east are two-storey terraced or semi-detached in scale. There is a three-storey apartment building immediately adjacent to the south of the vacant site and a three-storey mixed-use development immediately to the south west. The appeal documentation concentrates on the fact that the proposed three-storey structure, though designed to read as a two and a half storey building, is taller than the neighbouring houses within Carrigmore View. However, given the proximity to both the apartment development at Marlfield Green and the mixed-use development at Marlfield Mall, I do not

consider that the proposed structure can be viewed, in isolation, in the context of the houses along Carrigmore View and Carrigmore Close. Any view of the site would also include the full extent of the neighbouring built environment.

- 8.3.4. The third-party appeal statement states that the development would be contrary to the provisions of Section 11.2.7 (Building Height) of the Plan. This provision sets out that varied building heights are supported across residential areas. The 35-metre requirement for above two-storey housing is only one of four criteria that is used to determine the appropriate maximum building height. Another criterion is the prevailing building height in the surrounding area. Having regard to the established permitted built environment immediately proximate to the site, I do not consider the proposed development to be greater in height than the prevailing building height in the area. I do not consider the development proposals to be inconsistent with the provisions of Section 11.2.7. of the Development Plan.
- 8.3.5. Notwithstanding, the 'Urban Development and Building Height Guidelines' (2018) supersedes the County Development Plan 2016-2022 in relation to building height. The development is consistent with the provisions of Section 3.0 of the Guidelines (Building Height and the Development Management Process). The development responds to the built environment, is not monolithic, it would positively contribute to the mix of building typologies in the neighbourhood, and it minimises shadowing and loss of light, given its orientation, directly north of the most affected property.
- 8.3.6. I consider the proposed development acceptable in terms of design, layout and height and consistent with the 'Urban Development and Building Height Guidelines' (2018).

8.4. Residential Amenity

- 8.4.1. The reason for refusal issued by the Board its decision under ABP-305443-19 largely centred around the substandard bedroom space afforded to the second-floor bedroom spaces and the poor-quality aspect afforded to those bedrooms from the roof slope fenestration detail. The modifications to the design presented within this application has taken these issues into consideration, whereby the second storey bedroom floorspaces has been increased to 14.1 sq. m (with a head height of 2.4 metres) and a total bedroom floorspace of 16.1 sq. m (if measured from the perimeter of the second-floor bedroom spaces), these standards exceed those set

out within the current apartment standards ('Sustainable Urban Housing: Design Standards for New Apartments Guidelines' 2020).

- 8.4.2. The design modifications presented within the current proposals have addressed the issue of quality of aspect afforded to future occupants of the second-floor bedroom spaces. The rising walls of the structure have been raised from the plans submitted under ABP-305443-19, which has enabled fenestration detail to be incorporated within the upper rear elevation rising walls serving the second-floor bedroom spaces and this would provide an increased level of illumination and improved aspect for future occupants from the second-floor bedroom spaces. I am satisfied that the aspect afforded to future occupants from the second-floor bedroom spaces accords with policy H11 of the Development Plan and with the standards ('Sustainable Urban Housing: Design Standards for New Apartments Guidelines' 2020).
- 8.4.3. The appeal documentation states that actual usable bedroom floor area is far less than the floor area cited on the floor plans. The applicant's response is that internal floor areas exceed the current apartment standards ('Sustainable Urban Housing: Design Standards for New Apartments Guidelines') and state they are fully compliant with Part F of the Building Regulations. Section 7.8 (Conditions relating to other codes) of the 'Development Management Guidelines' (2007) notes that certain matters, though of concern in the exercise of development management, are subject of more specific controls under other legislation and, in this regard, Building Regulations require certification by the developer's design team. I consider the bedroom floor areas to be acceptable and exceed the standards set out within the 2020 Apartment Guidelines.
- 8.4.4. Private open space provision for the one-bedroom apartments is approx. 13.25sqm, well in excess of the 5 sq. m. required in the Apartment Guidelines. 7sqm balconies to the front/west are provided for the two-bedroom duplex units, which accords with the standards within the Apartment Guidelines.
- 8.4.5. The impact on the residential amenity of the neighbouring residential properties to the south, north and east have been referenced in terms of loss of view, over shadowing and inadequate separation distances have been rsied within the appeal submission.

- 8.4.6. There is no entitlement to a view in the planning code. Therefore, this is not a material consideration in this instance. In terms of shadowing, it should be noted that the proposed development would be located immediately north of the apartment building and the balconies to the front of the building would still enjoy sunlight from the south and west. I do not consider that shadowing is an issue.
- 8.4.7. Separation distances from the appellant's property to the north would be a minimum 1.321 metres with that separation distance increasing to 2.09 metres further west. These separation distances allow for circulation around both sides of the structure for bicycles, maintenance, bin storage etc. (the planning authority condition in relation to relocation of the bin storage is considered to be appropriate). The proposed footprint, separation distances to the side boundaries, floor area (cited as 291sq. m. as opposed to the permitted 262sqm) and proposed height (9.165 metres as opposed to the permitted 8.46 metres) are similar to that of the semi-detached pair of houses permitted under P.A. Reg. Ref. SD17A/0339 and to the scale and height of the neighbouring residential properties.
- 8.4.8. Having regard to the orientation of the properties, the revised design incorporating a pitched roof and the separation distances between the two properties, I am satisfied that no adverse impacts in terms of overbearing, overlooking, or overshadowing arise in this instance.
- 8.4.9. On balance, I note that the proposed development is similar in scale and height to that permitted under P.A. Reg. Ref. SD17A/0339, I do not consider that there would be any adverse impact on the residential amenity of neighbouring properties, arising from the proposed development.

8.5. **Drainage**

- 8.5.1. Issues with regard to the capacity and condition of the existing drainage network have been raised.
- 8.5.2. The site layout plan indicates that there are separate surface and foul water sewers in the area. Issues relating to foul discharge are matters addressed by Irish Water who is the competent authority for these matters. The referral response received by the Planning authority from Irish Water, or the proposed development stated no objection, subject to conditions.

8.5.3. Given Irish Water has no issue with the servicing of the development, it is considered acceptable.

8.6. Other Issues

8.6.1. 4 no. car parking spaces are provided. Table 11.24 (Maximum Parking Rates (Residential Development)) of the County Development Plan 2016-2022 gives a standard of 4.5 car parking spaces. This is set out as a maximum standard and the development provides for one space per unit. The Transportation Department of the Planning Authority had no issue with the car parking provision, and I consider the provision of one space per unit to be adequate, given the proximity to the 65B, 77A and 175 bus routes and the red Luas line. I do not consider that there is any concern in relation to manoeuvring or circulation for vehicles at this location. I note that there is provision made for bicycle parking to the rear of the development.

8.6.2. The Planner's Reports make no reference to Part V of the Planning and Development Act 2000, (as amended). Under SA19A/0109 the Planning Authority included a condition (number 15) in relation to Part V in their grant of permission and the Planning inspector similarly included a planning condition (number 10) within his recommendation to the Board under reference number ABP-305443-19. It is considered appropriate to include such a condition in this instance as no evidence that this issue has been resolved has been submitted as part of the planning documentation submitted.

8.7. Appropriate Assessment

8.7.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, a suburban and fully serviced location remote from any 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

I recommend that planning permission be granted

10.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 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 be acceptable in terms of building height, would provide an acceptable standard of residential amenity for the future occupants and would not seriously injure the residential amenities in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

- 1 The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application., as amended by the further plans and particulars submitted on the 6th day of October 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 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 The proposed structure shall have a finished floor level of +110.71 as illustrated within drawing number 19016 PL(AI) 007 submitted to the Planning Authority on the 6th day of October 2020.

Reason: In the interest of clarity

- 3 The landscaping scheme shown on drawing number 19016.PL(ai) 009, as submitted to the planning authority on the 6th day of October, 2020 shall be

carried out [within the first planting season following substantial completion of external construction works].

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- 4 Details of the materials, colours, and textures of all the external finishes to the proposed structure shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 5 Proposals for a development name and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

- 6 (a) The public footpath shall be extended along the western edge of the site to the southern boundary to a taking-in-charge standard and at the developer's expense.

(b) Dishing of the footpath and any required relocation of the existing public lighting column shall be carried out at the developer's expense and to the satisfaction of the planning authority.

Reason: In the interests of pedestrian and traffic safety and the proper planning and sustainable development of the area.

- 7 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.

- 8 The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

- 9 (a) 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.

(b) Construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.

This plan shall provide details of intended construction practice, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of protecting residential amenity.

- 10 Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, a properly constituted

Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company.

Membership of this company shall be compulsory for all purchasers of the residential units in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

- 11 Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Sections 96(2) and (3) (Part V) of the Planning and Development Act, 2000, as amended, unless an exemption certificate shall have been applied for and granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000, as amended, and of the housing strategy in the development plan of the area.

- 12 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the

security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

13 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.

Fergal Ó Bric
Planning Inspectorate

18th May 2021