



An
Bord
Pleanála

Inspector's Report

ABP-310560-21

Development	Construction of a part two-storey/part single-storey detached 3-bedroom mews dwelling.
Location	12, Magenta Place, Sandycove, Co Dublin, A96K291
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0254
Applicant(s)	Andria O'Donovan.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Andria O'Donovan
Observer(s)	Gillian Moore David & Katy Breen
Date of Site Inspection	12/01/2022
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located at the northern end of Magenta Place, a residential row of single storey cottages located on The Metals in Sandycove, South Dublin. The majority of the site comprised part of the rear garden of no. 19 Rosmeen Park (to the west), with the triangular section facing The Metals.
- 1.1.2. There is a single storey shed currently on site. The site is currently bound to the east (facing the Metals) by a concrete wall with sliding gate. The boundary to the remaining garden of no. 19 (west) comprises what appears to be a newly installed fence separating the site from the former garden. Further south-west of the site is a large detached bungalow The Nook, with a single storey office / shed.
- 1.1.3. The Metals is a pedestrian and cycle route running from Dalkey to Dun Laoghaire. As it passes through Magenta Place, it changes from a roadway with parking on the east side, to a pedestrian / cycle only route.

2.0 Proposed Development

- 2.1. On the 14th June 2021, planning permission was sought for the construction of a part single / part two storey mews dwelling of 128sq.m. on a site of 188sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 21st May 2021, the Planning Authority notified of their intention to REFUSE permission for the following reason:

- 1 The application site is located on a restricted site at the northern end of Magenta Place, a terrace of single storey dwelling houses, at a point where there is a discernible sense of enclosure associated with the narrowing of The Metals Candidate Architectural Conservation Area (cACA), a pedestrian walkway and cycleway, and which is also a public right of way. Having regard to the confined nature of the subject site and the adjacent dwelling of no. 12 Magenta Place, and the height, size and bulk, of the proposed dwelling, and its close proximity to the surrounding boundaries; it is considered that the proposed development is over-scaled, would represent over development of the site, and would negatively impact on The Metals, and would adversely

impact on the residential and visual amenities of the adjacent properties and streetscape, by reason of overbearing appearance, and overshadowing impacts, and would also appear overly prominent and visually obtrusive when viewed from the surrounding properties and streetscape. It is considered that the proposed development would be contrary to Section 8.2.3.4(vi) 'Backland Development' and (vii) 'Infill' of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area and would seriously injure the amenities, or depreciate the value of property in the vicinity.

3.2. **Planning Authority Reports**

- 3.2.1. **Acting Conservation Officer**, undated Email: Notes that the site backs on to The Metals cACA and quotes Policy AR17: Development within a cACA. States that one of the intrinsic features of the Metals is the boundary wall and the sense of enclosure it creates. Notes that some sections have the wall have been replaced within inappropriate materials. Requests that FI be sought to "provide details of the existing boundary and to clarify the proposed boundary treatment onto The Metals and an assessment of how this preserves or enhances the established character of The Metals having regard to Policy AR17".
- 3.2.2. **Transportation Planning**: Further information required:
- Demonstrate the individual movements for a vehicle using the off-street car-parking reversing in from Magenta Place, and then driving out in forward gear onto Magenta Place, using CAD or similar design software
 - Submit a construction management plan which would include a traffic management plan for construction vehicles, construction parking, noise / dust nuisance measures
- 3.2.3. **Drainage Division**: No objection subject to 3 no. standard conditions.
- 3.2.4. **Planning Report**: Considering site and surrounds, proposed development cannot be considered to be "mews", nor to the side of no. 12 Magenta but rather a backland development. Concerns noted regarding the reduced natural lighting and aspect for bedroom no.s 2 and 3 and single aspect of hall, study and windowless WC. Proposed rear open space does not measure the stated 50sq.m., but 45sq.m. Even including other space, the planning report states that the proposed open space is substandard given that section 8.2.3.4(iv) requires a minimum of 60sq.m. for a three

bedroom dwelling. The limited amenity space of the adjoining dwelling may be further diminished and therefore would not accord with section 8.2.3.4(iv). Should permission be granted, further information should be requested regarding the impact on no. 12. Separation distance of 12.6m between rear of no. 19 Rosmeen Park and proposed dwelling, and distance of 1m and 2m to rear of no. 12 Magenta are insufficient. County Development Plan requires 15m between single storey houses and 7m deep rear gardens and 11m deep rear gardens for two storey backland dwellings. The proposal does not accord with section 8.2.8.4(ii) of the development plan. Proposed dwelling does not comply with section 8.2.3.4(vii) of the development plan regarding infill dwellings, due to the two-storey proposal, confined site and surrounding single storey dwellings.

The planning report notes the report of the Conservation office, states that the recommendation is reasonable, but given the issues raised above, recommends a refusal of permission. Regarding residential and visual amenity, the planning report states that the proposed development would be over-scaled, visually obtrusive, create overlooking and overshadowing and would have a negative visual impact. Regarding access, parking and transport, the planning report refers to the restricted site, the proximity of the pedestrian only section of the Metals which is a public walkway and part of the Sutton to Sandycove Walk/Cycle way, and the cACA status and concludes that permission should be refused.

3.3. Prescribed Bodies

3.3.1. None on file

3.4. Third Party Observations

3.5. Three submissions were made to the Planning Authority, the issues raised can be summarised as follows:

- Impact on railway banks, The Metals and public right of way
- Inappropriate design response, including overlooking and over shadowing, loss of character, negative visual impact
- Impact on traffic movements and parking, given the high volume of pedestrians / cyclists on the route

- Impact on existing Sycamore tree, no arboricultural assessment

4.0 Relevant Planning History

4.1. No relevant planning history on the subject site.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022.

- 5.1.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned objective A – to protect and/or improve residential amenity.
- 5.1.2. Relevant policies and objectives include section **8.2.3.4 Additional Accommodation in Existing Built-up Areas**. This section of the development plan distinguishes between corner / side garden development, backland development, infill development and mews lane development.
- 5.1.3. **Section 2.1.3.4 Existing Housing Stock Densification**: “Encourage densification of the existing suburbs in order to help retain population levels - by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”
- 5.1.4. **Policy RES 3**: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.
- 5.1.5. **Section 8.2.3.2** of the Plan sets out quantitative standards for residential development. **Section 8.2.8.4(i)** sets out standards for **Private Open Space**. For 2-bed units, a minimum of 48sq.m. is required, and for 3 bed units a minimum of 60 sq. metres is required. It is noted that in instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by case basis. Regarding **separation distances**, section 8.2.4(ii) notes that usually 22m is required between directly opposing first floor windows, normally resulting in 11m deep gardens. Single storey dwellings with

alternative open space can reduce to 7m depth subject to maintaining the privacy of adjoining residential units.

- 5.1.6. The proposed site is subject to **SLO 17**, as shown on Map 3. SLO 17 seeks “To manage and enhance The Metals from Marine Road to Dalkey giving due regard to its historic importance while encouraging its use as a walking and cycling route between Dún Laoghaire and Dalkey. The Metals is a public right of way, as per Map 3 and Appendix 8 of the development plan. The ROW is described as “Marine Road to Summerhill Road Dún Laoghaire and Summerhill Road to Old Quarry, Dalkey (entire length of The Metals).

The subject site is also subject to **SLO93**, which seeks to “To promote the development of the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route. It should be noted that these coastal routes will be subject to a feasibility study, including an assessment of the route options. Any development proposals shall be subject to Appropriate Assessment Screening in accordance with the requirements of the EU Habitats Directive to ensure the protection and preservation of all designated SACs, SPAs, and pNHAs in Dublin Bay and the surrounding area”.

- 5.1.7. Regarding the candidate ACA, **Policy AR17**: Development within a cACA states “It is Council policy that development proposals within a candidate Architectural Conservation Area will be assessed having regard to the impact on the character of the area in which it is to be placed. All proposals for new development should preserve or enhance the established character of the buildings and streetscape”

5.2. Natural Heritage Designations

- 5.2.1. The subject site is 1.7km from the South Dublin Bay and River Tolka Estuary SPA and approx. 2km from the South Dublin Bay SAC.

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the proposed development and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal of the decision of the Planning Authority to refuse permission has been submitted by the applicant. The appeal proposes modifications to the proposed development. The proposed modifications and grounds of appeal can be summarised as follows:

- To address the concerns of the Planning Authority, the proposed development is amended to be a two-bedroom dwelling. The proposed revisions remove rear windows at first floor level and amend the flat roof to a standard hipped roof. The proposed 50sq.m. private open space is sufficient for a two-bedroom dwelling.
- The blue line and red lines on the submitted drawings are correct. The applicant does not own no. 12 Magenta Place. The subject site was purchased from no. 19 Rosmeen Park.
- There will be no reduction in the existing limited private open space of no. 12 Magenta Place. The proposed development will not block the light of no. 12 as it is to the north.
- The planning report refers to the separation distance between the proposed dwelling and the extension of no. 19 Rosmeen. The distance from the original façade of no. 19 is 15.5m at the closest point and 20.6m at the proposed ground floor bedroom.
- In light of the DLRCC Conservation report, it is proposed to finish the boundary wall with granite.
- The proposed development has been modified to reduce its visual impact, by altering the roof profile and finish, pulling the building line back at first floor level and proposing a granite boundary wall. The proposal will improve the streetscape by removing the existing white concrete wall which is out of keeping with the area.
- Submitted Autotrack diagrams as requested by the Transportation Department.
- The Board is requested to grant permission.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority considers that the proposed design modifications for the appeal, would not address the concerns of the Planning Authority, regarding location, restricted site and close proximity to surrounding boundaries, size, height and layout of the proposal and its receiving environment.

6.3. Observations

- 6.3.1. **Gillian Moore:** An observation on the first party appeal has been submitted by the owner of no. 11 Magenta Place. The grounds of the observation can be summarised as follows:

- The subject site is part of no. 19 Rosmeen Park and not no. 12 Magenta Place. The proposed development will create a new access from the pedestrian and cycle route known The Metals. Any development at this site will greatly impact this public amenity.
- The proposed development is overbearing and will overshadow existing cottages on Magenta Place.
- The proposed development is out of character with the 1850's cottages.
- The proposed development will involve traffic reversing onto a pedestrian right of way and is unsafe.
- The proposed three-bedroom two-storey house will require more than the proposed single car space. There is insufficient room on Magenta Place for the existing traffic.
- Building work could cause damage to the turn of the century drainage and water pipes serving the dwellings.
- The Board is requested to refuse permission.

- 6.3.2. **David & Katy Breen:** An observation on the first party appeal has been submitted by the owners of no. 20 Rosmeen Park. The grounds of the observation can be summarised as follows:

- Support the principle of infill development.
- Rear garden adjoins the northern boundary of the subject site.

- The proposed development at a height of 6m, compared to the adjoining single storey cottages of 3.3m height.
- The proposed dwelling is 46cm from no. 12 Magenta Place at the nearest point. The 1m set back at first floor level is insufficient to prevent the overbearing impact on the limited private open space of no. 12. The proposed two storey dwelling would form an overly dominant form of development when viewed from Rosmeen Park.
- The single storey element of the proposed dwelling at 11m from the two-storey extension to the rear of no. 20 Rosmeen is less than the development plan requirement of 15m for single storey dwellings with gardens of 7m deep, or 22m for two storey dwellings with 11m gardens. The proposed development allows for 20.6m between the two-storey elements of the existing and proposed dwelling. The proposed two-storey dwelling on a confined site is not in keeping with development plan policies.
- Notwithstanding the applicants commitment to a granite restoration of the boundary wall along the Metals cACA, the proposed development is inappropriate and not in keeping with the ACA.
- The fully pedestrianised walkway is a strategic amenity route for the area and the cACA. The proposed development must cross this narrow public right of way to access Magenta Place, creating a traffic hazard. This is contrary to the Council's stated objective to secure the retention of the right of way along the entire length of The Metals.
- The proposed detrimental impact to The Metals is strongly resisted. The Metals is 4.3m wide at the proposed access point, insufficient to allow traffic movements. The proposed development will create on-street car parking, negatively impact visibility and create undue disruption.
- The proposed development will have a negative visual impact, will create overshadowing of the Observer's garden and will negatively impact on the small artisan cottages on Magenta Place, a cACA.
- The applicants appeal did not address the concerns of the Transportation Department.
- The proposed development will negatively impact the mature Sycamore tree in the Observers rear garden. The tree provides an important visual amenity

and biodiversity resource. Insufficient information has been provided regarding protection of this tree. Photos submitted.

- The proposed amendments to the third bedroom further reduces the amenity provided.
- The Board is requested to refuse permission

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity
- Visual Amenity
- Traffic, Access and Parking

7.2. **Principle of Development**

7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. In principle, the proposed development of a single residential dwelling on the subject site is acceptable, subject to other planning considerations.

7.2.2. The Planning Authority raises a query regarding the extent of the site boundaries and the relationship of the 'red' and 'blue' lines, to the existing dwelling at no. 12 Magenta Place. This leads to a discussion in the planning report on whether the proposed development is a 'mews' development, an 'infill' development or a 'backland' development. On that matter, the appellant confirms in their submission to the Board, that the subject site has no relationship to no. 12 Magenta Place and formerly comprised part of no. 19 Rosmeen Park.

7.2.3. As noted above, section 8.2.3.4 of the development plan in referring to additional accommodation in existing built-up areas distinguishes between development on corner / side garden sites, backland development, infill development and development on mews lanes. The subject site, being both in the (former) rear garden

of no. 19 Rosmeen Park and at the end of a lane of existing dwellings partially qualifies under all three categories. The development management standards for each form of development are largely the same, the overriding consideration being the protection of residential amenity of existing and proposed dwellings and of the accommodating area.

7.3. Residential Amenity

- 7.3.1. In response to the Planning Authority's reason for refusal, the appellant has modified the original proposal. The originally proposed two-storey flat roofed three-bedroom dwelling has been re-designed into a 1.5 storey Mansard roof two-bedroom dwelling. The appellant submits that this addresses the concerns of the Planning Authority in removing windows at first floor level (obviating overlooking), reducing the scale and bulk of the first-floor element (improving visual amenity) and proposing a granite finish on the boundary wall (improving the streetscape along The Metals).
- 7.3.2. The modified dwelling, at 103sq.m. has an overall height of 5.72m, albeit within a hipped roof. This proposal, whilst removing the potential for overlooking of the rear gardens in Rosmeen Park (to the west) significantly reduces the residential amenity of the first-floor rooms. The proposed first floor bedroom has two rooflights on the eastern elevation and the study / storage area has a single roof light in the flat roofed section of the roof (see drawing no.s P-04 and P-07). The level of residential amenity afforded by such a fenestrational pattern is questioned. Further, it is generally not advisable to have first floor level windows that are not easily accessible for means of escape and / or ventilation.
- 7.3.3. The proposal, as submitted at appeal stage, provides for private open space of 50sq.m. in a rear garden of 5m depth. The development plan (section 8.3.2.4(iv)) requires a minimum garden of 7m for single storey dwellings and 11m for two-storey dwellings classified as backland development. The development plan is silent on prescriptive depths of gardens in the other classifications (infill, corner and mews). Notwithstanding the maximum depth of 5m, it is considered that the proposed quantum of private open space is sufficient, given the lack of overlooking, the privacy provided and the level of screening in the surrounding sites. It is considered that the proposed private open space will provide adequate recreational area for future residents.

- 7.3.4. Notwithstanding that sufficient private open space has been proposed, it is considered that the residential amenity provided by the proposed dwelling is inadequate, particularly at first floor level. This however, could be addressed by the omission of the first floor. Should the Board decide to grant permission, a condition could be attached to a grant of permission, omitting the second bedroom and study at first floor level and replacing the proposed mansard roof with a flat roof.
- 7.3.5. It is not clear if part of the subject site formerly comprised part of no. 12 Magenta Place. This is certainly the position put forward by one of the Observers. The boundary wall running along the eastern boundary of no. 20 Rosmeen Park continues through the subject site. This physical separation would lead one to believe that historically, the curtilage of no. 19 Rosmeen Park ended at this point. Examination of various maps of the area lend credence to the submission that the curtilage of no. 1 Magenta Place extended to the northern corner of no. 20 Rosmeen, where it meets the Metals.
- 7.3.6. Notwithstanding this, the site appears to have been sold as a stand-alone entity, separate from both no. 19 Rosmeen and no. 12 Magenta. As it stands, the proposed development is entirely separate from no. 12 Magenta Place. The quantum of private open space currently available to the residents of no. 12 will not be affected by the proposed development. Should the Board decide to accept the suggestion to omit the first floor, no overlooking or overshadowing of the existing open space available to no. 12's will occur.

7.4. Visual Impact

- 7.4.1. Both of the observers to the appeal refer to the proposed dwelling as over-bearing. I concur with this assessment. The proposed mansard roof appears discordant, when viewed at the end of the simple-form single story-cottages that characterise this section of the Metals. That the subject site is set back somewhat and at the end of the row of dwellings, allows for a degree of flexibility in design. However, there must be some acknowledgment of the pattern of development in the receiving area for a development to be accommodated successfully. Alternatively, a stark contrast to the prevailing design, is a common and successful design approach. The subject proposal achieves neither comparison nor contrast.

- 7.4.2. The ground level streetscape reads as contemporary and simple whilst the first floor sits heavily on the boundary wall. This will be less impactful when viewed at street level by pedestrians and cyclists on The Metals but when viewed from the wider area, the visual impact will be significant. It is considered that the jump in height from the single storey cottages (approx. 3.3m) to the ridge height of the proposed dwelling (5.72m) will be incongruous, particularly as one travels north from Eden Road towards Summerhill. Given the strategic importance of The Metals as a pedestrian and cycle route and as a cACA, any development on the subject site must enhance the established character of the streetscape. As currently proposed, the subject development is considered to be contrary to Policy AR17 of the development plan.
- 7.4.3. As suggested above, the above concerns could be addressed by the omission of the first floor, should the Board decide to grant permission. The ground floor elevation to the Metals is simple and would be largely hidden behind the proposed granite wall. This would allow the proposed development to comply with Policy AR17.
- 7.4.4. I note the appellants submission to finish the boundary wall with a granite finish. This is welcomed, and will improve the visual amenity of the subject site at a prominent point on The Metals.

7.5. Traffic / Access and Parking

- 7.5.1. The subject site is located at the point where The Metals narrows to pedestrian / cycle access only. It is clear that this section of The Metals was never intended to facilitate vehicular traffic: on-street car parking ends at no. 11 Magenta Place, a section of the roadway in front of no. 12 has double yellow lines and the Metals narrows to 4.9m at the end of no. 12. While the subject site has a sliding gate, I am satisfied that it has not been used for vehicular access in the recent past.
- 7.5.2. The development plan recognises the importance of the Metals, both as an cACA and also as a strategic walking and cycling route between Dún Laoghaire and Dalkey. As noted above, the entire length of the Metals is subject to a specific local objective (SLO 17) to manage and enhance this a public right of way. The Metals is also subject to a second SLO – that of the Sutton to Sandycove (S2S) route, which is part of the National East Coast Trail Cycle Route.
- 7.5.3. As part of the appeal submission, the applicant has submitted an Autotrack diagram showing the vehicular movements in to and out of the proposed on-site car parking

space. The movement requires the vehicle to drive onto The Metals, approx. 4m past the site boundary, past the point where The Metals turns slightly north-east. Visibility is slightly compromised at this point. The Metals carries a significant volume of pedestrian and cycle traffic and it is the clear intention of the development plan to protect The Metals as a walking and cycle route. The introduction of vehicular traffic at this point on The Metals would cause a traffic conflict, which would significantly disadvantage pedestrians and cyclists. The proposed development in its current form is considered to be contrary to the stated objectives of the development plan to protect The Metals as a public amenity and as part of the S2S.

- 7.5.4. Given that the principle of a single storey dwelling at the subject site is acceptable, the Board may decide to grant permission for a development without car parking. The proximity of on-street car parking on Magenta Place and the proximity of the subject site to the Dart line, and a well serviced bus route is such that on-site car parking is not essential. Alternatively, should car parking be deemed necessary, the applicant could consider the possibility of accessing the site through Rosmeen Park. Should the Board decide to grant permission, a condition should be attached omitting the single car parking space and 3.5m wide vehicular access point.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the design 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 residential or visual amenities of the area or of property in the vicinity, and would comply with the

provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by An Bord Pleanála on the 16th day of June, 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>That prior to the commencement of development, details of the following shall be submitted to and agreed in writing with the Planning Authority:</p> <ul style="list-style-type: none"> a) omission of the proposed first floor, with the resultant changes creating a single storey flat-roofed dwelling b) omission of the proposed on-site car parking space and 3.5m wide vehicular entrance. <p>Reason: In the interest of protecting and enhancing The Metals, in accordance with Policy AR17 of the Dun Laoghaire Rathdown County Development Plan.</p>
3.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>

4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p>

	<p>Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</p>
8.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>

Gillian Kane
Senior Planning Inspector

13 January 2022