



An
Bord
Pleanála

Inspector's Report ABP-311885-21

Development	Demolition of existing commercial unit and the construction of house with associated site works.
Location	Boroview, O' Donoghue Avenue, Janesboro, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211193
Applicant(s)	Eric Byrnes
Type of Application	Retention & Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Margaret Nolan
Observer(s)	Laura Murphy
Date of Site Inspection	24 th February 2022
Inspector	Liam Bowe

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1.0 Site Location and Description

1.1. The appeal site of the proposed development is located on the east side of O'Donoghue Avenue, Janesboro in Limerick City. The appeal site has been recently cleared of a derelict structure, which is stated in the application to be a former commercial unit. Development in the immediate vicinity consists of a range of building types and uses inclusive of residential and commercial units which are single storey and two storeys in height. There is a single storey house to the north-east of the site and a two-storey house to the south-west. The rear garden of the latter adjoins the appeal site.

2.0 Proposed Development

2.1. The site of the proposed development has a stated area of 0.007 hectares. The proposed development would comprise the retention of the demolition of a former commercial unit and the construction of a house. The proposed house would be two storeys and 6.1m in height. The house is proposed as a one bedroom unit and would have a stated gross floor area of 62m². The house would be set back from the road edge in line with the house (Cara Lodge) to the north east. Pedestrian access to the house is proposed to be provided at the northern end of the road frontage and a side access to the house is proposed to be provided at the southern end of the appeal site, which leads to the private open space to the south west and southern corner of the site behind the house.

3.0 Planning Authority Decision

3.1. Decision

By order dated 13th October 2021 Limerick City and County Council issued notification of the decision to Grant Permission for the proposed development subject to 12 no. standard conditions. The Conditions include inter alia the following:

- Condition No.3: Requiring details of boundary treatments.
- Condition No.10: External walls shall be plaster /dash.

- Condition No.11: Roof shall be covered in blue-black, black or dark grey tiles / slates.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer notes the site's planning history, the zoning provisions, the reports received and the third party submission. The Planning Officer recommended a grant of permission consistent with the notification of decision which issued.

3.2.2. Other Technical Reports

Roads Section – Adequate on-street parking is available in the vicinity of the proposed development and associated car parking activity is not likely to give rise to a traffic hazard. Notes the absence of proposals for the disposal of surface water.

3.3. Prescribed Bodies

Irish Water – No objection. Conditions recommended.

3.4. Third Party Observations

A submission on the proposal was received from Margaret Nolan. The submission reflects the principal concerns raised in this appeal and these include concerns regarding design of the house, poor amenity provisions, overlooking, overbearing impact, and lack of parking.

4.0 Planning History

4.1. Appeal site:

ABP-307763-20 (P.A. Ref. No. 20/332): Permission was refused for the construction of a two-storey house because it was considered that the proposed development would constitute overdevelopment of the site and would provide substandard accommodation for the occupants of the proposed residential unit. Furthermore, it was considered that, due to the orientation, layout and proximity of the proposed development to adjacent residential properties, that the proposed development

would have a significant overbearing impact and would seriously injure the amenities and depreciate the value of property in the vicinity.

P.A. Ref. No. 09/770008: Permission was refused for the demolition of the former commercial unit and the construction of a two-storey house.

P.A. Ref. No. 80/268: Permission was refused for manufacturing of sausage products.

5.0 Policy Context

5.1. Limerick City Development Plan 2010-2016 (as extended)

- 5.1.1. The site is zoned 'Residential' with the objective "to provide for residential development and associated uses".
- 5.1.2. In order to comply with general policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority permits the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant Development Plan standards for residential development, however, in certain limited circumstances, the Planning Authority may relax the normal planning standards to allow development to take place.

In all cases, where permitted, infill housing should:

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

5.2. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

5.9 (d) (i) Infill residential development

‘In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.’

‘The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.’

5.3. Urban Design Manual – A Best Practice Guide (2009)

12. Detailed Design

- The materials and external design make a positive contribution to the locality.
- Design of the buildings and public space will facilitate easy and regular maintenance.
- Care has been taken over the siting of flues, vents and bin stores.

5.4. Natural Heritage Designations

The site is not located within any European site. The closest Natura 2000 site are the Lower River Shannon SAC (Site code: 002165) and the River Shannon and River Fergus Estuaries SPA (Site code: 004077) both located approx. 1.6km to the northwest.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development and the separation from sensitive environmental receptors, I am satisfied that no likely significant impacts on the environment arise from the proposed development and that the carrying out of an EIA is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Margaret Nolan, Roslyn, Clansfort Terrace, Janesboro, Limerick resident of the adjoining house to the south west of the appeal site. The main points made can be summarised as follows:

- Contends that the proposed development does not meet the key design requirements of the Limerick City Development Plan and Sustainable Residential Development in Urban Areas guidelines.
- Contends that the proposed development will be overbearing and will overshadow the rear garden of her house and her neighbours due to its size and close proximity.
- Highlights an alleged discrepancy in the submitted drawings regarding the part of the shared boundary with the house to the northeast.
- Contends that the private open space is unsuitable, although accedes that it complies with the 30m² minimum requirement.
- Concerned that the large corner window and door proposed on the southern corner of the house will overlook her private open space.
- Concerned that the requirement of condition no.3 of the grant of permission issued by the Planning Authority (the provision of a 500mm gap between the proposed house and the rear boundary wall) will impact the proposed development and there was no opportunity for third parties to make a submission / comment on this.
- Highlights an alleged ambiguity in the proposed finished floor levels, which may result in a higher level nearer to her property.
- Contends that the proposed development will result in severe overshadowing of the rear garden of a neighbouring property (Tenedos, Clansfort Avenue) and notes that the applicant did not submit a detailed daylight, sunlight, and overshadowing assessment.
- States that no provision has been made for appropriate on-site car parking facilities.

- States that no detailed proposals have been given in relation to the existing shared boundary wall with her property and raises concerns about the structural integrity of this wall.
- Contends that the site notice was not located in a central position on the site as had been indicated on the site layout plan submitted to the Planning Authority.
- Contends that the construction of a high rear wall in close proximity to the neighbouring boiler house will result in a downdraft.

6.2. Applicant Response

6.2.1. The main issues raised in the First Party response to the grounds of appeal can be summarised as follows:

- Submits revised drawings of the proposed development based on the cleared appeal site.
- Contends that these revised drawings address and clarify any inaccuracies in the site size and party walls on the original drawings and do not consider these to be substantial changes.
- Contend that the ridge height of the proposed house will be 2.83m below the appellant's house and will not have an overbearing impact on this.
- States that the provision of 37m² of private open space is in excess of 15m² per bed space required under the Development Plan.
- Contends that there will be no overlooking of the appellant's property as the proposed corner window is on the ground floor and there is an existing boundary between the properties.
- Contends that the unresolved design issue of the 500mm gap between the proposed house and the rear boundary wall does not affect the design of the house to any great extent.
- Confirms that the finished floor level will be 250mm below the level of Cara Lodge as level access is required with the concrete footpath.

- States that daylighting will not affect the appellant as her property is to the south of the appeal site.
- States that the Limerick City Development Plan requires the provision of 1 no. car parking space and states there is a space available to the front of the appeal site and other spaces along both sides of this street.
- Confirms that the First Party is willing to agree boundary types and heights with neighbours.
- States that the site notice was placed on shared boundary wall as the Council may have had an issue with it being placed on the temporary fencing along the front of the appeal site.
- States that proposed house will be setback from the chimney of boiler house and there will be no windows on that side of the proposed house.

6.3. **Planning Authority Response**

The Planning Authority has not responded to the grounds of the appeal.

6.4. **Observations**

Observations on the appeal are submitted by Laura Murphy, Clansfort Terrace, Janesboro, Limerick. The main points made can be summarised as follows:

- Supports all of the observations raised by her neighbour, the appellant on this appeal.
- Confirms that she has possession of the triangular section of ground that runs along the north eastern boundary of the appeal site and that the 100mm party wall needs to remain.
- Contends that the rear wall of the proposed house at 5.1m in height and, on average, 1.33m from the shared boundary will create a towering / overbearing presence when viewed from her rear garden.
- Contends that the proximity of the wall will also result in overshadowing in the evening time and impede the amount of daylighting to the ground floor windows of her rear extension.

- Contends that the rear wall will result in a downdraft to occur in her boiler chimney.

A sketch and photograph of the rear elevation of the observer's dwelling is included with the observation.

6.5. Further Responses

A further response was made by Margaret Nolan, Roslyn, Clansfort Terrace, Janesboro, Limerick. The main points made can be summarised as follows:

- Contends that the applicant has not addressed the specific concerns in relation to impact on privacy / amenity and the protection of the established character of the area that were raised in the appeal.
- Considers that the applicant was aware of the existence and ownership of the triangular piece of ground at the north eastern boundary of the appeal site.
- The revisions to the proposed house design do not alleviate her concerns in relation to overdevelopment.
- Contends that the applicant has ignored / re-interpreted condition no.3 of the Planning Authority's grant of permission regarding the construction of a 1.8m high boundary wall along the southern boundary of the appeal site.
- Reiterates concerns about overshadowing to her neighbour's private open space.
- Reiterates her contention that the private open space provision is not functional.
- Contends that the applicant does not have legal interest in the area shown as a front garden.
- Notes the alterations proposed by the applicant in relation to the unresolved design issue and the finished floor level.
- Notes that the applicant has not submitted a daylight, sunlight and overshadowing assessment.
- Contends that the provision of no on-site car parking is at variance with the development plan requirement.

- Contends that she should have been consulted before the building adjoining her party wall was demolished.
- Contends that the applicant has confirmed that the site notice was erected on a wall outside of the applicant's ownership.

7.0 **Assessment**

I consider the main issues in determining this appeal are as follows:

- Principle of development
- Design and layout
- Traffic safety and car parking
- Other issues
- Appropriate Assessment

7.1. **Principle of development**

7.1.1. The site is in an area zoned 'Residential - ZO2(A)' under the Limerick City Development Plan 2010-2016 (as extended). Residential use is permitted in principle under this land use zoning. The purpose of this zoning is to provide for residential development and associated uses.

7.1.2. The site of the proposed development has been recently cleared of a derelict structure, is presently secured with wire mesh fencing and does not present a visually pleasing façade to the street. The site is restricted in area and is additionally constrained by the nature of development in the immediate vicinity. However, I consider that the redevelopment of this site would enhance the general street frontage along this section of O'Donoghue Avenue and therefore, having regard to the above, I consider that the principle of the demolition of the derelict commercial unit on the appeal site and the development of a residential unit is acceptable at this location.

7.2. **Design and layout**

7.2.1. Design

The proposed development seeks to accommodate a one bedroom, two-storey dormer, house on a site stated to be 80m² in area. The proposed house would have a footprint of 41.95m² with floor areas of 35m² and 31.75m² at ground and first floor

levels, respectively. It is evident from the submitted site layout plan that the consequence of the development of this house is such that the house would be built up to its perimeter to the north east and, with revised proposals, to within 500mm of the rear boundary at the south east. The remainder of the site at the south western side of the proposed house is designed to facilitate open space, bin storage and pedestrian access along the south-west side of the house that would lead to the back / side door of the house into the living area, a patio / open space area at the southern corner of the proposed house, and some landscaping to the rear of the dwelling.

Although described as a two-storey dwelling, the proposed house is only 6.1m in height from the finished floor level to the ridge height. This is a reduction in height of 1.2m from the previous planning application (ABP-307763-20 refers) on the appeal site. This reduction in height largely addresses the reason for refusal on the previous appeal decision and the proposed house would sit more comfortably beside the adjoining single storey dwelling immediate to the north-east and within the streetscape.

The proposed house has been redesigned to a one-bedroom residential unit in order to comply with the minimum standards for room sizes, open space and bin storage in the development plan. In this regard, the kitchen / dining / living area is proposed as 28.5m²; the bedroom is proposed as 10.2m²; and the storage is proposed as 3.07m². All of these proposed room sizes are above the minimum standards set out in the development plan.

On the basis of the above, I consider that the proposed house would now be more in character with the residential streetscape and I am satisfied that the proposed house has been specifically designed to address both the constraints of the site, the standards set out in the Limerick City Development Plan, and the reasons for refusal of the previous application / appeal on the site.

7.2.2. Overlooking

The appellant is concerned that the large corner window and door proposed on the southern corner of the house will overlook her private open space. In response this, the First Party contends that there will be no overlooking of the appellant's property as the proposed corner window is on the ground floor and there is an existing boundary between the properties.

It is clearly annotated on both the elevational drawings and floor plans submitted by the First Party in response to this appeal that there are no first floor windows on the north eastern, south eastern or south western elevations. There is a ground window proposed on the southern corner of the proposed house, which wraps around the corner to form part of the south eastern and south western elevations. There are existing 1.8m and 2m high boundary walls shared with the back gardens of both the adjoining south eastern and south western properties.

On the basis of the above, I am satisfied that the proposed house will not give rise to overlooking of the private open space of the neighbouring properties.

7.2.3. Overbearing

The challenge of attempting to design and develop a house on a constrained urban site, such as this appeal site, is to avoid adverse consequences for the amenities of residents occupying the houses that adjoin the plot. In this case, the house would be separated from the back garden of the observer's house by the width of the narrow strip (0.5m – 2.1m) of private open space along the flank of the proposed house and separated from the appellant's house by the width of the private open space (1.5m – 3m) along the south western side of the propose house.

The ground level along O'Donoghue Avenue falls slightly from north east to south west. Consequently, the ground levels of the proposed house are slightly lower than the existing house to the north east and slightly lower than the appellant's house to the south west. These are demonstrated on the contiguous elevation drawing (Drawing No. 21-2-3) submitted to the Planning Authority on 23rd August 2021.

Similarly, the ridge height of the existing and proposed dwellings are indicated on this drawing. The appellant has also significantly set the proposed house back from the appellants boundary, i.e., 1.5m minimum setback under this appeal compared to 1.3m maximum set back under the previous application / appeal.

On this basis, I am satisfied that the reduced scale of the proposed house under this appeal and the separation distance between the proposed house and the appellant's garden will not result in an overbearing impact on this property. Furthermore, given the existing shared boundary wall (over 2m in height) with the observer's property to the south east of the appeal site, the revised drawings adding a degree of separation from this shared boundary, and the reduced height of the rear wall (4.73m) of the proposed house, I am also satisfied that the reduced scale of the proposed house

under this appeal will not result in an overbearing impact when viewed from the private rear garden space of this adjoining house.

7.2.4. Daylight / Sunlight

The appellant contends that the proposed development will result in severe overshadowing of the rear garden of a neighbouring property (Tenedos, Clansfort Avenue) and notes that the applicant did not submit a detailed daylight, sunlight, and overshadowing assessment. Such an assessment is necessary when a proposed development could potentially negatively impact the existing levels of daylight or sunlight on neighbouring properties. This includes habitable rooms, gardens and amenity spaces.

The existing party wall adjacent to the observer's rear annex / extension is higher than the windows within the extension. Consequently, I consider that, even though the proposed house is higher than this party wall, there is limited potential for additional loss of direct sunlight could occur due to this and to the windows within the extension.

I consider that, given the aspects of both the appellant's and the observer's houses and associated rear gardens, to the south west and south east of the appeal site, that there is limited potential for additional loss of sunlight / daylight to occur to these properties. In particular, I consider that there is limited potential for additional loss of sunlight / daylight to accrue to the observer's rear extension as the furthest this extends from the observer's house is flush with the southern corner of the appeal site. I refer the Board to the photograph attached to the observation, submitted on this appeal on 3rd December 2021, for confirmation of this layout.

7.2.5. Inaccuracies in site size

The appellant highlights an alleged discrepancy in the submitted drawings regarding the part of the shared boundary with the house to the northeast. The observer confirms that she has possession of the triangular section of ground that runs along the north eastern boundary of the appeal site and that the existing 100mm party wall needs to remain.

The First Party, in response to this, submitted revised drawings of the proposed development based on the cleared appeal site and contends that these revised drawings address and clarify any inaccuracies in the site size and party walls on the original drawings.

I am satisfied from my observations on the day of my site inspection that the revised drawings submitted in response to this appeal on 17th November 2021 in relation to the boundary are accurate.

7.2.6. Lack of private open space

In relation to the site layout, the appellant contends that the private open space is unsuitable, although she accedes that it complies with the 30m² minimum requirement of the Development Plan. In response to this, the First Party states that the provision of 37m² of private open space is in excess of 15m² per bed space required under the Development Plan.

There is provision for an amount of open space on the site layout plan that would be usable to the owners / occupiers of the proposed one-bedroom house. This takes the form of a 1.5 - 3m wide usable side garden and a landscaped strip to the rear of the proposed house. Part of the side garden is dedicated to the storage of 2 no. refuse bins and the rear garden would primarily take the form of a landscaped feature.

However, I consider that there is a significant difference with the proposed ground floor plan under this appeal compared to the ground floor plan under the previous appeal. On this basis, I consider that both the provision (37m²) and usability of the private open space proposed under this revised application / appeal meets the standards set out in the Limerick City Development Plan and, in terms of usability, is also acceptable.

7.2.7. Unresolved design (gap)

The appellant is concerned that the requirement of condition no.3 of the grant of permission issued by the Planning Authority will impact the proposed development and there was no opportunity for third parties to make a submission / comment on this issue.

As a response to this condition and the issue raised in the appeal, the First Party includes revised drawings demonstrating the provision of the 500mm gap that was

requested by the Planning Authority and incorporated it into an amended design solution for the appeal site. The First Party contends that the provision of this 500mm gap between the proposed house and the rear boundary wall does not affect the design of the house to any great extent. However, the appellant states that the revisions to the proposed house design do not alleviate her concerns in relation to the overdevelopment of the site.

Having reviewed the revised design proposals and noted the appellant's response to these revisions, I am satisfied that revised design proposals bring clarity to what the appellant has deemed an 'unresolved design issue' and I consider that the revised proposal resolves this issue and are acceptable.

7.2.8. Finished Floor Level

The appellant highlights an alleged ambiguity in the proposed finished floor level of the house, which may result in the proposed house being at a higher level nearer to her property. The First Party confirms that the finished floor level will be 250mm below the level of Cara Lodge (house immediately to the north west of the appeal site) as a level access is required with the concrete footpath.

As stated previously in this report, O'Donoghue Avenue falls slightly from north east to south west. Consequently, the ground levels of the proposed house are slightly lower than the existing house to the north east and slightly lower than the appellant's house to the south west. These are demonstrated on the contiguous elevation drawing (Drawing No. 21-2-3) submitted to the Planning Authority on 23rd August 2021.

However, I am satisfied that the First Party's confirmation of the proposed finished floor level brings clarity to the issue and, consequently, I consider that any possible impacts as a result of the proposed development that could be affected by the finished floor level of the proposed house have been assessed in full under Design, Overbearing, Overlooking, and Daylight / Sunlight earlier in this report.

7.2.9. Boundary treatment

The appellant states that no detailed proposals have been given in relation to the existing shared boundary wall with her property and she raises concerns about the structural integrity of this wall. The appellant contends that the applicant has ignored / re-interpreted condition no.3 of the Planning Authority's grant of permission

regarding the construction of a 1.8m high boundary wall along the southern boundary of the appeal site.

The First Party confirms that he is willing to agree boundary types and heights with neighbours and engage the services of a structural engineer to certify the integrity of the shared boundaries. However, I do note that no resolution / agreement has been forthcoming on the orderly development of flank boundaries on the appeal site with neighbouring properties. I consider the Planning Authority's condition regarding the shared boundaries to be appropriate and I recommend that the Board attach a similar condition to effect appropriate boundary treatment for the protection of the residential amenities of the proposed house and the neighbouring properties.

7.3. Traffic safety and car parking

- 7.3.1. The appellant contends that the proposed development requires 1 no. on-site car parking space and, by not providing this space, the proposed development is at variance with the requirements for parking in the Limerick City Development Plan.
- 7.3.2. Table 16.1 of the Limerick City Development Plan outlines the General Parking Standards for three designated zones (Central Core, Outer Core and Suburban) within the built-up area of the city. The appeal site is located within Zone 3 Suburban per Map 6: Parking Zones of the Limerick City Development Plan. The car parking requirement for a house in this zone is 2 no. spaces. The requirement may be relaxed if certain scenarios occur, one of which is where adequate on-street parking is available and is likely to be available in the foreseeable future and where the car parking activity associated with the development is not likely to give rise to a loss of amenity or to traffic congestion.
- 7.3.3. On the day of my site inspection, I noted the availability of a car parking space on the street immediately adjacent to the appeal site and further availability along and at both sides of the street on O'Donoghue Avenue. I consider that the car parking standard for Zone 3 would be based on the development of a three-bedroom house and, in this instance, I consider the provision of 2 no. car parking spaces for the proposed development of a one-bedroom house would be onerous.
- 7.3.4. Given the location of the appeal site, within an area established residential area with on-street car parking available adjacent to the appeal site and along O'Donoghue Avenue, I am satisfied that the proposed development is acceptable in terms of car

parking provision and a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

7.4. Other Issues

7.4.1. Validity of site notice

The appellant contends that the location of the site notice was outside of the site edged red and not at the location indicated on the site layout plan submitted to the Planning Authority.

Article 19 (1) (c) of the Planning & Development Regulations, 2001 (as amended) requires a site notice to be 'securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time'.

The application does indicate that a site notice was erected near the entrance to the appeal site and the Planning Authority noted that the site notice was present and legible. On the basis of the information presented, I am satisfied that the requirements of the regulations were met and that this did not prevent the concerned party from making representations.

7.4.2. Legal / Ownership

The appellant contends that the applicant does not have legal interest in the area shown as a front garden, however no clear information contradicting them is presented. On the basis of the information available, I am satisfied that there is no clear information presented to conclude that the applicant does not have sufficient legal interest in the appeal site and I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this is a matter to be resolved between the relevant parties, the applicant and the local authority in this instance, having regard to the provisions of S.34(13) of the 2000 Planning and Development Act.

7.5. Appropriate Assessment

- 7.5.1. The closest European sites are Lower River Shannon SAC (Site code: 002165) and the River Shannon and River Fergus Estuaries SPA (Site code: 004077) both

located approx. 1.6km to the northwest. There is no known hydrological link to the river or the SAC / SPA. Given the small scale of the development, the distances involved, and the absence of any indication of a hydrological link to the European sites, it is considered that Appropriate Assessment issues can be ruled out at this stage.

8.0 Recommendation

I recommend that planning permission should be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 retained and completed in accordance with the plans and particulars lodged with the application and the drawings submitted to An Bord Pleanála on the 17th day of November 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>
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2.	<p>The developer shall submit for the written agreement of the Planning Authority details of the height and finishes of the boundary walls on the site, prior to commencement of development.</p> <p>Reason: In the interest of residential amenity.</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.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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 residential amenities of property in the vicinity.</p>
5.	<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, 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Liam Bowe
Planning Inspector

16th March 2022