



An
Bord
Pleanála

Inspector's Report ABP-312024-21

Development	Demolish existing house and build new one
Location	19 Victoria Road, Dublin D03 P2X0
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3463/21
Applicant	CDP Development Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third parties vs. grant
Appellants	<ol style="list-style-type: none">1. Patricia Kerr2. Thomas Moore and Pauline Sheeran3. Vincent Corcoran, Linda Loughran, Kevin Hickey and Jennifer Hickey
Observers	Cormac and Jackie Farrell
Date of Site Inspection	20 th May 2022
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site is in a suburban part of Dublin, c4 km north east of the city centre. Its stated area of the site is 560m², with street frontage of c10.5m and a depth of c53m. It is the curtilage of a two-storey semi-detached house from the early 20th century. The stated floor area of the existing house is 131m². The other houses in the immediate vicinity of the site are a mix of single and two-storey semi-detached structures. The neighbouring house to the east at No. 21 is single storey. The houses have their front doors on the side walls. The submissions from the parties refer to a hedge along the eastern boundary in front of the houses, but this had been removed at the time of inspection.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing house on the site and to replace it with a new one.
- 2.2. The proposed house would be a two-storey, semi-detached structure with a stated floor area of 251m². The line of the front wall and the eaves and ridge of the roof structure over the front of the proposed house would correspond to the existing house and the attached house to the west. The new house would include a larger element to the rear that would extend c14m from the line of the main wall at the back of the existing pair of semi-detached houses. The rear element of the proposed house would include single and two-storey elements.

3.0 Planning Authority Decision

3.1. Decision

The council decided to grant permission subject to 9 conditions. Condition no. 6 was as follows –

6. The development hereby approved shall adhere to the following:

a) The three slot windows serving bedroom no 3 and the first floor level bathroom shall be replaced by one window with the maximum dimensions 2 metres (width) x 1.5 metres (height).

b) The proposed 'bay' projecting from the house at ground floor level serving the lounge shall be omitted and replaced by a window with the maximum dimensions 2 metres in width x 1.5 metres in height.

c) The window to light the stairwell on the eastern elevation shall have the maximum dimension of 1 metres (height) x 0.8 metres (width) and shall be permanently fitted with obscure glazing.

d) The window at first floor level serving the master bedrooms en-suite toilet in the west facing elevation at first floor level shall be permanently fitted with obscure glazing.

e) The flat roof, single storey part of the proposed house shall not be used for recreational purposes and shall be accessible for maintenance purposes only.

Reason: *In the interest of visual and residential amenities.*

3.2. Observation

- 3.2.1. Several observations were submitted to the council which objected to the development on grounds similar to those raised in the subsequent appeals and the observation upon them.

3.3. Planning Authority Reports

3.4. Planning Report

- 3.4.1. The applicant has submitted a construction method statement to demonstrate that the proposed development would not have a negative impact on the attached house. The necessary works to maintain the integrity of the adjoining structure would require the neighbour's consent. The level of overshadowing from the proposed development would be acceptable, including that to the area between it and the house at No. 21. The proposed porch and relocation of the front door to the front of the house would not be entirely inconsistent with the character of the area. The second projecting bay window would create a visual imbalance. The proposed fenestration is also inconsistent with the existing house and its neighbour. This can be addressed by condition. The proposed house would be significantly larger than the existing house. The proposed first floor return shall be reduced in depth to a

maximum depth of 5m. The windows on the side elevations should have obscure glazing. The window to light the stairwell is too big and should be reduced to 1m by 0.8m. There is adequate separation distance to the back of the site to ensure that the proposed windows facing them do not unduly overlook the neighbouring properties to the north. The replacement of one house of a semi-detached pair would, subject to modifications, have no adverse impacts on the scale and character of the area. It was recommended that condition be granted subject to conditions.

4.0 Planning History

- 4.1.1. ABP-310667-21, Ref 2539/21 – In September 2021 the board refused permission to replace the house on the site with a detached house. The reason for refusal was-

The proposed development to demolish one side of a semi-detached pair of houses and to replace the demolished house with a detached house, would result in development which is inconsistent with the established character of semi-detached houses and bungalows on Victoria Road. The replacement house would be visually obstructive on the streetscape and not in keeping with the area's established architectural character and would therefore be contrary with Policy QH 22 and Policy QH 23 of the Dublin City Development Plan. The proposed development would fail to protect and improve residential amenities in accordance with the Z1 zoning objective. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.1.2. PL29N. 244726, Reg. Ref. 2092/15 – In June 2015 the board refused permission for an extension to the house at 15 Victoria Road, two doors down from the current site. The board refused permission for two reasons, as follows –

- 1. The proposed two-storey extension would have an overbearing and overshadowing impact on the amenity areas to the rear of neighbouring properties by virtue of its scale, massing and extent. The proposed development, would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to the height of the proposed extension, together with its proximity to the parent building and to nearby boundaries, it is considered that the proposed development would seriously injure the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area*

5.0 Development Plan

5.1. The Dublin City Development Plan 2016-2022 –

- 5.1.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective “to protect, provide and improve residential amenities”. Within Z1 zones ‘Residential’ is a permissible use.
- 5.1.2. Chapter 16 of the plan outlines Development Management Standards The indicative plot ratio for the Z1 zone is 0.5 to 2.0, the indicative site coverage is 45-60%. Section 16.10 outlines the Standards for Residential Accommodation.
- 5.1.3. In addition, the policies have been cited by the parties:

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH13: To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Residential Quality Standards and with regard to the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).

QH21: To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

QH22: To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal from Patricia Kerr may be summarised as follow-

- The appellant lives in the neighbouring single storey house to the west at No. 17 Victoria Road. The proposed development will unduly overshadow and overbear her property due to its excessive scale and mass and inadequate separation distance.
- The proposed two-storey structure will be 1700mm closer to the common boundary and the appellant's front door would present a large mass nearly 5m high to eaves level. This would be overbearing and create a narrow and dark space between the gables contrary to the established character of the street which provides wide spaces between neighbouring pairs of houses with the doors on the side walls. This would injure the residential amenity and depreciate the value of the appellant's property.
- The two-storey element of the proposed house would extend 6m from the original rear building line and would be between 700mm and 1830mm from the appellant's property. This would be visually obtrusive and overbearing from the appellant's front door and back garden. It would also unduly overbear and overshadow the property and the windows on the house at No. 17 on the other side.
- The current proposal does not address the damage to the residential amenity of the adjoining properties that lead to the planning authority's refusal of the

previous application. It is not acceptable to the appellant to have the part of her garden nearest the house overshadowed notwithstanding the length of that garden.

- The submitted shadow analysis was flawed in that it did not address the potential loss of daylight at windows on the neighbouring properties.
- Overlooking from the flat roof of the extension may occur despite the conditions on the council's decision.
- A single storey rear extension with the depth reduced by 2m and the width by 800mm would meet the appellant's concerns.

6.1.2. The grounds of the appeal from Thomas Moore and Pauline Sheeran can be summarised as follows-

- The appellants live at No. 15 Victoria Road which is less than 10m to the west of the appeal site.
- The houses on the western part of Victoria Road were built as a single coherent development by the Sailors' and Soldiers' Land Trust with alternating pairs of single- and two-storey semi-detached houses with the front doors on the side wall into an area that is well lit and spacious due a generous separation distance of 5m between the blocks. The architectural and historical character of the area is valuable and should be protected.
- The proposed development would double the size of the house on the site and breach the front building line. It would reduce the separation distance to the neighbouring block at No. 21 to 2.5m. This would overshadow and overbear the remaining space between them, seriously injuring the residential amenity of the neighbouring property and the architectural character and heritage of the area and contravening the Z1 zoning of the site and policies QH7, QH22 and QH23 of the development plan.
- The house on the site is habitable and structurally sound. Its demolition would not be justified under policy QH23 of the development plan and would under the integrity of the adjoining house. Its energy efficiency could be improved by retrofitting. The proposed development would not increase the number of dwellings on the site.

- The council's decision and its planner's report are not consistent with previous decisions and report by the council and the board in respect of the site and the appellants' property, including the board's refusal of a smaller proposal on the latter.
- No house in the area has a porch or fenestration resembling that on the proposed house. The conditions on the council's decision would not ameliorate the injury that the proposed development would cause to the character and amenities of the area. The conditions do not reflect the statement in the planner's report the depth of the two-storey rear return should be reduced to 5m.

6.1.3. The grounds of the appeal submitted by Vincent Corcoran, Linda Loughran, Kevin Hickey and Jennifer Hickey can be summarised as follows –

- The appellants live at No 31 and No 33 Kincora Avenue to the north and rear of the site. Their houses have shallow back gardens that are free form overlooking. The gardens and the rooms at the back of their houses are intensively used and are a significant amenity for the appellants. The council's decision did not properly consider the injury that the proposed development would cause to the privacy of the appellants' property. The council planner's report failed to address the discrepancies in the submitted drawings, and its decision fails to follow through the advice that the depth of the two-storey element should be reduced.
- Other grounds were similar to those raised in the other appeals, described above, and stated that the proposed development would injure the character of the area and the amenities of neighbouring properties and so contravene the zoning of the site and other policies of the development plan; and that the council's decision is inconsistent with previous decisions by the board and the council and was based on an inadequate assessment of the proposed development that failed to address the discrepancies on the submitted drawings and did not reduce the depth of the first storey extension.

6.2. Planning Authority's Response

6.2.1. None.

6.3. Applicants' Response

6.3.1. The applicants' response to the appeals can be summarised as follows-

- The existing house on the site is not a protected structure or in an Architectural Conservation Area. It has issues relating to energy efficiency, fire safety, acoustic performance etc. The applicant company wishes to replace it with a modern home of sufficient size to accommodate the current and future needs of the family of one of its directors, members of which have particular needs.
- The proposal would not amount to overdevelopment of the site. Its plot ratio of 0.45 and site coverage of 30% would be below the range indicated by the development plan for the Z1 zone. The proposed development would result in a more efficient and sustainable use of serviced urban land.
- The proposed dwelling has appropriate height and separation from adjoining properties and would not be overbearing. It would have a minimum separation distance of 900mm from the boundary with the property at No 21 Victoria Road.
- The proposed house would not unduly overlook neighbouring property. The window on the eastern side elevation at first floor level would not serve a habitable room. The first floor windows at the back of the proposed house would be over 30m from the boundary of the site with the properties to the rear at Kincora Avenue, well above the 22m separation distance between windows sought under section 16.10.2 of the development plan.
- The proposed development would not unduly overshadow other property. The daylight and overshadowing report submitted with the application demonstrates that.
- The development would not injure the character of the area. Victoria Road already has a diverse mix of building types including Edwardian building and the houses from the 1920s like the one on the site, many of which have been modified over the years.
- The proposed house would be in keeping with the residential zoning of the site and the other provisions of the development plan.

- The current proposal is materially different from the one previously refused on the site as it retains the semi-detached form of the existing house and better conforms to the building and roof lines at No.17. It would be c16m² smaller in floor area.
- The proposed demolition of the house on the site would not threaten the structure of the adjoining house, as set out in the Method Statement submitted with the application. The replacement is justified under QH23 by the much better energy performance of the proposed house.
- Under section 37(b) of the planning act, when an appeal is made to the board is then considers the application as if it were made to it in the first instance. The applicant therefore requests the board to consider the plans which the submitted with the application without reference to condition 6b) of the council's decision, which would replace the bay window serving the lounge with a smaller one. It is considered that the design as proposed provides a better visual balance and transition from the porch to the east to the existing house at No 17 to the west.

6.4. Further responses

- 6.4.1. Patricia Kerr's response to the other appeals noted the similarity of the grounds that had been raised and concurred with them.

6.5. Observation

- 6.5.1. The observation from Cormac and Jackie Farrell can be summarised as follows-
- The observers live at No. 17 Victoria Road which is the house that adjoins the house on the site. They have been in discussion with the applicant's engineers regarding the carrying out of the proposed development but remain concerned as to the impact of the proposed development on the structural integrity of their house and question whether any assurances can be given to them on this matter.
 - The proposed development will affect the privacy and natural light of the observers' property, as well as those of other neighbours. The observers have been advised that the scale of the proposed development would lead to the devaluation of their property. The grounds of the appeals are supported.

7.0 Assessment

7.1. The planning issues arising from the proposed development can be addressed under the following heading-

- The principle of development
- Impact on the amenities of property in the vicinity
- Impact on the character of the area
- Other issues

7.2. The principle of development

7.2.1. The proposed development would be residential. This is in keeping with the residential zoning of the area.

7.2.2. The appeals argue that the proposed demolition of the house on the site would be contrary to policy QH23 of the development plan. There is merit in these arguments, as that provision is to 'discourage' the demolition of housing unless various criteria are met including a net increase in residential units. The proposed development would not meet that criterion. Nevertheless I prefer the applicant's position on the matter. The proposed development would not decrease the residential accommodation on the site, but would increase it by providing a bigger house there. Policy QH23 is to "discourage" the demolition of housing, not to prevent or prohibit it. If the planning authority intended to make a policy preventing the replacement of the house as currently proposed, it could have done so in a clear manner by including the house on the record of protected structures. The inclusion of the site in an Architectural Conservation Area would establish a presumption against the demolition of the structures upon it. The application of the Z2 residential conservation zoning of the site would have indicated that the maintenance of the established built character of the area was to be given more than usual weight in proposals for residential development. None of these provisions were applied to the site by the development plan. It is therefore concluded that the proposed replacement of a house on the site with another house would not be contrary to the provisions of the development plan *per se*. As the principle of the proposed

development would not contravene the development plan, it does not require an exceptional justification for further consideration to be given to it.

- 7.2.3. While the principle of the proposed development is acceptable under the applicable planning policies, whether the particular scheme proposed in this case complies with the proper planning and sustainable development position also depends on its specific impact on the amenities of neighbouring properties and the character of the area. These issues are considered below.

7.3. Impact on the amenities of property in the vicinity

- 7.3.1. The most significant potential impact of the proposed development is on the structure of the adjoining house at No. 17, as stated in the observation from its occupiers. The demolition and replacement of a structure attached to another building in separate ownership is a regular building operation which, if carried out in a competent manner, would not unduly threaten the structural integrity of the remaining property. In the absence of any exceptional circumstances that would indicate that a particular sensitivity or vulnerability arise, that fact that a proposed development constitutes the replacement of a terraced structure would not prevent a grant of permission being made. No such circumstances arise in this case. The applicant has submitted a method statement to show how it intends to protect the adjoining structure during works. This statement has a reasonable factual and technical basis. The occupiers of the adjoining structure query whether they can have a guarantee or certainty that their home will not be damaged. The planning process cannot provide them with this, nor can it alter or qualify the responsibility that any person carrying out works on a piece of land would have toward his neighbours or the legal remedies that would be available if this responsibility were not fulfilled. The proposed development would not have windows from habitable rooms above first floor level facing onto the property at No. 17 and so it would not unduly overlook that property. The first floor element of the rear return would have a pitched roof and would be set back c2.5m from the boundary with No. 17 which would be adequate to ensure that it did not unduly overshadow or overbear the windows on the house or the garden on the latter property. This is demonstrated by the overshadowing analysis report submitted with the application, which has a sound empirical and technical basis. It is therefore concluded that the proposed

development would not seriously injure the amenity of the property at No. 17 Victoria Road.

- 7.3.2. The proposed house would not have windows onto habitable rooms above ground floor level facing the property at No. 21 Victoria Road. It would not unduly overlook that property. The proposed house would have a pitched roof first floor projection that extended c2m from the rear building line of the house at No. 21 with a setback of c1.8m from the shared boundary. The main body of the proposed house would introduce a two storey pitched roof structure to within 900mm of the boundary with the property at No. 21, as well as a flat roofed single storey structure over 3.1m high. Having regard to these characteristics, I am satisfied that the proposed house would not unduly overbear the property at No. 21. It would reduce the daylight reaching the area immediately to the rear and side of the house at No. 21, as set out in the appeal from the occupier of that house. This impact is accurately described in the report on the topic submitted with the application. The impact on the property at No. 21 would be appreciable and the appellant's concerns in this regard deserve serious consideration. The applicant indicates more than 50% that the back garden of the would continue to receive more than 2 hours sunlight on March 21st thus meeting the BRE guidance and BS standards. This conclusion is correct. However, while the BRE and BS are widely used in Ireland and are mentioned in several documents that are material considerations under section 34 of the planning act, they provide guidance to aid the proposed assessment of each case rather than prescriptive rules that would displace proper judgment by the appropriate decision maker. In this case the fact that the appellant at No. 21 has a back garden that is longer than usual does not mean that the board should not consider the impact of overshadowing on the area beside her house. Nevertheless, the proper planning and sustainable development of the area does not require proposed development to have no effect on other properties. In the current case I do not consider that the overshadowing arising from the proposed development would not seriously injure the amenities of the property at No. 21 in a manner that would justify refusing or substantially altering the proposed development.
- 7.3.3. The separation distance from the back of the proposed house to the rear boundary of the site would be more than 23m. The separation distance from the first floor element of the proposed house to that boundary would be more than 33m. it is

evident from these characteristics that the proposed development would not seriously injure the amenities of the properties to the north on Kincora Avenue. The arguments to the contrary in the appeal from the occupants of the houses there are not well founded and are not accepted.

- 7.3.4. Having regard to the foregoing it is concluded that the proposed development would not seriously injure the amenities of property in the vicinity of the site or tend to depreciate its value.

7.4. Impact on the character of the area

- 7.4.1. As stated in the various submissions from the parties, the house on the site and the neighbouring plots along the street was built as part of a single development around 1920. The street has a distinctive and attractive character that is worthy of protection. If the board considers that the proposed development would injure that character, as argued in the appeals, then it should refuse permission. There is adequate information on the file to support a conclusion on the issue one way or another. I do not consider that the proposed development would injure the character of the area. As stated above, the house on the site is not a protected structure and its owner is not subject to the legal obligations to maintain the house that such a status would entail. The site is not in an Architectural Conservation Area or the Z2 residential conservation zone and there is no presumption in policy that buildings there should be retained. The proposed house would maintain the semi-detached form and roof lines that are already established by the existing house on the site. I am also satisfied that it maintains established the building line along the street, having regard to the scale of the projecting elements of the porch and bay window at ground floor level. The proposed house would look somewhat different to the 1920s houses along the street around it and would clearly appear as a modern house. However the distinctive appearance would not be discordant or obtrusive and would not injure the architectural character or heritage of the area and would comply with policies QH7 and QH22 of the development plan.
- 7.4.2. Condition 6a) and b) of the council's decision introduced changes to the fenestration at the front of the proposed house. While the applicant did not appeal those conditions No. 6, the third party appellants argue that they would do little to integrate the proposed house into the established character of the area. I would tend to

agree. The proposed house will inevitably appear as a new and distinct structure due to its greater width than the existing house on the site. Whether permission should be granted depends on whether this distinction is acceptable or not. I consider that it is. The minor changes in conditions 6a) and 6b) are superfluous and unnecessary and it is not recommended that they be repeated on any grant of permission issued by the board. The changes required under condition 6c), d) and e) relate to issues of residential amenity, however. It would be unreasonable to omit them from a grant of permission by the board when they were not appealed by the applicant and the 3rd party appellants who might be directly affected by their omission would not necessarily expect that they would have to comment on them in their appeals against a grant of permission.

7.5. Other issues

- 7.5.1. Each planning application and appeal is determined on its own merits. They are not constrained by any supposed precedent that may be claimed in respect of other applications. Of course any previous grant of permission would have altered the circumstances of a new proposal as a matter of fact. The board seeks to be reasonably consistent in its decision making in the interests of fairness and efficiency, but not to the extent that would outweigh the material considerations and submissions made on the case in question. The current case involves a proposal for a replacement semi-detached house at No 19 Victoria Road. As such it is substantially different from the previous proposal for a detached house on this site that was refused permission under ABP-310667-21, Reg. Ref. 2539/21 and the extension to a house on another site under PL29N. 244726, Reg. Ref. 2092/15. The decisions on those cases would not determine or circumscribe the consideration of the current case by the board.
- 7.5.2. The decision of the council ceases to have effect when an appeal is made against it. Any substantial grounds for criticising the proposed development can be made at appeal stage. Alleged deficiencies or inconsistencies in the consideration of the case by the council or its staff can be addressed at that stage. I did not detect significant inconsistencies in the plans and particulars submitted with the application. the comments regarding these matters in the submitted appeals would not prevent the consideration of a grant of permission by the board in the normal way at this stage.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the proposed development subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning that applies to the site under objective Z1 the Dublin City Development Plan 2016-2022, to the pattern or development in the area and to the nature, scale and form of the proposed house on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the provisions of the development plan and with the established character of the area, would provide the occupants of the house with an acceptable standard of amenity and would not seriously injure the amenities or tend to depreciate the value of properties in the vicinity of the site. It would therefore be in keeping with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The window to light the stairwell on the eastern elevation shall have the maximum dimension of 1 metres (height) x 0.8 metres (width) and shall be permanently fitted with obscure glazing.

- (b) The window at first floor level serving the master bedrooms en-suite toilet in the west facing elevation at first floor level shall be permanently fitted with obscure glazing.
- (c) The flat roof, single storey part of the proposed house shall not be used for recreational purposes and shall be accessible for maintenance purposes only

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of [visual] [and residential] amenity.

- 3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

- 4. 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.

- 5 The vehicular entrance shall be retained at its existing position and width and shall not have outward opening gates. All costs incurred by the council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: For the safety and convenience of road users

- 6. The site and building works required to implement the development shall only be carried out between the hours of 0700 to 1800 from Mondays to Fridays and 0800 and 1400 on Saturdays with no works on Sundays or public holidays - No activity on site. Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may

be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

Reason: In order to safeguard the amenities of adjoining residential occupiers

7. 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.

Stephen J. O'Sullivan

Planning Inspector, 20th May 2022