



An
Bord
Pleanála

Inspector's Report

ABP-312195-21

Development	Demolition of extension, construction of dwelling and all other associated works.
Location	100, Haddington Road, Dublin 4, D04F5F7
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3560/21
Applicant(s)	Joseph Hyland
Type of Application	Permission.
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Joseph Hyland.
Observer(s)	1. Mark Hurley. 2. David Kent. 3. Alfred Guinevan. 4. Gary Mongey 5. Philip O'Reilly

Date of Site Inspection

01.09.2022

Inspector

Fiona Fair

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.2. Natural Heritage Designations	11
5.3. EIA Screening	11
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Applicant Response	13
6.3. Planning Authority Response	13
6.4. Observations	14
6.5. Further Responses.....	15
7.0 Assessment.....	15
8.0 Recommendation.....	20
9.0 Reasons and Considerations.....	20
10.0 Conditions	21

1.0 Site Location and Description

- 1.1. The subject site (of stated 344 sq. m) is located c.60m southwest of the junction between Haddington Road and Grand Canal Street Upper and opposite the entrance to the former Beggar's Bush Barracks, Dublin 4.
- 1.2. Haddington Road is, for the greatest part, a residential road developed during the 19th century expansion of the city and mainly comprises terraces of period houses. The subject property consists of one of a pair of two-storey semi-detached dwellings set back from the road with a garden and off-street car parking to the front and side of the house. The houses have been designed to read as a standalone composition on the street.
- 1.3. There are two small gardens / yards to the rear of the subject property on either side of a lean-to extension. The property backs onto the rear gardens of No. 63 and No. 65 Grand Canal Street Upper to the north and sides onto an access lane to the side of No. 102A Haddington Road to the east.
- 1.4. The front of the site is bound by railings on a granite wall and a high granite wall is located to the east of the vehicular entrance. There is a mature street tree and on-street permit / pay and display parking to the front of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought to:
 - Demolish the lean-to structures (51sq.m) to the side and rear of the existing dwelling and construct:
 - A two storey extension to the side and rear of the house (59sq.m),
 - A two-storey semi-detached house (3 bedroom – 174.9sq.m) over partial basement with front balcony and off-street car parking accessed from existing vehicular entrance, all to the side of the existing house, and
 - A new vehicular entrance and off-street car parking area to the front of the existing house
 - Connection to public utilities and drainage networks and

- All other associated works.

3.0 Planning Authority Decision

3.1. Decision

Split Decision:

GRANT permission for the proposed demolition works and ground and first floor extensions to No. 100 Haddington Road subject to the conditions set out in Schedule 1 below.

REFUSE permission for the proposed dwelling and vehicular entrance for the reasons set out in Schedule 2.

Schedule 1

C. 1 Standard

C. 2 Financial Contribution

C. 3 The house and extension to be used as a single dwelling unit.

C. 4 External finishes.

C5. Prior to the commencement of development the applicant shall submit, for the written agreement of the planning authority, revised plan and elevation drawings showing the proposed dwelling and new vehicular entrance omitted and the front elevation of the proposed side extension. Reason: To ensure effective control of the permitted development can be maintained.

C.6 The privacy Louvres on the rear (north) elevation of the proposed extension shall be installed and maintained in place thereafter. Reason: To protect residential amenities.

C. 7 restricts hours of operation of building works.

C. 8 Drainage

C. 9 Noise control.

C. 10 Drainage

C. 11 requires that adjoining streets are kept clear.

Schedule 2

1. Having regard to the architectural form and composition of No. 98 and 100 Haddington Road and the position and height of the proposed dwelling relative to the rear garden of No. 65 Grand Canal Street Upper, it is considered that the proposed dwelling would, by reason of its forward position abutting onto No. 100 Haddington Road and two-storey height abutting onto the boundary of No. 65 Grand Canal Street Upper, seriously injure the architectural character of the area and the residential amenity of No. 65 Grand Canal Street Upper by way of overshadowing and overbearing impacts. The proposed development would, therefore, be contrary to the Z2 zoning objective for the site, to protect and/or improve the amenities of residential conservation areas, and the proper planning and sustainable development of the area.
2. The proposed dwelling would result in a deficient standard of private open space for the occupants of the existing dwelling on the site, No. 100 Haddington Road. The proposed development would, therefore, constitute overdevelopment of the site and would, in itself and by the undesirable precedent it would set for similar development in the area, seriously injure the amenity of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed vehicular entrance would result in the loss of on-street car parking in a location where there is high demand for residential on-street car parking provision and, as such, would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to minimise the loss of on-street parking as a resource for the city. This element of the proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Concern expressed that the proposed dwelling and extensions combined would, by reason of their height and location tight against the southeast and southwest rear garden boundary of No. 65 Grand Canal Street Upper, give rise to adverse overshadowing impacts and appear visually overbearing on this property.
- The proposed dwelling would detract from the residential amenity of No. 65 Grand Canal Street Upper.
- A more modest sized dwelling may have overcome issues.
- The proposed site coverage of 57% is in excess of the indicative 45% standard for Z2 zones, although the relatively low plot ratio proposed (0.97) is acknowledged (a 0.5-2.0 plot ratio standard applies in inner city Z2 zones).
- Given the constraints of the subject site including the established building line on Haddington Road, the deficit of private open space to the rear of the existing dwelling and the location and height of the proposed dwelling relative to the rear garden of No. 65 Grand Canal Street Upper, it is considered that the proposed dwelling would constitute overdevelopment of the site and would have a negative impact on the residential amenity and architectural quality of the area.
- It is recommended, therefore, that the proposed dwelling be refused permission.
- The Drainage Division has sought a Flood Risk Assessment paying particular attention to the basement / ground floor.
- Whilst the Transportation Planning Division (TPD) has indicated a shared vehicular entrance serving both the existing and the proposed dwelling may be acceptable, given the substantive issues with the proposed dwelling, the

TPD's recommendation to refuse permission for the new vehicular entrance should be upheld.

3.2.2. Other Technical Reports

Drainage Division: Requires Further Information re: flooding.

Transportation Planning Division (TPD): Recommends Refusal due to loss of on-street car parking as a result of proposed new vehicular entrance and undesirable precedent that would be set for similar development elsewhere. In the event of a grant of planning permission conditions are recommended.

3.3. Prescribed Bodies

- None on file.

3.4. Third Party Observations

Two submissions received.

The main planning issues raised are summarised as follows:

- Style and scale of proposed dwelling would not be in keeping with the character of the area.
- Boundary treatment on Haddington Road should be maintained / replicated to maintain the architectural character of the area.
- Trees within the site or the public realm should not be removed to facilitate the development.
- Hardstanding areas should be of permeable construction to reduce the risk of flooding.

4.0 Planning History

Subject Site

0319/21:

Applicant granted Part V Certificate Exemption 05/10/21 in respect of the construction of 1 no. dwelling on the site.

Adjoining Sites and Relevant Applications

WEB1095/21:

Permission granted for changes to permitted dwelling (reg. ref. WEB1334/20) and permission refused for new vehicular entrance and off-street car parking at No. 71 Haddington Road. Council decision upheld by An Bord Pleanála (ref. ABP 310064-21). New vehicular entrance refused due to loss of on-street car parking in an area where there is high demand for same, contrary to Policy MT14 of the City Development Plan.

WEB1383/18:

Permission granted for change of use of artist's studio and greenhouse to domestic use integrated with existing house, alterations to flat roof including provision of new roof lights, alterations to kitchen wall to include windows, widening of vehicular entrance and all internal alterations at No. 67 Grand Canal Street Upper and 102A Haddington Road.

2919/02:

Permission granted for single storey rear extension and ancillary works to rear return of No. 65 Grand Canal Street Upper.

5.0 Policy Context

5.1. Development Plan

Under the Dublin City Development Plan 2016-2022 the site is zoned objective Z2; to protect and / or improve the amenities of residential conservation areas.

Section 14.8.2 of the City Development Plan states in respect of Z2 zoned lands, inter alia, "the general objective for such areas is to protect them from the unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area."

Policy CHC4 of the City Development Plan states, inter alia, it is the policy of Dublin City Council: “To protect the special interest and character of all Dublin’s Conservation Areas. Development within of affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.....”

“Development will not:

1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area
2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail
3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors.
4. Harm the setting of a Conservation Area.
5. Constitute a visually obtrusive or dominant form.....”

Policy MT14 of the City Development Plan states that it is the policy of the Council “to minimise the loss of on-street car parking, whilst recognizing that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.”

Section 16.10.2 of the City Development Plan sets out standards for new houses in respect of floor area, aspect, natural light and ventilation and private open space.

Section 16.10.10 of the City Development Plan relates to infill housing and states, inter alia, that 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. Section

16.10.12 of the City Development Plan states the design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of existing buildings should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit. The City Development Plan states that applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will not have an adverse impact on the scale and character of the dwelling or the amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Section 16.10.15 of the City Development Plan relates to basement development and sets out development management criteria for same.

Section 16.38.9 of the Dublin City Development Plan states that there will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car parking spaces.

Table 16.1 of the City Development Plan sets out maximum car parking standards for various land-uses within three zones as identified on Map J of the Plan.

Appendix 5 of the City Development Plan sets out road standards for various classes of development including driveways.

Appendix 17 of the City Development Plan contains guidelines and general principles for residential extensions.

5.2. Natural Heritage Designations

- None relevant.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development comprising of partial demolition of an existing dwelling and construction of an extension and a new modern two storey dwelling, in an established urban area, 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 has been submitted by TODD Architects on behalf of Mr. Joseph Hyland, it is summarised as follows:

- The form, mass and orientation of the proposed dwelling was considered at great length in respect of position and height relative to the rear garden of no. 65 Grand Canal Street Upper.
- The design of the building has cognisance to amenities of adjacent properties.
- The proposed dwelling is designed to be single aspect, all windows within the new development face Haddington Road / southeast, use of roof lights for the remainder of the say.
- The design approach was adopted due to the rear garden of No. 65 Grand Canal Street Upper extending to the rear of the subject site, to avoid any windows to the rear at first floor.
- Preplanning did take place with DCC. The proposal was discussed in depth with the owners of No. 65 Grand Canal Street and no objection / submission was forthcoming from them.
- The proposal is not contrary to the Z2 Zoning objective.
- The proposal complies with all relevant standards, the plot ratio, site coverage and minimum open space requirements.
- The effects of overshadowing / available sunlight of the new proposed development on the existing amenity spaces are within the constraints of the BRE guidelines in that at least 50% of the amenity space receives at least two hours of sunlight between the equinoxes.

- Recent contemporary in nature buildings have been introduced along Haddington road with no serious injury to the residential amenities of the adjoining properties.
- There is a precedent set for contemporary buildings along Haddington Road.
- The proposal represents an appropriate response to the challenges of achieving sustainable density.
- The proposal has been carefully designed to respond to its environment.
- Understand that the creation of two entrances on a busy road may be an issue for the Transportation Department and will design the entrances to be in accordance with the roads department, therefore the entrances will be combined.
- There is a precedent set for car parking spaces adjoining one another on Haddington Road and Grand Canal Street Upper, that are in closer proximity to the junction.

6.2. Applicant Response

- None on file

6.3. Planning Authority Response

6.3.1. A response was submitted it is summarised as follows:

- Concern as to the serious deficient quantity (11.5 sq. m) and quality of private open space retained to serve the host dwelling.
- The area to the front of the house is not reckonable for the purpose of calculating POS, as it would not be screened from the road, and to do so would have an adverse impact on the visual amenity of this residential conservation area.
- The building line proposed would detract from the architectural form and composition of the streetscape.
- Adverse impacts upon residential amenity of no. 65 Gran Canal Street Upper by way of overbearing and overshadowing impacts.

- From the overshadowing analysis submitted it is noted that more than 50% of the garden of No. 65 would be in shadow between 11.00 and 14.00 hrs.
- The loss of sunlight to the rear garden of no. 65 Grans Canal Street would be significant as per the BRE Guidelines.
- No objection in principle to the omission of the new vehicular entrance to serve the existing dwelling. No. 100 Haddington Road

6.4. Observations

6.4.1. Five number observations were received from:

1. Mark Hurley, 67 Grand Canal Street Upper / 102A Haddington Road
2. David and Mary Kent, 63 Grand Canal Street Upper
3. Alfred Guinevan on behalf of Lansdowne and District Residents Association.
4. Gary Mongey of Box Architecture on behalf of Frank Fitzgibbon and Isabel Charleton of 65 Upper Grand Canal Street.
5. Philip O'Reilly 18 Grosvenor Place, Rathmines.

they are jointly summarised as follows.

- Proposal will block daylight onto the ground level laneway window of No. 67 Grand Canal Street.
- The daylight sunlight assessment accompanying the application is deficient.
- It is not clear as to the actual effect of the proposed development on sunlight / daylight.
- If the true effect of the daylight and overshadowing impact had been clear to No. 65 Grans Canal Street Upper they would have lodged and objection.
- There is a deficit of car parking on Haddington Road.
- There has been no communication with the architects and surrounding properties.
- The proposed dwelling is out of character and scale with the pattern of development on the street.

- The proposal does not provide adequate or quality private open space for the host dwelling or the proposed dwelling.
- The new development sits on the boundary of No. 65 Grand Canal Street. The height of the new house is nearly 6 m and located right on the boundary.
- Overbearing and overshadowing of No. 65 will result.
- Concur with the reasons for refusal by the PA.
- The proposal would be out of place with its surroundings.
- Applications for off streetcar parking on Haddington Road have been previously refused.

6.5. **Further Responses**

- None on file.

7.0 **Assessment**

7.1. Having inspected the site and examined the associated documentation, I am of the opinion the following are the relevant issues in this appeal:

- **Visual Impact**
- **Impact on Residential Amenity**
- **Car Parking**
- **Appropriate Assessment**

7.2. **Visual Impact**

7.2.1. There are two elements to this application. The proposed side and rear extension to the host dwelling and the proposed new dwelling. As set out above the PA have issued a split decision granting planning permission for the extensions to the existing dwelling and refusing planning permission for the proposed new dwelling. This first party appeal relates, only, to that element of the proposal refused by the PA. No issues have been raised in the appeal or observations with respect to the visual

impact of the proposed extensions to the host dwelling. Having viewed the drawings submitted, I too consider that the alterations to the host dwelling would be subordinate in scale and would not detract from the form of character of the main host dwelling or the streetscape. The proposed ground floor extension comprises a kitchen and dining area. A small patio (7.5sq.m) and light well (4sq.m) would be maintained to the rear of the house and would allow natural light into the existing and proposed rear ground floor accommodation.

- 7.2.2. The proposed side and rear extensions to the existing dwelling are acceptable subject to adequate private open space being retained on the site, this shall be examined further in the subsequent residential amenity section of this report.
- 7.2.3. With respect to the new proposed dwelling, the main concerns raised relate to, overdevelopment of the site and the design, including the height, scale, bulk, contemporary nature and building line would detract from the streetscape at this location.
- 7.2.4. In terms of the design and visual impact, whilst there is considerable variety of both uses and forms of development on Haddington Road, I consider that the proposed design would not enhance the streetscape at this location.
- 7.2.5. The existing host dwelling forms one of a pair of two storey, semi detached dwellings which reads as one property in appearance, which are located within a Z2 residential conservation area.
- 7.2.6. I consider that the front elevation, the roof style, and the fenestration proposed differ significantly from adjoining properties. In addition, the proposed dwelling would break the established building line on this side of Haddington Road. The site being the side garden to No. 100 Haddington Road, that dwelling set back against its rear boundary with limited private open space to its rear is constrained. I am not satisfied that the design approach proposed is adequate to overcome the constraints of the site and would have an adverse impact on the visual amenity of this residential conservation area. The proposed development would, therefore, be contrary to the Z2 zoning objective for the site, to protect and/or improve the amenities of residential conservation areas.

- 7.2.7. I consider that the proposal would form an incongruent feature in the streetscape, which would be out of character with the established pattern and character of development.
- 7.2.8. While I accept that the visual impact would be localised, I would have serious concerns about the precedent that it would set for further such development, and the potential cumulative impact of further such development on the character of the area.

7.3. Impact on Residential Amenity

- 7.3.1. The main concerns raised by the PA and third parties are that the proposal represents overdevelopment of the site, would result in deficient private open space to serve the host dwelling and would impact negatively on the residential amenities of adjacent properties by reason of overbearing impact and overshadowing, in particular No. 65 Grand Canal Street Upper.
- 7.3.2. Regard being had to the shadow study submitted, the height of the proposed dwelling (up to 5.9m) constructed on and up to the party boundary with No. 65 Grand Canal Street Upper and its position southeast of the rear garden of no. 65, I agree that the proposed development would have an unacceptable overshadowing and overbearing impact on adjacent properties to the north west, in particular No. 65. I note refusal reason no. 1 by the PA in respect of 3560/21, set out in full in section 3.0 of this report above and I agree with the said reason for refusal.
- 7.3.3. I too considered that the proposed dwelling by reason of its height (c.5.9m) and location tight against the southeast and southwest rear garden boundary of No. 65 Grand Canal Street Upper, give rise to adverse overshadowing impacts and appear visually overbearing on this property. The submitted shadow study drawings indicate that the rear garden of No. 65 would experience a significant increase in overshadowing in both the afternoon and the evening on the day of the equinoxes should the new two storey dwelling be permitted. The proposed dwelling would, therefore, seriously detract from the residential amenity of No. 65 Grand Canal Street Upper.
- 7.3.4. The constrained nature of the site is demonstrated in the private open space provision. The host dwelling would have a small patio (7.5sq.m) and light well (4sq.m) totalling 11.5 sq. m. The level of private open space being maintained for the existing dwelling is seriously inadequate, amounting to less than 2sq.m per

bedspace for what would be a substantial three bedroom dwelling. In this regard it should be noted that within the inner city, a standard of 5-8sq.m of private open space per bedspace applies to new houses (Section 16.10.2 of the City Development Plan refers). The fact that the proposed patio and light well would comprise two separate spaces that would receive very little direct sunlight would further reduce their amenity value. I agree with the PA that a greater level of private open space should be maintained on the site to serve the existing dwelling.

- 7.3.5. Having cognisance to the shape of the site and the new dwelling being located right up against the northern / rear boundary and attached to the side of the host dwelling, locating private open space behind the proposed dwelling is not possible. 28 sq. m is proposed to the front garden. The PA consider that whilst an acceptable standard of private open space (28sq.m) would be provided to the front of the proposed dwelling by way of a screened south facing garden and a first floor balcony (i.e. 30sq.m in total / 5sq.m per bedspace as acceptable in inner city locations), the remaining area of private open space (11.5sq.m) retained to the rear of the existing dwelling would result in a deficient standard of residential amenity for the occupants of same.
- 7.3.6. I note that refusal reason No. 2 set out in full in Section 3.0 of this report concludes that the proposed dwelling would result in a deficient standard of private open space for the occupants of the existing dwelling on the site, No. 100 Haddington Road. The proposed development would, constitute overdevelopment of the site and would, in itself and by the undesirable precedent it would set for similar development in the area, seriously injure the amenity of property in the vicinity.
- 7.3.7. The proposal is sited directly on the site boundaries and provides for an additional basement floor at this location. Having regard to the orientation of the site, taken together with the design, size, and lack of adequate private garden space, I too consider that the proposed development would constitute overdevelopment of a restricted site. Furthermore, I consider that the proposed development would have a significant negative impact on adjacent properties by reason of overshadowing and overbearing impacts. The proposed development would, therefore, be contrary to the zoning objective of the site which is “to protect and / or improve the amenities of residential conservation areas”. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

7.4. Car Parking

- 7.4.1. The third reason for refusal considers that the proposed vehicular entrance would result in the loss of on-street car parking in a location where there is high demand for residential on-street car parking provision and, as such, would be contrary to Policy MT14 of the Dublin City Development Plan 2016-2022, which seeks to minimise the loss of on-street parking as a resource for the city.
- 7.4.2. The first party submits that the proposal has been carefully designed to respond to its environment. Having regard to the transportation planning departments comments the proposal has been amended and the proposed amended design proposes that the entrances will be combined. The PA have no objection in principle to the omission of the new vehicular entrance to serve the existing dwelling No. 100 Haddington Road as proposed in the appeal submission on Drg No. HRD-TOD-ZZ-ZZ-DR-A-1000002 titled 'Proposed and Existing Site Layout' dated 21/12/21. It is considered that the car parking requirements of the existing dwelling can be satisfied by way of permit on-street car parking on Haddington road.
- 7.4.3. I note the concerns raised by the PA and observers to the appeal with respect to loss of on-street car parking spaces. I have had due regard to the very recent precedent set, a short distance away on the same road, ABP-310064-21 at 71 Haddington Road, Ballsbridge, and in particular the in-depth consideration given to creation of an access and loss of on street car parking, in that case. It was ultimately denied.
- 7.4.4. I highlight that the applicant, in the subject appeal case, has however overcome this reason for refusal. The revised proposal to have one entrance only to serve the new dwelling and that permit parking would be available to the host dwelling would be acceptable. This would not result in the loss of any on street car parking spaces. While the first party has overcome this reason for refusal the other reasons for refusal have not been overcome and stand in my opinion.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature of the proposed development comprising of an extension to an existing dwelling and an additional new dwelling in an established urban area,

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.

8.0 Recommendation

- 8.1. GRANT permission for the proposed demolition works and ground and first floor extensions to No. 100 Haddington Road, in accordance with the said plans and particulars, based on the reasons and considerations marked (1) under and subject to the conditions set out below.
- 8.2. REFUSE permission for the proposed new dwelling and vehicular entrance, based on the reasons and considerations marked (2) under.

9.0 Reasons and Considerations (i)

1. Having regard to the nature and scale of the proposals to demolish the lean-to structures (51sq.m) to the side and rear of the existing dwelling and to construct a two storey extension to the side and rear of the house (59sq.m), and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with development in the area, would be complementary to the host house, would not seriously injure the visual amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Dublin City Development Plan 2016- 2022. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The proposed development shall be carried out, in accordance with the plans and particulars lodged with the application, as amended by further plans and drawings submitted with the appeal dated 21.12.21 ,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, completed and retained in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The construction of a vehicular entrance and the provision of two private off-street car parking spaces to the front garden area, including dishing of the public footpath and kerb, shall be omitted from the proposed development.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The privacy louvres on the rear (north) elevation of the proposed extension shall be installed and maintained in place thereafter.</p> <p>Reason: To protect residential amenities.</p>
4.	<p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to</p>

	<p>be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and 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>
8.	<p>(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-</p> <p>(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.</p> <p>(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
9.	<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 all intended construction</p>

	<p>practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.</p>
11.	<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</p>

	accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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11.0 Reasons and Considerations (2)

1. Having regard to the architectural form and composition of No. 98 and 100 Haddington Road and the position and height of the proposed dwelling relative to the rear garden of No. 65 Grand Canal Street Upper, it is considered that the proposed dwelling would, by reason of its forward position abutting onto No. 100 Haddington Road and two-storey height abutting onto the boundary of No. 65 Grand Canal Street Upper, seriously injure the architectural character of the area and the residential amenity of No. 65 Grand Canal Street Upper by way of overshadowing and overbearing impacts. The proposed development would, therefore, be contrary to the Z2 zoning objective for the site, to protect and/or improve the amenities of residential conservation areas, and the proper planning and sustainable development of the area.

2. The proposed dwelling would result in a deficient standard of private open space for the occupants of the existing dwelling on the site, No. 100 Haddington Road. The proposed development would, therefore, constitute overdevelopment of the site and would, in itself and by the undesirable precedent it would set for similar development in the area, seriously injure the amenity of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fiona Fair
Planning Inspector

23.09.2022