



An  
Bord  
Pleanála

## Inspector's Report ABP-312854-22

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<b>Development</b>	Retention and deviations to a 2-storey, 2 bed terraced dwelling (Unit 4) and all associated site works.
<b>Location</b>	Rear of 2 & 3 Boghall Cottages, Bray, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	21/1442.
<b>Applicant</b>	Benduff Ireland Limited.
<b>Type of Application</b>	Retention permission and planning permission.
<b>Planning Authority Decision</b>	Refuse retention permission and planning permission.
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant</b>	Benduff Ireland Limited.
<b>Observer(s)</b>	1. Sinead O Toole
<b>Date of Site Inspection</b>	29/07/2022.
<b>Inspector</b>	Enda Duignan

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## **1.0 Site Location and Description**

- 1.1.** The site is located in Bray, Co. Wicklow. Boghall Cottages are a row of single storey cottages, set back on the south side of Boghall Road. The appeal site would appear to occupy what was formerly the rear gardens of Nos. 2 and 3 Boghall Cottages. It is evident that there is a pattern of backland development in Boghall Cottages. The appeal site has a frontage to a distributor road, Deerpark Road to the south-east and a terrace of 4 dwellings has been constructed on the larger landholding. Nos. 1 & 2 appear to be currently occupied.
- 1.2.** The appeal site relates to No. 4, which is an end of terrace double storey dwelling. The dwelling comprises a living, kitchen/dining and WC at ground floor level and 2 no. double bedrooms and a WC at first floor level. The dwelling is served by a pocket of amenity space on its north-western side which is accessible from the ground floor level kitchen/dining room.
- 1.3.** The rear wall of existing dwelling (north-western corner) is currently set back c. 7m from the rear wall of the property directly to the north, an observer in this case. The appeal site has a stated area of 0.0188 ha.

## **2.0 Proposed Development**

- 2.1.** Retention permission is sought for deviations to a 2 storey, end of terrace dwelling (Unit 4) and associated works built under reg. ref. 18/1296. Permission is being sought to retain modifications to the overall length and width of the permitted dwelling and the consequent changes to the site layout, enlargement to windows to all bedrooms, changes to windows and associated elevational changes to the north-east elevation.
- 2.2.** Planning permission is also sought for the partial demolition of the first floor level of the dwelling so that additional setbacks are provided from the north-eastern (side) and north western (rear) site boundaries. The proposed works will provide for the omission of the first floor level WC and a reduction in the area of the rear first floor level bedroom to provide a single bed space.
- 2.3.** The proposed works will result in modifications to the existing side and rear roof profile and a new pitched roof will be provided above the ground floor kitchen/dining room.

The proposal also includes works to the private open space and new designated open space will be provided to the side (north-east) of the dwelling in a portion of the site that was permitted as car parking under the parent permission.

- 2.4. The proposal seeks to modify the first floor level fenestration and a new privacy screen is proposed on the rear first floor elevation serving bedroom no. 2.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Wicklow County Council refused planning permission for the development for the following 1 no. reason:

1. It is considered that the proposed development, by reason of scale and proximity to the northern boundary and relationship with the single storey dwellings to the north of the site would be visually obtrusive and overbearing and in the absence of additional information being provided, would result in overshadowing of the adjacent property. The proposed development would therefore seriously injure residential amenity and be contrary to the Wicklow County Development Plan 2016-2022 objective 'to protect, provide and improve residential amenities of existing residential areas' and would accordingly be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

The Wicklow County Council Planning Report is the basis for the decision. The report sets out the detailed planning history of the site and identifies the site as being located within lands zoned RE (Existing Residential) in the Bray Municipal District Local Area Plan (LAP). The report sets out the policies contained within both the LAP and the Wicklow County Development Plan, 2016-2022 (CDP) that are applicable to the development proposal.

The Planning Authority raises concerns with respect to the impact of the proposal on the residential amenity of the properties to the north of the appeal site. Notwithstanding

the works being proposed as part of the proposed development, the Planning Authority is not satisfied that the proposal has successfully overcome the previous grounds for refusal. A refusal of planning permission was therefore recommended by the Planning Authority.

#### 3.2.2. Other Technical Reports

None.

#### 3.2.3. Prescribed Bodies

None.

#### 3.2.4. Third Party Observations

1 no. observation was received by third parties. The issues raised within the observation can be summarised as follows:

- Concerns with respect to overlooking impacts;
- The proposal will impact the residential amenity of the property to the north by reason of overshadowing and by being visually overbearing;
- Concerns with respect to boundary encroachment;
- Light spillage associated with the proposed development;
- Noise related impacts;
- Concerns with respect to the potential for rainwater to overspill on the adjoining property; and,
- Safety hazard associated with the proposed development.

## 4.0 Planning History

### 4.1. The recent planning history of the site can be summarised as follows:

**21/903 (House No. 4):** Retention permission refused by Wicklow County Council for House No. 4 on 06/09/2021. The reason for refusal is included as follows:

- Despite the modifications proposed by the applicant to House No. 4 under this current planning application, it is considered the cumulative impact of the

construction of the terrace of dwellings closer to the shared boundary with No. 3 Boghall Cottages, still results in House No. 4, by reason of its scale and proximity to the northern boundary and relationship with the single storey dwellings to the north of the site, being visually obtrusive and overbearing and would give rise to an unacceptable level of overshadowing of adjacent properties, particularly the curtilage of number 3 Boghall Cottages. Furthermore, it is considered that in the absence of more significant modifications than those proposed, the development would still give rise to significant overlooking. The development also results in a rear garden to No. 4 which due to its size, shape and orientation, will not provide an acceptable level of quality private amenity space to serve the dwelling on site. The proposed structure for which retention and permission is sought, would, therefore, seriously injure the residential amenities of the area, would be contrary to the Wicklow County Development Plan 2016-2022 objective' to protect, provide and improve residential amenities of existing residential area' and would be contrary to the proper planning and sustainable development of the area.

**ABP-312000-21 (Reg. Ref. 21/902 (House No. 3)):** Retention permission granted for minor differences between length and width of permitted house (18/296) and consequent changes to site layout, enlarged windows to all bedrooms and permission for the installation of partial opaque glazing to the rear bedroom of House no. 3 at first floor level to increase privacy. I note that the decision to grant retention permission was upheld by the Board.

**ABP-311558-21 (21/867 (House No. 2)):** Retention permission granted on 07/09/2021 for minor deviations to a 2 storey, 2 bed terraced dwelling and associated works built under permission 18/1296. This application sought retention permission for minor differences between the overall length and width of the permitted dwelling and the consequent changes to the site layout. Windows to all bedrooms were enlarged to meet building regulations. I note that the decision to grant retention permission was upheld by the Board.

**21/866 (House No. 1):** Retention permission granted on 15/10/2021 by Wicklow County Council for modifications to previously permission House No. 1.

**ABP-308704-20 (Reg. Ref: 20/135):** Retention permission refused a terrace of dwellings. The reason for refusal is as follows:

- “It is considered that the existing terrace of houses to be retained, by reason of its scale and proximity to the northern boundary and relationship with the single storey dwellings to the north of the site would be visually obtrusive and overbearing and would give rise to an unacceptable level of overshadowing particularly of adjacent properties particularly the curtilage of number 3 Boghall Cottages. Furthermore, it is considered that in the absence of more significant modifications, the proposed development would give rise to significant overlooking. The proposed retention of the structure would, therefore, seriously injure the residential amenities of the area, would be contrary to the Wicklow County Development Plan 2016-2022 objective ‘to protect, provide and improve residential amenities of existing residential areas’ and would be contrary to the proper planning and sustainable development of the area.” Wicklow County Council had similarly refused for overlooking and overshadowing impacting on the residential amenity of adjoining properties.

**18/1296 (Parent Permission):** Planning permission granted on 27/02/2019 for the development of a single block containing 4 no. terraced dwellings (the parent permission). Condition 2 required that the roof profile of units Nos. 1 and 4 be hipped.

**18/122:** Planning permission refused on 26/03/2018 for a single block of 4 dwelling units refused for traffic reason and the location of the driveway to unit No. 4 impacting on the amenity of No. 2 Boghall Cottages.

**15/326:** Extension of duration permission for 10/630043 for a single block of 4 no. terraced dwellings in lieu of 3 no. dwellings.

**10/630043:** Planning permission granted on 21/07/2010 for a single block of 4 no. terraced dwellings in lieu of 3 no. dwellings.

#### **4.2. Enforcement History**

**Enforcement File UD5114C:** Non-compliance with Condition 1 of 18/1296.

### **5.0 Policy and Context**

#### **5.1. National & Regional Policy**

##### **5.1.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy**

The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).

National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

##### **5.1.2. Sustainable Residential Developments in Urban Areas 2009**

Passive solar design of new housing schemes contributes to a reduction in energy demand and thus in CO<sub>2</sub> emissions. This includes taking maximum advantage of available sunlight, by orientating as many dwellings as possible within 30° of south and by avoiding obstructions which block light reaching windows. The greatest energy savings are achieved when passive solar design principles are also applied to the design of the individual dwelling units (see chapter 7). Passive solar design needs to be integrated with other design objectives of the development to ensure a balanced approach.

Where feasible south-facing elevations should not be overshadowed by other buildings or planting; ideally, a distance of 21m between two-storey dwellings is



needed to provide reasonable sunlight in winter, due to the low angle of the sun. Higher buildings or taller trees should preferably be located to the north of the site; similarly, car parking and garages should be located to the north of housing where possible.

### 5.1.3. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).**

Bray is designated as a key town in RSES. Key towns are defined as large towns which are economically active towns that provide employment for their surrounding areas. RPO 4.26 of the RSES is relevant to the assessment of the development proposal and it notes that “Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration”.

## **5.2. Local Policy**

### 5.2.1. **Wicklow County Development Plan, 2016-2022 (CDP)**

In relation to zoning, the plan states: “The priority for new residential development shall be in the designated ‘town’ and ‘village’ / ‘neighbourhood centres’ or ‘primary zone’ in settlements with development plans, or in the historic centre of large and small villages, through densification of the existing built up area, re-use of derelict or brownfield sites, infill and backland development. In doing so, particular cognisance must be taken of respecting the existing built fabric and residential amenities enjoyed by existing residents, and maintaining existing parks and other open areas within settlements.”

Relevant policy objectives of the current CDP include:

- HD2: New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

- HD9: In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.
- HD10 In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

Relevant Appendices

- Appendix 1: Development and Design Standards.

**5.2.2. Bray Municipal District Local Area Plan 2018 – 2024 (LAP)**

The site is zoned RE – Existing Residential. The objective of which is to: 'To protect, provide and improve residential amenities of existing residential areas'. The description is: To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity.

Page 26 of the written statement states: 'In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle. Lands zoned Residential – High Density will be expected

to achieve a density of not less than 50 units / hectare.”

Policy objectives contained within the LAP which are relevant to the assessment of the proposed development include:

- R1: All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.
- R2: In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle. Lands zoned Residential - High Density will be expected to achieve a density of not less than 50 units / hectare.
- R3: Housing development shall be managed and phased to ensure that infrastructure and in particular, community infrastructure, is provided to match the need of new residents. Where specified by the Planning Authority, new significant residential or mixed use development proposals, may be required to provide a social and community facility/facilities as part of the proposed development or the developer may be required to carry out a social infrastructure audit, to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents. Where deficiencies are identified, proposals will be required to either rectify the deficiency, or suitably restrict or phase the development in accordance with the capacity of existing or planned services.
- R4: To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

### **5.3. Natural Heritage Designations**

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the Bray Head Special Area of Conservation (Site Code:

000714), c. 1.44km to the east of the site. The 'Proposed Natural Heritage Area: Bray Head' is also located c. 1.44km to the east of the site.

#### **5.4. EIA Screening**

Having regard to the nature and scale the development and the development to be retained, which consists of a retention of works and further modifications to the existing dwelling in a serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development and the development to be retained. 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**

The main points made can be summarised as follows:

- A full set of shadow diagrams accompanied the planning application and it would appear that the Planning Authority did not take these documents into consideration in assessing the overshadowing impact of the property to the north.
- The proposed modifications to the first floor level of the dwelling will result in the overshadowing impact of the property to the north being slightly improved from the parent permission.
- In order to address the concerns with respect to visual obtrusiveness and overbearing, a portion of the first floor level is now proposed to be substantially set back from the common boundary as a measure to mitigate this impact.
- The concerns with respect to overlooking have been addressed by means of frosted windows on the gable wall and the provision of a visual screen to the first floor level bedroom window at the rear.

#### **6.2. Planning Authority Response**

None.

### **6.3. Observations**

1 no. observation was received from:

- Sinead O Toole, Boghall Cottages, Bray, Co. Wicklow (north of appeal site).

The issues raised can be summarised as follows:

- The development seriously damages the amenity of the surrounding residential properties, most notably the well established cottages to the north of the site.
- The modifications to the development now being proposed does not address concerns previously raised by the Planning Authority and ABP.
- The proposals to reduce the first floor area will not result in this development adhering to the parent permission. In fact, this current application proposes to move part of this development even closer to the boundary of the property to the north as the lower roof above the ground floor level will it be cited proximate to the boundary line.
- This measure will continue to allow for an overbearing, overshadowing and visually obtrusive impact, alongside the continued loss of privacy for the occupants of the properties to the north.
- Significant concerns are highlighted with respect to the potential for overlooking at both ground and first floor level from the development.
- Concerns are highlighted with respect to the open space provision and the incorporation of the site garden into open space for the dwelling.
- Concerns with respect to the impact of the proposed development on existing boundary walls and the proposal is likely to constitute a safety hazard.
- The provision of a privacy screen at first floor level will not mitigate against the potential for overlooking.
- There are concerns that the proposed screen at first floor level will be visually obtrusive.

- Significant concerns are highlighted with respect to the modifications at ground floor level, the provision of a new pitched roof above the ground floor element and the sighting of this roof relative to the property to the north. The proposal will be visually overbearing when viewed from the surrounds.
- The proposal will result in significant overshadowing of the private amenity space of the property to the north and insufficient setbacks are provided to mitigate this impact. The overshadowing impact is exacerbated during the winter months.
- There are concerns with respect to light pollution from the existing development and it is highlighted that to date no steps have been taken to rectify this.
- The 'as-built' drawings do not reflect the layout of what's currently constructed, and it is evident that there is boundary encroachment of adjoining properties.

Included within the third party observation were photographs of the development from the site to the north. In addition, copies of observations to previous applications on the site and larger landholding were enclosed.

#### **6.4. Further Responses**

None sought.

#### **7.0 Assessment**

The main issues are those raised in the Planning Report and consequent refusal reason, the Appellant's grounds for appeal and the issues highlighted by the third party observer. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Overshadowing
- Visual Impact
- Overlooking

- Other Matters
- Appropriate Assessment

## **7.1. Overshadowing**

- 7.1.1. As part of the development proposals, the Applicant seeks retention permission for modifications to the existing building from what was previously permitted under the parent permission (i.e. reg. ref. 18/1296) and permission for modifications to the existing building to reduce its footprint at first floor level. The Planning Authority in their assessment of the planning application form the opinion that the proposed development is still likely to result in overshadowing impacts. Significant concerns have been raised by the occupant of the property to the north as the principal amenity area serving No. 3 Boghall Cottages is located to the north of the appeal site.
- 7.1.2. As a measure to mitigate the overshadowing impact of the property to the north, a portion of the first floor level façade is proposed to be set back a further c. 2m from the northern boundary. This results in a modified first floor level layout, whereby the WC has been omitted and the double bedroom has been replaced by a single bedroom. In support of the appeal submission, the Applicant has included a shadow analysis taken at 12 noon for the development as permitted, as constructed and as proposed. I am conscious of the planning history of the site and the previous determination (ABP-308704-20 ((Reg. Ref: 20/135)) which noted in the reasons for refusal that the proposal would give rise to an unacceptable level of overshadowing particularly of adjacent properties particularly the curtilage of number 3 Boghall Cottages.
- 7.1.3. On the basis of the information submitted, I am satisfied that the updated shadow analysis adequately demonstrates that the overall overshadowing impact will be reduced by the proposed works. When compared with the parent permission, the proposal will result in a marginally improved situation in terms of overshadowing of the adjoining open space area. Although only a portion of the first floor level façade is being proposed to be setback, it is this portion of the dwelling that will be of most significant impact given the siting of the dwelling relative to the property to the north

and the orientation of the site. Overall, I am satisfied that the modifications to the proposed development will not unduly compromise the residential amenity of the property to the north of the site, particularly when considered in the context of the extant permission on site.

- 7.1.4. I acknowledge that that the 'as built' conditions result in the footprint of the building being sited more proximate to the boundary of the property to the north. Notwithstanding this, I consider that the additional overshadowing impacts are a consequence of the current position of the first floor level façade. I am satisfied that the modifications to the existing building will successfully ameliorate this impact. As retention permission is being sought, I will recommend a suitable condition to be attached to a grant of permission which will require the Applicant to undertake the proposed works within a specified timeframe.

## **7.2. Visual Impact**

- 7.2.1. Forming part of the refusal reason, a key concern of the Planning Authority relates to the potential visual impact of the proposed development given its scale and proximity to the northern site boundary. These concerns are shared by the third party observer who has also argued that the provision of a new roof above the ground floor level of the dwelling and its siting relative to their property will exacerbate the visual impact of the proposed development.
- 7.2.2. At its nearest point, the setback of the first floor level façade will be increased from c. 0.9m to c. 2.8m. Approximately half of the north-eastern elevation is now proposed to be set back from the northern site boundary. I consider this to represent a significant improvement on the existing conditions and I am satisfied that the provision of a step within the building line will articulate the façade and will successfully reduce the visual impact of the building when viewed from the interface to the north. I note that the modified first floor level is now proposed to be set back further than what was previously permitted under the parent permission.



7.2.3. The previous commentary included within the Planning Inspector's report (ABP-308704-20 (Reg. Ref: 20/135)) indicates that "...the only way to permit this development would be to demolish unit 4 so as to provide an adequate separation distance from the established cottage to the north". However, it was acknowledged within the report that the Board may also consider revised proposals. The modifications to the design of the dwelling now being proposed will still allow for 2 no. bedrooms to be provided at first floor level. Given the overarching policies contained within the NPF which requires that 40% of new builds be located within the built envelope and the consolidation of the urban area, with effective densities, I would consider the loss of this dwelling to be disproportional to the impact caused by the modified proposals. I am therefore satisfied that the modifications to the design of the development including an increased first floor level setback, a staggering of the building line and modifications to the roof profile will successfully ameliorate the proposal's visual impact. I am also satisfied that the provision of a new hipped roof above the side and rear ground floor element of the dwelling will not unduly compromise the residential amenity of the adjoining property owner and is therefore considered to be acceptable having regard to the residential amenity of the surrounding area.

### **7.3. Overlooking**

7.3.1. A key concern of the third party observer is the impact of the proposal in terms of undue overlooking. Upon inspecting the appeal site, it was evident that that current configuration of the proposed development adversely compromises the residential amenity of the adjoining property given the siting of the first floor level windows relative to the property to the north. In response to these concerns, the Applicant is proposing to omit 1 no. window from the north-eastern elevation (bathroom), to reduce the size of the first floor level window on the rear elevation and to provide an angled screen which will project by c. 600mm beyond the face of the modified window. In addition, the glazing within the window serving the stairwell (i.e. north-eastern façade) will be frosted. I note the Planning Authority has not raised a concern with regard to overlooking.

- 7.3.2. The most significant impact is from the north-west facing first floor window serving the rear bedroom. This window has direct views into the amenity area and windows of the neighbouring property. It is now proposed to reduce the width of the window from c. 1.6m wide to c. 900mm and an angled screen is proposed on the north-eastern side of the window. I am satisfied that reduction in the size of the window and the incorporation of this screen will successfully preclude oblique views into the amenity area of the adjoining property. The screen shall be permanently maintained and I will recommend a condition which shall require the Applicant to submit details of the screen (materials and finishes) for written agreement of the Planning Authority. A condition shall also be recommended which shall require the glazing serving the window on the north-eastern elevation to be manufactured opaque and permanently maintained. Subject to compliance with these conditions, I consider the proposed to be acceptable having regard to the residential amenity of the adjoining property.
- 7.3.3. In terms of overlooking from the ground floor windows, I am satisfied that this arrangement is not dissimilar to what is typical in many urban and suburban environments and a similar relationship would be likely should the development had been constructed in accordance with the parent permission. I am therefore satisfied that proposal does not result in undue overlooking at ground floor level.

#### **7.4. Other Matters**

- 7.4.1. The proposal includes modifications to the open space arrangement for the proposed dwelling and includes converting a portion of the site to the north-east to open space. In total, the dwelling will be served by c. 74sq.m. of private open space with c. 49sq.m. provided to the rear which is directly accessible from the ground floor kitchen/dining room. Overall, I am satisfied the quantum of amenity space for a 2 bedroom/3 person dwelling is acceptable and will afford a good standard of amenity to its future occupants. I do not have concerns that the provision of additional open space will have an adverse impact on the amenity of the adjoining property.
- 7.4.2. I also do not consider that the level of light pollution and risk of flooding (i.e. from the addition of a ground floor pitched roof) are any significantly greater than would be the

case had the development been constructed in compliance with the permitted development.

## **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and the development to be retained, a dwelling on a serviced site, and to the nature of the receiving environment, remote from and with no hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development or the development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site

## **8.0 Recommendation**

Grant of permission and grant of permission for retention is recommended.

## **9.0 Reasons and Considerations**

Having regard to Project Ireland 2040: The National Planning Framework, which seeks to consolidate residential growth in urban areas, the zoning and the planning history of the site and the modifications to the proposed development, it is considered that the proposed development and the development to be retained, would be acceptable in terms of its impacts on residential amenity, has successfully overcome the previous ground for refusal and would therefore be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1.	The proposed development and the development to be retained shall comply with the plans and particulars lodged with the application submitted, 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
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	<p>planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed works shall be completed within one (1) year of the final grant of permission, unless otherwise agreed with the Planning Authority.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
3.	<p>The glazing within the first floor level window on the north-eastern elevation shall be manufactured opaque and permanently maintained. Details of the proposed screen (materials &amp; finishes) serving the first floor level bedroom shall be submitted for written agreement of the Planning Authority.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Any external lighting of the development proposed to be retained shall be restricted to ground floor level, shall be cowled and directed away from the public road and adjacent residential properties.</p> <p><b>Reason:</b> In the interests of traffic safety and residential amenities.</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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development</p>

	Contribution Scheme made under section 48 of the Act be applied to the permission.
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Enda Duignan  
Planning Inspector

08/08/2022