



An
Bord
Pleanála

Inspector's Report ABP 313308-22

Development

Permission for 4 no. semi-detached 3 storey houses, with vehicular, pedestrian access, new road frontage treatment onto Wilson Rd, and associated site works.

Location

Site adjacent to, 54 Wilson Road, Mount Merrion, Blackrock, Co Dublin, A94N6C7, and to the rear of, 42, Greenfield Road, Mount Merrion, Blackrock, Co Dublin, A94E3W5.

Planning Authority

Dún Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D21A/0571

Applicant(s)

Ruth Lemass & Hazel Keane

Type of Application

Permission

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

Third Party

Appellant(s)

Deirdre McArdle

Observer(s)

Maura Blake and John Blake

Date of Site Inspection

24th April 2023

Inspector

Brendan Coyne

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1.0 Site Location and Description

1.1. The site (0.1 ha) is situated on the northern side of Wilson Road in Mount Merrion, Dublin. It is a flat, overgrown greenfield site bordered by mature trees and hedging on its western, northern, and eastern boundaries, with a post and fence defining its roadside boundary. Adjoining lands to the west contain a single-storey dwelling, No. 54 Wilson Road, while lands to the east comprise the rear garden of a dwelling known as 'Stansted,' which fronts onto Callary Road to the north. Adjoining lands to the north are the rear gardens of two, two-storey houses identified as No. 40 and 'Shandon,' which also front onto Callary Road to the north. On the southern side of the site is a six-storey apartment and office block. A grass verge and footpath adjoin the roadside boundary of the site.

2.0 Proposed Development

2.1. Permission sought for the following (as described in public notices);

- Construction of 4 no. semi-detached 3-storey houses,
- Vehicular access, pedestrian access, and new road frontage treatment onto Wilson Rd,
- Associated site works.

2.1.1. **Significant Further Information was furnished to the Planning Authority on the 21/02/2022. Documentation submitted includes;**

- Tree Survey Report (Arboricultural Assessment) & Drawings
- Landscaping and Boundary Details Drawings
- Drainage report & Drawings
- Autotrack Drawings

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dún Laoghaire-Rathdown County Council GRANTED permission for the proposed development subject to 14 no. Conditions. Noted Conditions are summarised as follows:

1. The development shall be carried out in accordance with the plans, particulars, and specifications submitted, as amended by Further Information received on 16th February 2022, except where other conditions apply.
2. The glazing within the stairwell windows of Houses 1 and 3; and the east looking windows at first and second floor level of House 4 shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. Reason: In the interests of residential amenities.
3. Each of the four dwellings shall be used as a single dwelling unit and not be sub-divided or used as multiple habitable units.
4. The developer shall implement all recommendations for tree retention and protection as outlined in the submitted tree report and accompanying drawings. The services of an Arboricultural Consultant shall be retained throughout the site development works, and a completion certificate signed by the Arborist shall be submitted for written agreement by the Planning Authority upon completion of the works.
5. Prior to commencement of development, the contractor shall submit detailed method statements for works near the trees, in particular Tree No. 001, subject to the Tree Preservation Order SES/12/7, for the Planning Authority's written agreement. The method statements shall outline the measures that will be implemented to safeguard all trees for retention.
6. The applicant shall submit a proposal for the infiltration or local reuse of all surface water for the Planning Authority's written approval prior to commencement of development. A soakaway, rainwater harvesting tank, raingarden, permeable paving, or other SuDS measure may be used, but a

report signed by a Chartered Engineer shall be submitted if a soakpit is deemed infeasible.

11. The Developer shall pay €27,123.88 to the Planning Authority towards the provision of Roads Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on 14th December 2015, prior to commencement or as otherwise agreed in writing with the Planning Authority.

12. The Developer shall pay €17,606.80 to the Planning Authority towards the provision of Community and Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on 14th December 2015, prior to commencement or as otherwise agreed in writing with the Planning Authority.

3.2. Planning Authority Reports

3.2.1. First Report (11/08/2021)

- The site is subject to zoning objective A, which seeks 'to protect and/or improve residential amenity'.
- Residential development is permitted in principle under the zoning objective of the site.
- The main issues for consideration are compliance with policy, visual impact, residential amenity, trees and landscaping, access and parking, and drainage.
- The Planning Authority must be satisfied that the development is compatible with the overall policies and objectives for the zone and would not have undesirable effects.
- The 4 no. dwellings exceed the target floor areas set out in the Quality Housing for Sustainable Communities Guidelines (2007).
- The garden areas proposed vary across the 4 no. dwellings due to the site's irregular shape.

- The applicants have grouped together the back and side gardens in their application.
- The Planning Authority does not consider this grouping appropriate because, except for House 1, the space to the side of the houses is considered a side passage rather than usable amenity space.
- However, all the houses in the application would still have private open space that exceeds the minimum of 75 sqm required by Section 8.2.8.4 of the Development Plan 2016-2022 for houses with 4 or more bedrooms.
- Distances in excess of 22m are maintained between proposed windows at first floor level and the rear elevations of no. 40 Greenfield Road, 'Shandon' and 'Stansted' located to the north and north-east of the subject site.
- Distances in excess of 22m are maintained between proposed windows at first floor level and the rear elevations of no. 40 Greenfield Road, 'Shandon' and 'Stansted' located to the north and north-east of the subject site.
- The separation distances proposed are acceptable.
- No concerns were raised in terms of undue impacts on the amenity of existing properties to the north and northeast due to overlooking, based on the separation distances to neighbouring dwellings to the north and rear garden depths.
- The residential amenity of existing properties is not deemed to be unduly impacted by the proposed development's differences in levels with existing properties to the north, and the proposed houses are also not deemed to have an overbearing effect on adjoining properties.
- However, certain concerns arise in terms of potential overlooking of amenity areas of No. 54 Wilson Road from proposed west looking windows at first and second floor level of House 1. Given these windows relate to a stairwell, a condition can be attached to the permission requiring obscure glass to be fitted if granted.
- A similar issue arises between House 2 and House 3 at the second-floor level, with Bedroom 1 being overlooked from the stairwell window. A condition can be attached to the permission requiring obscure glazing to be fitted on the west looking window at the second-floor level of House 3.

- Certain concerns also arise about some degree of overlooking from east looking windows at first and second floor level of House No. 4 on the side of the permitted houses (House 4 in particular), under D16A/0909, having regard to the oblique relationship between the subject dwellings for which permission is now sought and the permitted houses to the east. A condition can be attached to the permission to address this issue if granted.
- A balcony proposed to the front at the second-floor level does not give rise to concerns.
- Based on its height, massing, location, orientation, and characteristics of the rear gardens of adjacent properties, the proposal is not deemed to result in material reductions of sunlight and daylight enjoyed by adjacent properties and is expected to achieve satisfactory levels of light within the scheme.
- The proposed infill development on a greenfield site would have a substantial visual impact. However, the site is in an urban location, and the capacity of the receiving environment to absorb changes in the streetscape is deemed to be high.
- The proposed House No. 1 would be c.3m taller than the ridge height of No. 54 Wilson Road to the east, but the separation distance of c.12.5m is considered sufficient to mitigate any potential overbearing presence.
- The proposed heights would exceed by c.2.5m those of the permitted houses to the west (D16A/0909), but the difference in height is not deemed to be such to result in an incongruous visual effect or having an overbearing presence. Changes in height in a moderate scale are generally considered to add a bit of interest to the streetscape.
- The front elevation of the proposed dwellings would read from the public road as two storeys with an additional storey set back which together with the separation distance between the front elevation and the public road edge (c.6m) is considered to have an adequate relationship with the public realm.
- The height of the front boundary between c.1m and c.1.2m is deemed adequate to form a defensible space to the front of the house while not blocking the views.

- Proposed materials on the front elevation comprise primarily brick at ground and first floor levels and zinc for the second floor level. Stone is proposed to frame the ground floor, and aluminium is proposed for the windows. Render is proposed to the side and rear elevations. The choice of materials is deemed adequate and consistent with the existing palette of materials in the vicinity.
- The landscape proposal is deemed to be quite relevant to ensure that the visual transition from the current state to a developed site is adequate from the visual perspective. However, insufficient information has been provided.
- The Development Plan 2016-2022 has an objective to preserve existing trees and woodlands on site.
- The tree survey submitted in the application appears to be outdated, as it was carried out in 2016 in the context of the previous application onsite.
- New arboricultural documentation, including a Tree Survey and a Tree Impact Assessment, should be requested from the Applicants to ensure compliance with the Development Plan objective.
- Limited landscape information has been submitted, particularly related to boundary treatments.
- The Applicant should be requested to provide landscape information that shows how existing vegetation would be protected and integrated within the proposed scheme, as well as details of proposed boundary treatments.
- Each proposed house would have a direct vehicular access to Wilson Road with a width of 3.5m.
- Off-street parking for 2 No. cars is proposed on each house, respectively, in accordance with Section 8.2.4.9 and Table 8.2.3 of the 2016-2022 Development Plan.
- The Transportation section has raised concerns about the dimensions of the parking spaces and vehicular movements in and out of the subject houses.
- The Applicant should be requested to provide further information in this regard.
- The Applicant proposes to discharge the surface water generated by the proposed development to the surface water sewer.

- An attenuation tank is proposed in line with this approach.
- The report from the Drainage Section is noted, and further information is recommended as per Drainage's report.

3.2.2. Further information was requested requiring the following:

1. The Applicants shall submit a comprehensive Tree Report, including a Tree Survey Plan & Schedule, Schedule of works, Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan, and Arboricultural Method Statement, in accordance with BS 5837: 2012. The report shall be prepared by a qualified Arborist.
2. The Applicants shall provide landscaping information demonstrating how existing vegetation would be kept and incorporated in the subject scheme and detailed information on proposed boundary treatments. Plans, elevations, and cross sections should be included.
3. The Applicants shall submit detailed drawings showing how the proposed vehicular driveway/parking areas would accommodate the required 2 cars, in accordance with the current County Development Plan (2016 – 2022): Table 8.2.3 'Residential Land Use - Car Parking Standards'.
4. The Applicants shall demonstrate the individual movements for each vehicle using both of the 2 required off-street car parking spaces for the dwelling, into and out of their designated car space. This should be shown in a detailed layout drawing using a Computer Aided Design (CAD) software such as Autoturn or similar computerised design software.
5. The Applicants shall submit an alternative proposal to the direct disposal of surface water runoff generated by each residential unit (roof and pavements) to the sewer, namely a proposal showing all surface water being infiltrated or reused locally with no overflow to the sewer. This can be a soakpit, rainwater harvesting tank, permeable paving, etc. If the applicant does not consider infiltration a feasible solution, the applicant must prove that by submitting a report, signed by a

Chartered Engineer, showing an infiltration test (with results, photos, etc) and propose an alternative SuDS measure.

6. The Applicants shall demonstrate that all proposed hardstanding areas shall not be discharged to the sewer but shall be infiltrated locally, via gravel or a specifically designed permeable paving stone/asphalt system, in accordance with Dún Laoghaire-Rathdown County Council's County Development plan 2016-2022 Section 8.2.4.9 whereby 'Each driveway, parking and hardstanding area shall be constructed in accordance with SuDs.

3.2.3. **Second Report (14/03/2022)**

- Significant Further Information was received.

Re. Item 1: Arboricultural Assessment

- The Arboricultural Assessment submitted by the Applicants identifies 16 trees, including 1 no. Category B (moderate quality) and 15 no. Category C (low quality) trees.
- 4 no. Category C trees will be removed due to the proposed works.
- The proposal does not go against the objective of protecting existing vegetation stated in the Development Plan, as a large number of the relevant vegetation specimens are located outside the site, and the removal of trees on-site is low.
- All measures set out in the Arboricultural Statement for the protection of retained trees should be implemented.
- Special measures to avoid root damage due to the surface water drain routed through the theoretical Root Protection Area (RPA) of the protected tree should be submitted and approved by the Planning Authority, given the particular level of protection applied to that tree.
- This matter can be addressed via Condition should the Planning Authority be minded granting permission.

Re. Item 2: Proposed Boundary Treatments

- The Applicants have submitted information regarding the proposed boundary treatments to the rear, side and front and also between each of the houses.
- The proposal comprises a combination of timber for side and rear boundaries and concrete with aluminum capping for the low-rise front wall.
- The proposed boundary treatments, in conjunction with the anticipated impacts on existing vegetation considered as part of Item 1, are deemed acceptable.

Re. Item 3: Driveways to the Front of the New Houses

- The Applicants have submitted revised drawings showing the driveways to the front of the new houses as capable of accommodating 2 No. cars each, in accordance with the car parking standards established by Table 8.2.3 of the Development Plan 2016-2022.
- The report from the Transportation Section includes a recommendation to require further modifications, but the response to this Item is deemed acceptable, as the proposed layout would be workable in a domestic context.

Re. Item 4: Vehicular Movements

- The Applicants have submitted an analysis of vehicular movements in and out the parking areas for each of the houses (2 No. parking spaces per house).
- The information submitted shows that access / egress to each of the properties can be done in an adequately safe manner.
- The report from the Transportation Section includes a recommendation to require further modifications, but the response to this Item is deemed acceptable, as the proposed layout would be workable in a domestic context.

Re. Item 5: Surface Water Management Strategy

- The Applicants have submitted a revised surface water management strategy.
- The Drainage Section considers the proposed discharge rate for the attenuation tanks unacceptable and requests a revised proposal to be submitted.
- Drainage notes in their report that due to the size of each site, the orifice size required to discharge at an acceptable rate may become too small to work practically.

- This matter can be dealt with via Condition in the event of a grant of permission.

Re. Item 6: Permeable Paving

- The Applicants have identified areas for permeable paving, which is acceptable.

3.2.4. Other Technical Reports

Transportation Planning Division - 2nd Report: Clarification of further information requested, as follows;

1. The Applicant shall submit detailed drawings showing the proposed vehicular driveway/parking areas are to be laid out to accommodate the required 2 cars, in accordance with the current County Development Plan (2016 – 2022): Table 8.2.3 'Residential Land Use - Car Parking Standards'. The drawings shall demonstrate that each car parking space shall have a minimum length of 5.5m and a minimum width of 3m in accordance with Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas of the current DLRCC County Development Plan 2016-2022.

2. The Applicant shall submit revised drawings and details which clearly demonstrate the individual movements for each vehicle using both of the 2 required off-street car parking spaces for the dwelling (assuming that 1 out of the 2 spaces are occupied) into and out of their designated car space. The Applicants shall show the above detailed layout drawing by using a Computer Aided Design (CAD) software such as Autoturn or similar computerised design software. The proposed site layout and vehicle selection shall be shown to be consistent across all drawings. Relocation of the proposed vehicular accesses to the centre of each driveway may be required to achieve this.

Drainage Division - 2nd Report: No objection subject to Condition

Uisce Eireann (Irish Water): No objection subject to Conditions.

4.0 Planning History

Subject Site

P.A. Ref. D21A/0623 & ABP Ref. 313316-22 – Concurrent Application currently on appeal to An Bord Pleanála: Permission sought for the construction of 4 no. semi-detached 3-storey houses, with vehicular, pedestrian access, new road frontage

treatment onto Wilson Rd, and associated site works. Permission was granted by Dún Laoghaire-Rathdown County Council.

P.A. Ref. 15A/0799 and **ABP Ref. PL06D.247643** Permission granted on appeal on the 05/04/2017 for amendments to the previously granted permission – P.A. Ref. D07A/0457 and An Bord Pleanála Ref PL06D.24068 (for 4 no semi-detached houses) - to provide 4 no. detached single family houses, each measuring 155 sq.m in area.

Noted Conditions imposed by An Bord Pleanála include the following;

3. Prior to commencement of development on site, the developer shall provide proposals, for the written agreement of the planning authority, to ensure that the trees along the western boundary outside of the applicant's property can be retained in a stable and safe manner, or removed with the consent of the adjacent land owner. The developer shall propose suitable mitigation planting to reduce the impact of the removal of any existing trees/shrubs to the western boundary.
4. The glazing within the proposed first and second floor windows on the side elevations shall be of opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

P.A. Ref. D07A/0457 and **ABP Ref. PL06D.224068** Permission granted on appeal in 2007 for the construction of four semi-detached houses.

Adjoining site to the east

P.A. Ref. D22A/0141 Permission granted on the 20/04/2022 for the proposed construction of 4 no. 2.5 storey semi-detached dwelling houses each having green roofs with 1st floor roof setback solar panels and green roof terraces. Access to each proposed dwelling house will be via new vehicular and pedestrian entrances off Wilson Road providing all associated site development works and connections to services. The development is behind the rear garden of Stansted, a protected structure.

P.A. Ref. D21A/0701 Permission and retention permission granted on the 27/09/2021 for the retention of the conversion of an existing garage to media/tv room, home study and gym with enclosed glass-ceiling Breezeway lightly connecting to the main house and Permission for a first floor Extension of 2 no. bedrooms with balconies over the

converted garage and ground stair/elevator to the east side thereof, these works being within the curtilage of Stansted, a Protected Structure.

P.A. Ref. D16A/0909 Permission granted on the 08/06/2017 for a proposed residential development consisting of 4 no. two-storey semi-detached dwelling houses each having green roofs with setback solar panels over maintenance access stairs. Access to each proposed dwelling house will be via new vehicular and pedestrian entrances off Wilson Road, providing all associated site development works and connections to services. The development is in the rear garden of Stansted, a Protected Structure.

5.0 Policy and Context

5.1. Development Plan

Dún Laoghaire Rathdown County Council County Development Plan 2022-2028 is the statutory plan for the area.

5.1.1. **Land Use Zoning:** The site is zoned objective 'A' which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. (Development Plan Zoning Map 2)

5.1.2. Adjoining lands to the east are subject to the following;

- Tree Preservation Order.
- Specific Objective 'To protect and preserve Trees And Woodland'

Relevant Policy includes:

Section 9.3.1.3 **Policy Objective OSR7:** Trees, Woodland and Forestry - It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an 'urban forest', and include a holistic 'urban forestry' approach.

5.1.3. The dwelling 'Stansted' on adjacent lands to the north-east is a Protected Structure (RPS Number 427). Relevant Policy includes the following;

Section 11.4.1.1 **Policy Objective HER7:** Record of Protected Structures

It is a Policy Objective to include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures.

5.1.4. Relevant Residential Policy Objectives and Standards include the following;

Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
- Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Section 12.3.7.6 Backland Development

Section 12.3.7.7 Infill

Section 12.3.4 Residential Development – General Requirements

Section 12.3.4.1 Road and Footpath Requirements

Section 12.4.8 Vehicular Entrances and Hardstanding Areas

Section 12.4.8.2 Visual and Physical Impacts

Section 12.4.8.1 General Specifications

Section 12.4.8.2 Visual and Physical Impacts

Section 12.4.8.3 Driveways/Hardstanding Areas

Section 12.4.8.5 Financial Contribution

Section 12.8.7.2 Boundaries

Appendix 5 Building Height Strategy

5.2. Other Relevant Government Policy / Guidelines

National Planning Framework – Project Ireland 2040.

Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and accompanying Urban Design Manual: A Best Practice Guide (2009).

5.3. Natural Heritage Designations

5.3.1. The nearest Natura 2000 European Sites to the appeal site are as follows:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approx. 1.8km to the north-east of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approx. 1.8 km to the north-east of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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 third-party appeal was received from Scott Tallon Walker Architects representing the third-party Appellant Ms. Deirdre McArdle Martin, who resides at 'Shandon',

Greenfield Road, Mount Merrion, Dublin, the house adjoining the site to the north. The main grounds of appeal are summarised under the headings below;

6.1.2. Overdevelopment and inappropriate scale:

- The proposed three-storey houses represent an overdevelopment of a small site, with a 23.5% increase in floor area compared to the previously approved scheme.
- The houses are not appropriate in the context of the single-storey nature of Wilson Road, with its individual low-scale villa-type designs.
- In relation to the Appellant's house, the proposed development represents a four-storey equivalent because of the elevated nature of the site.
- The development is not in line with the zoning objective to protect and improve residential amenity.

6.1.3. Overlooking/Overbearing/Residential amenity:

- The proposed development would significantly impact the residential amenity of the Appellant's house and garden due to overlooking and overbearing issues.
- The section A-A (Drawing 2036-10) shows the relationship between the proposed development (House 1) and No. 40 Greenfield Road, but there has been no consideration of the impact on the Appellant's house 'Shandon' along Greenfield Road.
- House 1 is shallower than the remainder of the houses and creates a positive impression of the back-to-back relationship between the proposed development and the houses on Greenfield Road.
- By viewing the "Side Elevation" on the same drawing sheet, it is clear that the proposed development will significantly impact the Appellant's residential amenity, both of her house and garden, due to the deeper section of proposed houses 2, 3, and 4 which creates an equivalent 4 storey development.
- The revised design represents a significantly different approach by the developer compared with the previously approved development, with a

resultant significant impact on the client's property from a residential amenity viewpoint.

6.1.4. **Suitability of Materials/Protected Structure:**

- The proposed use of brickwork for the development is out of keeping with the architecture of Mount Merrion.
- The proposed design ignores the pitched roof or the aesthetic of the few special "modern movement" rendered houses e.g., neighbouring dwelling Stansted.
- Mount Merrion is one of the few "Garden City" concepts in Ireland, as detailed in a set of Design Guidelines produced by/for the residents of Mount Merrion in 2014.
- The development lacks garden or hedgerow frontage and ignores the rendered facades of the neighbourhood.
- The proposed development has no front gardens or hedgerows and is set back by hardstanding, just the depth of two car spaces, with no boundaries.
- If permitted, the proposed houses will significantly damage the historical and distinctive character of Mount Merrion and set a precedent for others to do likewise.
- The proposal does not protect or improve the residential amenity of the area in accordance with its Zoning.

6.2. **Applicant Response**

6.2.1. **Re. Height and Massing:**

- The development as granted by Dún Laoghaire-Rathdown County Council is lower than that granted previously under P.A. Ref. D15A/0799 and ABP Ref. PL06D.247643).
- The massing is lower than P.A. Ref. D15A/0799, and the omission of double-height voids and half landings have resulted in an overall increase in accommodation area.

- The increase in height is an appropriate incremental response to heights of neighbouring developments, which vary from 3-6 storeys on the Stella cinema / Flanagans, Union café / Kennedy's public house sites.
- This is in line with the Dún Laoghaire-Rathdown County Council Development Plan 2016-2022 Chapter 2- Sustainable Communities strategy, which seeks to encourage the densification of the existing suburbs in order to help retain population by infill housing.
- As stated in the Planning Authority report, the proposal is not deemed to result in material reductions of the sunlight and daylight enjoyed by adjacent properties and is expected to achieve satisfactory levels of light within the scheme.

6.2.2. **Re. Visual Impact:**

- The Planning Authority report concludes that;
 - The difference in height is not deemed to be such to result in an incongruous visual effect or having an overbearing presence.
 - Changes in height in a moderate scale are generally considered to add interest to the street scape changes in height.
- The Appellant's house, Shandon, is 33.9m from the rear façade of the nearest house, House 3, which is significantly more than the minimum 22m distance allowable.

6.2.3. **Re. Overlooking/Overbearing impact/Residential Amenity:**

- The Appellant's house, Shandon, is 33.9m from the rear façade of the nearest house, House 3, which is significantly more than the minimum 22m distance allowable.
- Any overlooking caused by windows to upper floors are covered by conditions to obscure those windows that the Planning Authority had concerns about.
- The sectional relationship with Shandon is clearly shown in Site Section BB, on 2036-09, so the objection relating to Section AA for House 1 is not valid, and in any case relates to the planning application granted under P.A. Ref. D21A/0623.

6.2.4. **Re. Suitability of Materials/Protected Structure:**

- The set of Design Guidelines produced by the residents of Mt Merrion has no statutory nor regulatory standing in the Dún Laoghaire-Rathdown County Council Development Plan and cannot be relied upon.
- The bricks selected to the front façade are a buff brick, as described in the design statement submitted, and are conditioned to be agreed upon with the Council prior to construction.
- Restricting all new developments to slavishly copy adjacent older developments would restrict the creative process of architecture and progress.
- The Protected Structure 'Standsted', when built, was totally out of keeping with adjacent styles of the houses beside it and yet is now a Protected Structure; vindication for individuality and contemporary architecture.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority considers the grounds of appeal do not raise any new matter which would justify a change in its decision.

6.4. **Observations**

- 6.4.1. A letter of observation was received from Sheridan Woods, Architecture, Urban Design and Planning Consultants, on behalf of Maura Blake and John Blake, who reside at No. 40 Greenfield Road, Mount Merrion, Blackrock, Co. Dublin. The issues raised are summarised as follows;
- The proposed development negatively impacts on neighbouring dwelling Shandon in terms of its scale, overlooking/overbearing/residential amenity impacts, and the suitability of materials in relation to the adjacent Protected Structure.
 - The property at No. 40 Greenfield Road is also negatively impacted by the proposed development.

- The observation requests that An Bord Pleanála considers the wider impacts of the development with particular regard to the separation distances being proposed, building height and form, overlooking, and overdevelopment nature of the development.
- The observation includes a copy of the original submission to Dún Laoghaire-Rathdown County Council.
- The observation requests that An Bord Pleanála refuse permission for the proposed development.

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the proposed development accords with the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Having examined the application details and all other documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues are addressed under the following headings:

- Overdevelopment and inappropriate scale
- Overlooking and Overbearing Impact:
- Suitability of materials/Protected Structure:
- Appropriate Assessment

7.2. These are addressed below.

7.3. Overdevelopment and inappropriate scale

7.3.1. The Appellant objects to the proposed development on the grounds that the proposed 4 no. three-storey houses are an overdevelopment of a small site and represent a 23.5% increase in floor area compared to the previously approved scheme, as

permitted on appeal under P.A. Ref. D15A/0799 & ABP Ref. PL06D.247643. Additionally, the Appellant claims that the proposed houses are inappropriate for the single-storey nature of Wilson Road, which has individual low-scale villa-type designs. The Appellant submits that, concerning the Appellant's house, 'Shandon', along Greenfield Road (aka Callary Road), the proposed development represents a four-storey equivalent due to the elevated nature of the site. Lastly, the Appellant contends that the proposed development is not in line with the zoning objective of the site which seeks to protect and improve residential amenity.

7.3.2. The Applicants contest these grounds of appeal, stating that Dún Laoghaire-Rathdown County Council granted permission for a development that is lower in massing and height compared to the development previously permitted under P.A. Ref. D15A/0799 and ABP Ref. PL06D.247643. The Applicants state the overall accommodation area has increased due to the omission of double-height voids and half-landings. The Applicants contend that the increase in the height of the approved development is seen as an appropriate incremental response to the heights of neighbouring developments, which range from 3-6 storeys on sites such as the Stella cinema/Flanagans site (located opposite) and Union café/Kennedy's public house. The Applicant states that this is in line with the Sustainable Communities Strategy outlined in the Dún Laoghaire-Rathdown County Council Development Plan 2016-2022 Chapter 2. The Applicant notes how the strategy encourages the densification of existing suburbs through the provision of infill housing, thereby helping to retain population. The Applicants submits that the Appellant's house, Shandon, is located 33.9m from the rear façade of the nearest house, House No. 3, which is significantly more than the minimum 22m separation distance required.

7.3.3. The Planning Authority, in its assessment, acknowledge that the rear private amenity areas for proposed 4 no. houses exceed the minimum requirement of 75 sq.m. for private open space as required under Section 8.2.8.4 of the Development Plan (2016-2022) pertaining to four-bedroom dwellings. The Planning Authority determined that the proposed development would not adversely impact the character and visual amenity of the surrounding area.

7.3.4. Based on the aforementioned considerations, I consider it necessary to evaluate the following issues:

- (i) Whether the proposed development constitutes an overdevelopment of a small site.
- (ii) Whether the proposal is appropriate for the single-storey nature of Wilson Road and whether it would have an adverse impact on the character and visual appeal of the surrounding area.
- (iii) Whether the proposal, due to the elevated nature of the site, would significantly impact the residential amenity of 'Shandon' and other nearby properties.

7.3.5. At the outset, the Board is advised of the concurrent application and appeal on the subject site, as submitted under P.A. Ref. D21A/0623 and appealed under ABP Ref. 313316-22, whereby the Planning Authority granted permission for the construction of 4 no. semi-detached 3-storey houses, vehicular access, pedestrian access and new road frontage treatment onto Wilson Road and associated site works. The primary differences between the proposed development under the subject application/appeal and the development proposed under P.A. Ref. D21A/0623 / ABP Ref. 313316-22 is the size of the site and the size, layout, and internal configurations of the proposed dwellings. Under the subject application/appeal, the stated area of the site is 0.1 hectares whereas under P.A. Ref. D21A/0623 / ABP Ref. 313316-22, the site has a stated area of 0.09 hectares. The difference in site areas relate primarily to differences in the site areas of House Nos. 1 and 2. Furthermore, under the subject application/appeal, the stated gross floor area of the proposed development is 762 sq.m. whereas under P.A. Ref. D21A/0623 / ABP Ref. 313316-22, the stated gross floor area of the proposed development is 712.5 sq.m. For comparative purposes, Table 1 below shows the primary difference between both applications.

7.3.6. **Table 1: Differences between subject application and concurrent application.**

	Subject Application / Appeal	Concurrent Application / Appeal D21A/0623 / ABP Ref. 313316-22
House 1	Site Area: 301 sq.m. Floor Area: 190.5 sq.m. No. of bedrooms: 4	Site Area: 229.5 sq.m. Floor Area: 141 sq.m. No. of bedrooms: 3
House 2	Site Area: 230.9 sq.m. Floor Area: 190.5 sq.m. No. of bedrooms: 4	Site Area: 219.4 sq.m. Floor Area: 190.5 sq.m. No. of bedrooms: 4
House 3	Site Area: 257.3 sq.m. Floor Area: 190.5 sq.m. No. of bedrooms: 4	Site Area: 257.3 sq.m. Floor Area: 190.5 sq.m. No. of bedrooms: 4
House 4	Site Area: 234.4 sq.m. Floor Area: 190.5 sq.m. No. of bedrooms: 4	Site Area: 234.4 sq.m. Floor Area: 190.5 sq.m. No. of bedrooms: 4

7.3.7. In assessing the issues of overdevelopment and inappropriate scale, the site's Zoning, density, plot ratio, site coverage, height, and potential impact on surrounding properties are taken into consideration.

7.3.8. The site is zoned objective 'A', which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities', as detailed in Development Plan Zoning Map 2. Residential land use is permitted in principle on such zoned lands, as per Table 13.1.2, Chapter 13 of the Development Plan. As such, the proposed development is acceptable in principle, subject to compliance with the relevant policies, standards and requirements set out in the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028.

7.3.9. The stated area of the site is 0.1 hectares, and the proposed development comprises 4 no. dwellings. This yields a density of c.40 units per hectare. Section 12.3.3.2 of the Development Plan (2022-2028) refers to 'Residential Density' and states that '*In general, the number of dwellings (houses or apartments) to be provided on a site*

should be determined with reference to the Government Guidelines document: 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009)... As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport'. Section 5.9 of these Guidelines refers to density in 'inner suburban/infill' areas of towns or cities where such development can be provided either by infill or by sub-division. Section 5.9 (i) refers to 'infill residential development' and details that potential sites may include small gap infill, unused or backland areas and states that 'in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill'. The Guidelines do not set out specific density requirements for infill residential development. Section 5.11 of the Guidelines states that net residential densities in the general range of 35-50 dwellings per hectare in outer suburban / 'greenfield' sites should be encouraged. The density of the proposed development complies with this density recommendation.

7.3.10. Having regard to (i) the established character and density of existing and permitted development on adjacent land, notably the 6-storey mixed-use development located opposite and the four dwellings permitted on adjoining lands to the east, (ii) the planning history of the appeal site whereby permission was previously granted on appeal under ABP Ref. PL06D.247643 and PL06D.24068 for four dwellings and (iii) the site's context within 0.75 km / 10 min walk from the nearest bus stop along the Stillorgan Road QBC and its location directly opposite land zoned 'NC' which seeks '*To protect, provide for and-or improve mixed-use neighbourhood centre facilities*', I consider the density of the proposed development acceptable in this instance. Such development would be consistent with Section 12.3.1.1 of the Development Plan, which states that higher densities should be provided in appropriate locations.

7.3.11. The stated gross floor area of the proposed development is 762 sq.m, yielding a plot ratio of 0.76:1 based on the site's 0.1 ha (1000 m²) area. The total area of ground covered by the proposed buildings is 306 sq.m, resulting in a site coverage of 30.6%. Although plot ratio and site coverage standards are not specified in the Development Plan, it is my view that the plot ratio and site coverage of the proposed development is appropriate for this residential area.

- 7.3.12. The proposed development consists of four semi-detached three-storey houses with an overall height of 8.9m. Adjacent dwellings to the west along Wilson Road are mostly single / 1.5-storey detached dwellings. A 12.5m separation distance is maintained between the proposed development's western side elevation and the neighbouring 1.5-storey dwelling No. 54 Wilson Road, which has a roof ridge height of c. 5.1m. The site is located opposite a six-storey apartment block, with adjacent lands to the south-east containing a three-storey building known as 'Union Café' and adjoining lands to the east having been granted permission under P.A. Ref. D22A/0141 for the construction of 4 no. 2.5-storey semi-detached dwellings with heights of approximately 9.2m. Given the varying height of buildings along Wilson Road, it is my view that the height of the proposal would not have an adverse impact on the character and visual amenity of the surrounding streetscape.
- 7.3.13. A separation distance of 33.9 m would be maintained between the proposed development and the Appellant's two-storey house, 'Shandon', located on adjoining lands to the north. This separation distance complies with Section 12.8.7.1 of the Development Plan, which states that '*A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments*'.
- 7.3.14. The Site Plan indicates that the ground level of proposed House No. 4 is 53.5m O.D. and the site section drawings show the ground level of Shandon to the rear/north is approx. 51m O.D. Mature deciduous trees are planted along the shared northern boundary with 'Shandon', providing some degree of natural screening. Taking into account the height of the proposed development, the separation distance provided, and the existing mature trees along the northern boundary, it is my view that the height and scale of the proposed development would not adversely impact the visual amenity and outlook of the Appellant's dwelling 'Shandon' or other properties to the north.
- 7.3.15. In conclusion, I consider that the proposed development is acceptable in principle in accordance with the zoning objective. The density, plot ratio, site coverage, and building height are all considered suitable for the site and its surroundings. Moreover, the proposal would not have an adverse impact on the character or visual amenity of the surrounding streetscape or adjacent properties. On this basis, I recommend that the proposed development is not refused permission on these grounds of appeal.

7.4. Overlooking and Overbearing Impact:

- 7.4.1. The Appellant objects to the proposed development on the grounds that it would result in overlooking and overbearing impact on the Appellant's dwelling 'Shandon', located to the north of the site. The Appellant contends that the section A-A drawing shows the relationship between the proposed development and another house on Greenfield Road (aka Callary Road) but does not consider the impact on the house 'Shandon'. The Appellant submits that the proposed development's House No. 1 is shallower than the other houses and creates a positive impression of the back-to-back relationship between the proposed development and the houses on Greenfield Road. However, the 'Side Elevation' drawing shows that the proposed development will significantly impact the residential amenity of the Appellant's house and garden due to the deeper section of proposed houses Nos. 2, 3, and 4, which creates an equivalent 4-storey development. The Appellant states that the revised design of the development represents a significantly different approach by the developer compared to the previously approved development, with a resultant significant impact on the Appellant's property from a residential amenity viewpoint.
- 7.4.2. The Applicant contests these grounds of appeal, stating that the Appellant's house, 'Shandon', is situated at a distance of 33.9 meters from House No. 3's rear facade, which is significantly more than the minimum distance of 22 meters required. The Applicant states that Planning Authority has placed conditions to obscure any overlooking caused by the upper-floor windows. Furthermore, the Applicant states that the objection regarding the Section AA drawing for House 1 is not valid as the sectional relationship with Shandon is clearly shown in Site Section BB Drawing No. 2036-09.4
- 7.4.3. The Planning Authority in its assessment of the proposed development, found that the distances between proposed windows and neighbouring properties are acceptable, except for the first and second-floor windows on the western side of House No.1, which overlooks no. 54 Wilson Road. As a result, the Planning Authority recommends that these windows and other windows in House No.4 and the eastern and western elevations of House Nos.2 and 3 at the first and second-floor levels be fitted with obscure glass to prevent overlooking. Accordingly, the Planning Authority imposed a Condition (No. 2) that all houses (Nos. 1 to 4) shall have opaque or frosted glass glazing in their first and second-floor side (east and west) elevation windows.

- 7.4.4. Based on the considerations above, an assessment of overlooking and overbearing impact on neighbouring properties is required.
- 7.4.5. The proposed development would maintain a separation distance of 33.9m between the rear elevations of House Nos. 2 and 3 and 'Shandon', situated on the adjoining lands to the north. Additionally, there would be a separation distance of 35.2m between the rear elevation of House No. 1 and No. 40 Callary Road, as well as a 24.1m separation between the rear elevation of House No. 4 and 'Stansted'. These separation distances adhere to Section 12.8.7.1 of the Development Plan, which states that '*A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments*'.
- 7.4.6. As previously mentioned, mature trees are present along the northern boundary of the site, offering natural screening for the proposed development and mitigating overlooking and overbearing impact. Consequently, given the separation distances provided and screening along the northern boundary, it is my view that the proposed development would not result in overlooking or overbearing impacts on neighbouring properties to the north.
- 7.4.7. Condition No. 2, imposed by the Planning Authority, requires opaque or frosted glass glazing in the first and second-floor side (east and west) elevation windows of the proposed houses. This measure would effectively prevent overlooking between the proposed houses and neighbouring properties to the east and west. The proposed balconies to the front of the proposed dwellings at second-floor levels would not result in overlooking of private amenity space of neighbouring properties.
- 7.4.8. The front building line of the proposal aligns with that of No. 54 Wilson Road, and a 12.5m separation distance would be maintained between House No. 1 and No. 54 Wilson Road, thereby negating any overbearing impact. Furthermore, considering the site layout and building lines of the dwellings permitted on adjoining lands to the east under P.A. Ref. D22A/0141 relative to the dwellings proposed in this application, an overbearing impact between both developments would not occur.
- 7.4.9. In conclusion, having regard to the layout and design of the proposed development and its compliance with the Development Plan standards, it is my view that the proposed development would not adversely impact neighbouring properties in terms

of overlooking or overbearing impact. Therefore, I recommend that permission for the proposed development not be refused based on these grounds of appeal.

7.5. Suitability of materials/Protected Structure:

- 7.5.1. The Appellant objects to the proposed development, citing concerns with the use of brickwork and the design's disregard for local architectural styles, such as pitched roofs and "modern movement" aesthetics, such as neighbouring dwelling 'Stanstead' (Protected Structure). The Appellant highlights Mount Merrion's unique "Garden City" concept as detailed in the non-statutory Mount Merrion Design Guidelines (2014) and submits that the proposed houses have no front gardens, minimal setbacks, and no boundaries or hedgerow frontage, potentially harming the historical character of the area and setting a precedent for future developments. The Appellant submits that the proposal does not comply with the area's Zoning and fails to protect or improve residential amenities.
- 7.5.2. The Applicants contest these grounds of appeal, stating that the Mount Merrion Design Guidelines have no legal or regulatory basis in the Dún Laoghaire-Rathdown County Development Plan. The Applicants emphasise that the buff brick for the front façade is described in their design statement and must be approved by the Council prior to the commencement of development. The Applicants also assert that requiring new developments to strictly replicate older ones would hinder architectural creativity and progress. The Applicants cite the Protected Structure 'Standsted,' which was initially different from neighbouring styles but is now a valued example of individuality and contemporary architecture.
- 7.5.3. The Planning Authority, in its assessment, consider that the proposed materials on the front elevations of the dwellings, including a mixture of brick, render, stone surround, and zinc/metal standing seams, are acceptable and consistent with the existing palette of materials in the vicinity. In response to the further information submitted, the Planning Authority assessed a landscape plan for the proposed development, which included a 2m high timber fence for rear and rear side boundaries, a 0.8m high timber fence for the front garden sides, and a 0.9m high front boundary wall facing the road. The Planning Authority evaluated the proposed boundary treatments and their effects on existing vegetation and deemed these acceptable. The Planning Authority

concluded that the proposed development would not detract from the character and visual amenities of the surrounding area.

7.5.4. Based on the considerations above, an assessment of the form, design and landscaping of the proposal and its compatibility with architectural styles in the surrounding area is required.

7.5.5. The proposed development consists of 4 no. dwellings, each featuring a flat roof profile and a second storey recessed to the front to allow for balconies at the second-floor level. The proposed materials selected for the front elevations include (inter alia):

- Brick finish at ground and first-floor levels
- Zinc cladding at second-floor levels
- Aluclad/aluminium hardwood windows
- Timber-clad front doors
- Stone surrounds to the front entrance porches
- Metal railings for the second-floor balconies

7.5.6. House No. 1 includes a front garden to the side of the driveway, while the remaining three dwellings have hard-surfaced driveways. The floor plans indicate the provision of planting behind the front boundary walls, and brick landscaping planters will be provided along the front elevations of each dwelling.

7.5.7. Wilson Road's architectural streetscape features a variety of dwelling styles, including detached single/1.5 storey dormer bungalows to the west, characterised by pitched roofs, front and rear gardens, and a mix of render, pebble dash finishing, and brick detailing. 'The Pinnacle', a six-storey apartment block located opposite the site to the south, presents a stone and rendered finish with a stepped building form/height and glass-balustraded balconies. Although Wilson Road is not designated as an Architectural Conservation Area, the dwelling 'Stansted' on the adjoining lands to the northeast is a Protected Structure with an Art Deco architectural style. It is noted that the Mount Merrion Design Guidelines (2014) do not form part of the current Dún Laoghaire-Rathdown County Development Plan 2022-2028.

7.5.8. Having regard to the foregoing, it is my view that the proposed development demonstrates compatibility with local architectural styles by incorporating a range of

materials commonly used in the surrounding area. The combination of brick finishes, zinc cladding, and other materials creates a balanced design that complements existing structures. By incorporating materials and design elements present in dwellings and the apartment block along Wilson Road, I consider that the proposal aligns with the area's character and architectural style. The proposal's modern design, with flat roofs and balconies, adds diversity to the streetscape without detracting from the overall visual harmony.

- 7.5.9. The lack of front gardens for three of the proposed houses is acceptable, given the provision of planting behind the front boundary wall and brick planters in front of the houses, compensating for the absence of front gardens and maintaining the green aspect of the area. The provision of such planting along the front boundary and in front of the houses would soften the overall appearance of the development, contributing positively to the character and visual amenity of the surrounding area. Trees along the roadside kerb to the front of the site provide additional landscaping along the street.
- 7.5.10. Having regard to the location, form and design of the proposed development and the minimum 24.1m separation distance from neighbouring dwelling 'Stansted', I do not consider the proposed development would have any adverse impact on the adjacent Protected Structure 'Stansted'. The design and proposed materials would not detract from the unique Art Deco style of the neighbouring Protected Structure building. The protection of trees along the northern boundary, as detailed in the Tree Survey Tree Retention Plan, would screen the proposed development, as viewed from the north.
- 7.5.11. In conclusion, it is my view that the proposed development would not adversely impact the character and visual amenity of the surrounding area. The design, proposed materials, and integration of landscaping elements would ensure compatibility with the existing architectural styles along Wilson Road while maintaining a balance between modernity and the preservation of local character.

7.6. Appropriate Assessment

- 7.6.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise, and it is not considered that the proposed development

would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the site's zoning, the nature and scale of the proposed development, and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions listed below, the proposed development would respect the character of existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future occupants in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th day of February 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>All windows on the side elevations of the proposed dwellings at first and second-floor levels shall be permanently fitted with obscure glazing.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the Planning Authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
4.	<p>Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water).</p> <p>Reason: In the interest of public health.</p>
5.	<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>
6.	<p>(i) The vehicular entrances shall be a maximum of 3.5 metres wide.</p> <p>(ii) The footpath and kerbs shall be dished, and the new driveways constructed to the technical requirements of the Planning Authority.</p> <p>(iii) The surface treatment of the car parking areas shall comprise of a permeable material.</p> <p>(iv) No gates shall open across a public footpath.</p> <p>Reason: In the interest of orderly development and the proper planning and sustainable development of the area.</p>
7.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to</p>

	<p>secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
8.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</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 intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>Proposals for a house name and/or numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house names and/or numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Brendan Coyne
Planning Inspector

25th April 2023