



An
Bord
Pleanála

Inspector's Report

ABP-313426-22

Development

Planning permission is sought for amendments to previously granted house (Note: P.A. Ref. No. D16A/0732) together with associated works.

Location

Rosscahill, Military Road, Killiney, Co. Dublin (Note: Site is located within an Architectural Conservation Area and is within the setting of a number of Protected Structures including Abbeylands RPS No. 1722, 1724 and 1725; Kildoon RPS No. 1718; Winterslow RPS No. 1723; Lotherien RPS No. 1736; Eversley RPS No. 1735 and Roseneath RPS No. 1734).

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D22A/0095.

Applicant(s)

Gail & Frank Dempsey.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant(s)

Kieran O'Driscoll.

Observer(s)

Ian Bowring.

Date of Site Inspection

18th day of November, 2022.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. Having inspected the site and its setting I consider that the Site Location and Description given by the Boards Inspector in appeal case ABP Ref. No. PL06D.248079 is still applicable. It reads:

“The site of the proposed development, with a stated area of 0.7 hectares, comprises a narrow plot forming part of the rear garden of “Rosscahill”, a detached house with a long narrow rear garden and access onto Marino Avenue West in Killiney, County Dublin. The site is irregular in shape, with the ground falling steeply from north to south. The south-eastern part of the site comprises a narrow east/west strip linking to Marino Avenue East. Much of the site’s boundaries consist of mature trees and hedgerow.

Five protected structures bound the site - “Abbeylands” (a terrace of three houses) to the west, “Kildoon” (a detached two-storey house) to the north-east, “Winterslow” (a detached two-storey dwelling) to the east, and “Eversley” and “Lothlorian” (terraced houses) to the south”.

- 1.2. To this I note that the site is within the visual setting of Protected Structure ‘Roseneath’ RPS No. 1734. At the time of my site inspection initial foundation and ground floor works had commenced but no works were on-going with the site hoardings having collapsed. The surrounding area has a mature period residential character with the site having panoramic views towards the coast.
- 1.3. Photographs taken during my inspection of the site are attached.

2.0 Proposed Development

- 2.1. Planning permission is sought for amendment to the previously granted dwelling P.A. Ref. No. D16A/0732 as follows:

- Construction of a two-storey extension to the rear (north) (Note: 8.6m²)
- Construction of a two-storey extension to the side (west) (Note: 3.9m²).
- Addition of an 8m² balcony to the front (south) at first floor level.

The public notices indicate that together these works would increase the total floor area of the house from 187m² as previously granted under P.A. Ref. No. D16A/0732 by 12.5m²).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 30th day of March, 2022, the Planning Authority issued a notification to **grant** permission for the proposed development subject to 8 no. mainly standard conditions including:

Condition No. 2: Requires that with the exception of the amendments granted the development will be otherwise carried out in strict accordance with terms of P.A. Ref. No. D16A/0732.

Condition No. 3: Sets out that the permission granted will expire on the same date as the grant of permission of PL06D.248079 (P.A. Ref. No. D16A/0732).

Condition No. 4: Restricts the height of proposed piers and gates to no more than 1.1m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report is the basis of the Planning Authority's decision. After an examination of the proposed development against the permitted development on site together with all the reports and submissions received the Planning Officer considered that the proposed amendments to the previously permitted development PL06D.248079 (P.A. Ref. No. D16A/0732) would not give rise to any undue residential or visual amenity impacts. It also sets out that no other substantive issues arise. It concludes with a recommendation to grant permission subject to conditions.

3.2.2. Other Technical Reports

Drainage: No objection, subject to safeguards.

Transportation: No objection, subject to safeguards.

Conservation: No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. Irish Water: No objection, subject to safeguards including:

- A separate supply shall be taken from the public watermain to serve the proposed dwelling.
- The applicant is not permitted to take a supply from the service pipe serving the adjoining property.
- Applicant is required to sign a connection agreement to connect or indirectly connect to a public waste water and water supply network operated by Irish Water prior to the commencement of development.

This submission includes a note stating: *“the applicants are responsible for acquitting any rights or permission necessary to connect to or increase the discharge into, or to build over, or divert, or to ensure adequate capacity is not exceeded, or otherwise alter any private drains not in their exclusive ownership or control and for ensuring their adequacy”*.

3.4. Third-Party Observations

- #### 3.4.1.
- A number of Third-Party observations were received by the Planning Authority during the course of their determination raising drainage, residential, visual, built heritage, overdevelopment, public right-of-way impact concerns in relation to the proposed development. Copies of the Third Party observations are attached to file.

4.0 Planning History

4.1. Site:

- **P.A. Ref. No. D16A/0732E:** On the 6th day of October, 2022, an **application for an extension of time** for a development permitted by the Board under ABP-PL06D.248079 was permitted subject to the following two conditions:

Condition No. 1: *“The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications granted under planning permission Reg. Ref. the development previously approved under Reg. Ref: D16A/0732 / PL06D.248079 save as may be required by other conditions attached*

thereto. REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained”.

Condition No. 2. *“The duration of permission is extended until 28/11/2027. The works shall, therefore, be completed by 28th November 2027. REASON: In the interests of the proper planning and sustainable development of the area”.*

ABP-PL06D.248079 (P.A. Ref. No. D16A/0732): On appeal to the Board planning permission was **granted** for a development consisting of the construction of a part two-storey flat roofed, detached three-bedroom, split level 187m² dwelling together with all associated site works and services. Of note Condition No. 4 sets out the same requirements as Condition No. 4 under the Planning Authority’s notification to grant permission for the subject application. In addition, Condition No. 5 required the water supply and drainage arrangements, including disposal of surface water to comply with the Planning Authority requirements in the interest of public health.

- **ABP- PL06D.243641 (P.A. Ref. No. D14A/0040):** On appeal to the Board planning permission was **refused** for the construction of a split-level house for one reason relating to injury to amenities of property in the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Since the Planning Authority issued its decision in respect of the subject proposed development, they have adopted a new development plan for their administrative area. The applicable plan for the determination of this application is therefore the Dun Laoghaire Rathdown County Development Plan, 2022-2028. Under this plan the appeal site is located in an area zoned as ‘A’ with the stated land use zoning objective: *“to provide residential development and improve residential amenity while protecting the existing residential amenities”.* The site is also located within the ‘Killiney Architectural Conservation Area’.
- 5.1.2. Part of the northern portion of the site is within Objection 130 of the Development Plan. The stated objective for this area is: *“to ensure that development within this objective area does not (i) have a significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or (ii) does*

not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements”.

- 5.1.3. The site is within an area where no increase in the number of buildings are permissible.
- 5.1.4. Chapter 4 of the Development Plan deals with Neighbourhood, People, Homes & Places.
- 5.1.5. Chapter 11 of the Development Plan deals with the matter of Built Heritage including Architectural Conservation Areas, Protected Structures and Recorded Monuments. Of note, Section 11.4.2.1 and Policy Objective HER13 deals with Architectural Conservation Areas and states that: *“it is a Policy Objective to: i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA)” and “ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area”.*
- 5.1.6. Chapter 12 of the Development Plan sets out the development management provisions. Of note, Section 12.3.7.7 on the matter of Infill Developments states that: *“new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar”.*

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or does it adjoin a European Site. There is a proposed Natural Heritage Area (NHA) located c303m to the north east (Dalkey Coastal Zone & Killiney Hill pNHA (Site Code: 001206)). There are no watercourses at or near the site. The site is located c170m to the northwest of Killiney Bay coastline as the bird would fly. Rockabill to Dalkey Island SAC (Site Code: 003000) is located c1.6km to the east of the site as the bird would fly.

5.3. EIA Screening

5.3.1. Having regard to the nature, scale and extent of the proposed development, the site location within an established built-up urban area which is served by and large served with water and drainage public infrastructure, the nature of the receiving environment and the existing pattern of residential development in the vicinity, 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.

5.4. Built Heritage

5.4.1. The site is located c35m to the south of Killiney Monastic Site which contains:

- DU02239, Classification 'CHUR'.
- DU02243, Classification 'FONT'.
- DU02246, Classification 'ECCE'.
- DU02241, Classification 'INSC'.
- DU02242, Classification 'HOLY'.
- DU02244, Classification 'CROS'.
- DU02245, Classification 'CROS'.
- DU02240, 'Classification 'GRAV'.

5.4.2. The is located c98.5m to the north west of DU02380, Classification 'MATO'.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Third-Party appeal submission can be summarised as follows:

- Reference is made to the grant of permission PL06D.248079 (P.A. Ref. No. D16A/0732) which expires in August, 2022, and an extension of time should not be permitted to facilitate this development under Section 42 of the Planning & Development Act, 2000, due to the significant changes in planning legislation

including in relation to appropriate assessment given the proximity of the site to Rockabill to Dalkey Island SAC.

- The amendments to the proposed development would give rise to adverse residential amenity impacts by way of additional direct overlooking of the rear garden and all rear facing windows of Protected Structure 'Lothlorien'. The lack of contextual elevations showing the proposed development relative to other properties in its vicinity is a concern for assessing this matter.
- The amendments seek to reduce the distance between the first floor living area and 'Lothlorien' with a new projecting balcony as well as dramatically increasing the amount of glazing on the façade directly facing this residential Protected Structure.
- There is a potential for the proposed development to overlook existing/future development adjoining the site.
- The configuration of the site is narrow leaving little capacity to provide separation distances between the house and boundaries of neighbouring lands.
- The site is located at an elevated position on what is described as a significant landscape feature and adjoins five houses.
- The majority of dwellings neighbouring and adjoining the site are afforded Protected Structure status and the site forms part of an ACA.
- The site is located in close proximity to a complex of national heritage significant sites.
- The permitted dwelling has a floorspace that is 1.7 times the target floorspace for a six-person three-bedroom house as set out under the Quality Housing for Sustainable Communities.
- The proposed development would constitute gross overdevelopment of this sensitive site and the extended site would represent an incongruous as well as congested form of development at this sensitive site.
- This development is out of character with the pattern of development in the area.
- This development would give rise to serious injury of residential amenities.
- The Board is sought to refuse the proposed development.

6.2. Applicant Response

6.2.1. The Applicants response can be summarised as follows:

- The claim that the granting of permission would extend the parent permission which is due to expire is moot in that Condition No. 3 of the grant of permission states that the expiry date on the permission for this application as granted will be the same as the Boards decision under ABP PL06D.248079.
- The works to the house permitted under the Boards grant of permission is to commence in two weeks. (Note: the applicant's submission was received on the 6th day of May, 2022).
- The Board are requested to extend the parent grant of permission by two years from the date of this application subject of this appeal.
- The proposed development would not give rise to any undue residential amenity impact on neighbouring properties.
- The balcony would have a setback of 14.4m from the boundary and would be 1.8m above ground level due to the sunken arrangement of the site. It is therefore not considered that the balcony is a first-floor level balcony.
- No AA issues would arise from the proposed development.
- The claim that this application would increase the size and footprint of the dwelling permitted is not sustainable.
- This development is consistent with the zoning of the site and its setting.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The Board is referred to their Planning Officer's report.
- The grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

6.4. Observations

6.4.1. On the 19th day of May, 2022, a Third-Party Observation was received by the Board from a Mr. Ian Bowring, of an address in Marino Avenue East, which can be summarised as follows:

- Concern is raised that this application is essentially a resubmission of the developments sought under P.A. Ref. No. D16A/0732 and D14A/0040, which were subject to appeals to the Board.
- During these previous applications it was incorrectly maintained by the applicant that the foul water drain that they wished to connect to on Marino East was in public ownership which it was not. It was only under P.A. Ref. No. D16A/0732 that the applicant acknowledged that this foul water drain was not in public ownership and that they sought to use a private drain.
- Since the grant of permission of P.A. ref. No. D16A/0732 the applicant has failed to comply with Condition No. 4.
- This development gives rise to serious public health issue.

7.0 Assessment

7.1. Overview

7.1.1. Having carried out an inspection of the site and its setting, examined the file and the planning history, considered all relevant planning policies and guidance, including submissions of all parties I consider that the key issues in this appeal case are:

- Principle of the Proposed Development
- Amenity Impact
- Legal Interest/Drainage

7.1.2. I also consider the matter of '*Appropriate Assessment*' also requires examination.

7.2. Principle of the Proposed Development

7.2.1. The irregularly shaped 0.7ha appeal site is located in an area zoned to provide residential development and improve residential amenity while protecting the existing residential amenities (Note: Objective 'A'); within the 'Killiney Architectural

Conservation Area'; and, with the northern portion of the site within Objection 130 lands under the current Development Plan. The latter objective seeks to ensure that development within this particular area does not have a significant negative impact on the environmental sensitivities in the area through to does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.

- 7.2.2. The planning history of the site is a relevant consideration to this appeal case before the Board and in relation to the development as sought in this planning application D22A/0095 that was determined by the Planning Authority.
- 7.2.3. In this regard, under ABP Ref. PL 06D.248079 (P.A. Ref. No. D16A/0732) planning permission was granted for a dwelling on this site subject to conditions. Previous to this planning permission was refused by the Board under ABP Ref. No. PL06D.243641 for the construction of a split-level house based on the one reason relating to injury to amenities of property in the vicinity. The Board in their determination of ABP Ref. No. PL06D.248079 concurred with its Planning Inspector that this reason and consideration for refusal of permission for the previous dwelling house sought on this site has been satisfactorily overcome and that the proposed dwelling subject to safeguards would accord with the proper planning and sustainable development of the area despite the site's sensitivity to change.
- 7.2.4. The application now before the Board seeks amendments to the previously granted dwelling house ABP Ref. No. PL06D.248079 (P.A. Ref. No. D16A/0732). With the proposed amendments consisting of an 8.6m² two storey extension to the rear which faces north; a 3.9m² two storey extension to the western side and the addition of an 8m² balcony on its front southern elevation. Thus, in terms of additional habitable space the proposed dwelling would increase in its floor area from 187m² to 199.5m². and the open space amenity for occupants of the dwelling would be increased by over 8m², if the proposed amendments sought under this application were to be permitted.
- 7.2.5. In relation to the 8.6m² two storey extension to the rear and the a 3.9m² two storey extension to the western side these modest additions having regard to their design, layout through to glazing provisions, due to the lateral separation distance between them and adjoining as well as neighbouring properties, the orientation of the site, the changing topography of the site and its setting through to the presence of screening

buffers including mature soft landscaping in the form of trees and hedging would not in my view give rise to any undue overshadowing, overlooking, visual overbearance, diminishment of privacy or otherwise for properties in its vicinity over and above that of the dwelling already permitted under ABP Ref. No. PL06D.248079 (P.A. Ref. No. D16A/0732).

- 7.2.6. Further, despite the site sensitivity of this location, a location rich in archaeological and architectural heritage the site forms part of a landscape that is essentially mature residential despite many of the dwellings in the vicinity of the site occupying generous plots with many also benefitting from panoramic views. Within this setting there is already a level of existing overlooking and in some situations overshadowing. This is not uncommon in residentially developed areas of the city suburbs like Killiney. I am not convinced that the modest amends to the side and rear of the permitted dwelling having regard to the split-level design of the permitted dwelling, a design which is designed to be subordinate within its setting, through to when regard is had to the topography of the site and its setting as well as the lateral separation distances between the permitted dwelling and properties in its vicinity, that they would give rise to any serious residential amenity impact if they were to be permitted.
- 7.2.7. In relation to the balcony element, this is proposed to the southern elevation and is a balcony of limited depth (Note: 1.5m). It is of a light weight design complimentary to the design aesthetics of the permitted dwelling which includes extensive glazing at upper floor level which it would be attached to. As part of the addition of a balcony at upper floor level of the southern elevation an amended solid wall on the eastern side is proposed. This provides solidity and screening of the private amenity space as viewed from the adjoining property to the east (Note: A property known as 'Eversley' which is a Protected Structure). Alongside this modification the amendments sought under this application include an increase in its height of c300mm. The drawings show that with the addition of this balcony there would be over 14m between its southernmost edge and the boundary of the site.
- 7.2.8. The upper floor level due to the topography of the site and the design of the permitted dwelling together with landscaping and solid buffering wall would result in the upper floor level within its setting being stepped down from the Protected Structures to the west, with the nearest one being 'Abbeylands' and from 'Rosscahill' to the north.

There are also substantial natural landscape features including evergreen hedges and trees, between the permitted dwelling and the properties to the south of it.

- 7.2.9. I am not convinced that this balcony structure, if permitted, would give rise to any undue significant residential amenity impact by way of overlooking, overshadowing, loss of privacy or otherwise when compared with the permitted dwelling.
- 7.2.10. In relation to built heritage impact, I consider that the proposed amendments to the contemporary, light weight and subordinate permitted dwelling would give rise to any undue injury to the rich archaeological and built heritage within its setting.
- 7.2.11. Based on the above considerations I am satisfied that the proposed development is acceptable as well as that it is a type of development that is in keeping with the proper planning and sustainable development of the area.

7.3. Legal Interest/Drainage

- 7.3.1. The observer in this appeal case raises legal interest and public health concerns in relation to the foul water drain that the parent permission (P.A. Ref. No. D16A/0732) proposed connection to on Marino East which is purported to be in private ownership. In relation to these concerns, they note to the Board that the parent grant of permission Condition No.4 it was required that the rights or permissions necessary to connect to or increase the discharge into, or build over, or divert, or to ensure adequate capacity or otherwise alter any private drains not in their exclusive control as well as for ensuring their adequacy was required prior to the commencement of any development. I note that this is indeed a requirement imposed by way of condition on the parent grant of permission.
- 7.3.2. Of concern to the observer, they contend that compliance with this has not been had and I observed works have commenced on site with no evidence available to support any compliance with Condition No. 4 was put in place prior to commencement.
- 7.3.3. The observer raises further concerns that the drainage systems and pipes on Marino Avenue East are already extremely overloaded and fragile. They further contend that they suffer from frequent breaks and raw sewerage leaks from year to year. Moreover, it is contended by the observer that this infrastructure was never designed or intended to be used for raw sewage being discharged from a number of houses. But rather as a septic tank run-off pipe.

- 7.3.4. They note to the Board that all of the houses on Marino Avenue East have active septic tanks and with none discharge sewage directly into the pipe. The exception being the raw sewage coming exclusively from a connection coming through the planning application site originating at Rosscahill and Abbeylands.
- 7.3.5. The observer sets out expert advice on this private infrastructure which concluded with a recommendation for a reduction in discharge to it.
- 7.3.6. As such not only are there legal implications but there are also serious public health issues arising from this development through to enforcement issues should the developer not comply with the requirements of Condition No. 4 of the parent grant of permission.
- 7.3.7. In relation to the proposed development sought under this application it comprises of an increase in floor area to the dwelling house permitted under P.A. Ref. No. D16A/0732. With this increase being described in the documentation as an 8.6m² two storey extension to the rear (north) and a 3.9m² two storey extension to the side (west). Thus, giving rise to an additional habitable floor area of 12.5m² in addition to the gross floor area permitted under P.A. Ref. No. D16A/0732 which was 187m² on this 0.7ha site.
- 7.3.8. Of concern the documentation provided with this application does not provide any address to the requirements of Condition No. 4 and the planning application form indicates that the proposed wastewater management treatment is via an existing public sewer. Though this was found to be not the case under the parent grant of permission hence the requirements imposed under Condition No. 4 referred to above and there is nothing to suggest that there have been public infrastructure improvements in the immediate that would allow for connectivity without the need for consents through land in separate legal ownership.
- 7.3.9. I note that the Planning Authority's Drainage Division raised no objection to the proposed development.
- 7.3.10. I further note that the Planning Authority's notification to grant permission requires under Condition No. 2 that other than the amendments permitted that the development shall otherwise be carried out in strict accordance with the grant of permission P.A. Ref. No. D16A/0732.

- 7.3.11. I consider that the additional floor area is a modest 12.5m² and is unlikely to give rise to any additional wastewater discharge or otherwise over and above that of the permitted dwelling under P.A. Ref. No. D16A/0732 based on it not including any intensification of its occupational population capacity.
- 7.3.12. Should the development permitted under P.A. Ref. No. D16A/0732 be implemented without compliance with the conditions imposed upon it than this in my view gives rise to enforcement issue that should be dealt with by the Planning Authority as they see fit. As previously noted works have commenced and as such I raise concerns that there potentially could be legitimate enforcement issue already arising from the works being undertaken and/or recently undertaken at this site. With the disposal and treatment of wastewater a serious concern for the development sought as it is critical infrastructure particularly on site that is remote from the public domain where public water services may exist. Through to the sites location in an area where there is a clear reliance on proprietary waste water treatment systems coupled with proximity the Dalkey Coastal Zone & Killiney Hill pNHA (Site Code: 001206) which is located c303m downhill of the site and to the north east of the site.
- 7.3.13. In relation to consent, use, upgrading and ownership of Third-Party drainage infrastructure I am however cognisant that these matters are primarily civil matters that require appropriate resolution between the parties. In addition, the provisions of Section 34 (13) of the 2000 Planning and Development Act (as amended) clearly sets out that a person is not entitled solely by reason of a permission to carry out any development. Therefore, should planning permission be granted and should the appellant or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant and any concerns by Third Parties in relation to development being carried out in a manner that is not in compliance with a grant of permission or outside the bounds of exempted development should be directed to the Planning Authority to deal with to see fit.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the minor nature and scale of the development sought under this application, the site's location within an existing built-up area outside of any protected site, the nature of the receiving environment, the lateral separation distance to the

nearest protected site and the availability of public services, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.5. Other Matters Arising

- 7.5.1. **Expiration Date of the grant of Permission ABP Ref. No. PL06D.248079 (P.A. Ref. No. D16A/0732):** As set out under Section 4.1 of this report an extension of time was permitted by the Planning Authority under P.A. Ref. No. D16A/0732E.

8.0 Recommendation

- 8.1. I recommend planning permission be **GRANTED**.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the current Dún Laoghaire-Rathdown County Development Plan, 2022-2028, and to the modest nature of the amendments proposed to the dwelling house permitted under ABP-PL06D.248079 (P.A. Ref. No. D16A/0732), it is considered that the proposed dwelling would not adversely affect the character and setting of the protected structures in the vicinity of the site or adversely impact on the Killiney Architectural Conservation Area, would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not be prejudicial to public health and would otherwise be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan subject to compliance with the conditions set out below. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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

details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Save for the amendments granted on foot of this permission, the development shall otherwise be carried out in strict accordance with the terms and conditions of the grant of permission ABP Ref. No. PL06D.248079 (P.A. Ref. No. D16A/0732).

Reason: In the interest of the proper planning and sustainable development of the area.

3. The planning permission hereby granted shall expire on the same date as the date of expiration of ABP Ref. No. PL06D.248079 (P.A. Ref. No. D16A/0732).

Reason: In the interest of clarity.

Advisory Note 1:

Section 34(13) of the Planning and Development Act, 2000, as amended, states that *'a person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

Patricia-Marie Young
Planning Inspector

1st day of December, 2022.