



An
Bord
Pleanála

Inspector's Report ABP 313662-22

Development	Refurbishment and extension of existing dwelling.
Location	Koti, Cunningham Road, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22B/0116
Applicants	Paul Dillon and Sophie McGirr
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Liz Barry
Observers	Mr. & Mrs. Barnes
Date of Site Inspection	23/06/23
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site which has a stated area of 0.0935 hectares, is accessed via a private tree lined driveway off Cunningham Road in Dalkey. The said driveway serves two other dwellings ('Lynwood' and 'Sana') in addition to the gate lodge at the entrance. It slopes up steeply from the road.
- 1.2. The existing detached dwelling 'Koti' has a stated gross floorspace of 202.3 sq.m and is largely single storey over a basement garage with a small, north facing dormer window serving a bedroom at 1st floor level. The dwelling is served by front and rear gardens with a high wall delineating its boundary to the driveway.
- 1.3. Lynwood, a split level dwelling, is to the east with a setback of 6.797 metres at the nearest point. Sana, a two storey dwelling, is c. 13.4 metres to the south. The site is bounded by a residential scheme 'Enderly' to the west and is comprised of two and three storey terraced dwellings with the boundary to the appeal site delineated by a high stone embankment topped with a stone wall.

2.0 Proposed Development

- 2.1. Permission is sought for refurbishment and extension of the existing dwelling to include;
 - demolition of existing first floor level and roof structure.
 - construction of a replacement first floor structure.
 - alterations to the existing elevations at basement and ground floor level.
 - provision of new external terraces to the front and rear of the property at ground and first floor level and.
 - reconfiguration of entrance steps and associated landscaping work to front, rear, and sides of the property.
- 2.2. The 1st floor level which is to be demolished has a stated area of 28.4 sq.m. New build is stated to be 137.3 sq.m at ground and 1st floor levels. The overall gross floor area of the dwelling would be 311.2 sq.m.

2.3. The application is accompanied by:

- Design Statement
- Daylight & Sunlight Assessment Report
- Engineering Report

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 9 conditions including:

Condition 2: (a) 1.8 metre high and 2.8 metre deep opaque glazed screen to be installed to east side of 1st floor terrace to front elevation.

(b) roof not to be used as balcony/amenity area.

(c) only works delineated for demolition to be removed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report can be summarised as follows:

- The main differences between the subject proposal and that refused permission under reg. ref. D21A/0909 include omission of 2nd floor level, changes to 1st floor terraces and reduction in floor area. It is considered that the proposal has sufficiently overcome the previous reasons for refusal.
- The proposed works would not give rise to a significant increase in height.
- Having regard to the plans and particulars lodged with the application the proposal is acceptable having regard to development plan provisions in terms of retrofit and reuse of buildings and adaptation of existing housing stock. The proposal is not for a replacement dwelling. A condition requiring that no demolition save that indicated on the plans can be attached.

- The proposal does not result in any undue overshadowing of adjoining property.
- With respect to the front (north) 1st floor terrace a screen along the east side would be sufficient to address undue overlooking of 'Lynwood'.
- With respect to the properties in Enderly it is considered that the c.3.2 metre separation distance of the 1st floor side/corner windows to the west boundary, the 18 metre separation distances, intervening internal roadway and significant changes in ground levels, would sufficiently mitigate against any undue overlooking.
- It is noted that the proposed east and west (1st floor) side elevations show 'proposed screen planting' in front of glazing. The type of glazing i.e. whether clear or obscure is not shown. Overlooking would not be a material issue having regard to the level/height of the ground floor windows, separation distances, existing boundary walls to either side and proposed planting.
- Proposed screen planting, whilst not permanent, is acceptable.
- A condition to be attached precluding the use of the roof as an amenity area.
- The design as proposed is acceptable and would not be unduly dominant when viewed from adjoining property and would comply with the development plan provisions for extensions to dwellings (section 12.3.7.1).

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Drainage recommends further information on disposal of surface water runoff.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to the issues raised in the 3rd

party appeal and observation received by the Board and which are summarised in section 6 below.

4.0 Planning History

D21A/0909 – permission for demolition, refurbishment and extension of the dwelling providing for three levels above basement was refused permission in December 2021 for 1 reason. It was considered that having regard to the sloping, elevated and restricted site configuration and the substantial extension and alterations proposed, the development by reason of its height, design, bulk/massing and layout would be visually obtrusive and overbearing when viewed from adjacent sites and would result in undue overshadowing of property to the east. The proposal would be contrary to development plan provisions pertaining to extensions to dwellings, would set a poor precedent and would seriously injure the amenities and depreciate the value of property in the vicinity.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan, 2022

- 5.2. The site is within an area zoned A the objective for which is to provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.3. Section 4.3 of the Plan acknowledges the desire of many residents to improve and adapt existing homes, which will be facilitated by suitably designed domestic extensions. Retention and deep retrofit (rather than demolition and replacement) is encouraged in cases of structurally sound, habitable dwellings, or dwellings which contribute to the amenity/character of the area. Policy PHP19 aims to conserve and improve existing housing stock through supporting improvements and adaption.
- 5.4. Chapter 12 of the Plan deals with Development Management. Section 12.3 outlines guidance on criteria for residential developments and aims for high quality design to improve the living environment for residents. Relevant guidance is summarised below.

5.5. Section 12.3.7.1 – The design of extensions to dwellings will be considered having regard to:

- the scale, character, and design of the existing dwelling
- impact on visual amenity and residential amenity of adjoining dwellings
- Proximity to boundaries and retention of open space
- Overshadowing, overbearing, and overlooking impacts
- Clarification of the extent and structural condition of walls to be retained
- Interface with the public realm.

5.6. Section 12.3.9 – The retention and retrofit of dwellings will be promoted in preference to demolition and replacement unless a strong justification is put forward.

5.7. **Natural Heritage Designations**

None in the vicinity.

5.8. **Environmental Impact Assessment – Preliminary Examination**

Having regard to the existing development on site and the limited nature and scale of the proposed development, 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**

The submission by BPS Planning and Development Consultants on behalf of the 3rd Party appellant Liz Barry of No. 11 Enderly can be summarised as follows:

6.1.1. ***Policy Provisions***

- The proposal seeks to remove a quality building which contributes to the character and appearance of the streetscape and urban quality. Its replacement bears no relationship to the site or the area. The proposal would

be contrary to development plan objectives seeking to retain existing dwellings.

- The proposal would be contrary to development plan provisions set out in section 8.2.3.4 pertaining to additional accommodation in the built up area, section 12.7.7.1 addressing extensions and section 12.3.9 relating to demolition and replacement dwellings. It would also be contrary to the 'A' zoning objective provision, Policy Objective PHP20 and section 12.3.7 and would fail to protect the appellant's existing residential amenities. It would not represent sensitive infill development.
- The proposal is contrary to the provisions set out in section 5.9.1 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) in that the proposal fails to respect and is injurious to the existing pattern of development, built form, scale, character, heritage and residential amenity of the area.

6.1.2. Design and Visual Impact

- The proposal is a poor response to the site slope and levels. It cannot absorb the height and scale of the proposed extension. There are alternative means to gain the additional floorspace desired.
- It would represent an abrupt increase in building height and scale, bulk and massing and would be visually overbearing.
- It constitutes overdevelopment of the developable area of the site.
- The plot ratio would increase from 0.21 to 0.33.
- The 1st floor is over-scaled given the elevated siting over Enderly.
- The extent and increase in the windows, terrace areas and external stairs is excessive for a proposal that maintains large ground level private amenity areas.

6.1.3. ***Amenities of Adjoining Property***

- The proposal does not provide for a material improvement on that previously refused permission as to protect the residential amenities of adjoining property.
- The setback from the shared boundary is 2.27 metres at ground level increasing to 3.203 metres at 1st floor level. This is not considered sufficient.
- The extent of the terraces proposed at levels of up to 10 metres above the appellant's ground floor level would remove all privacy from her property.
- The external stairs and standing area on the north elevation also give rise to potential overlooking.
- The extensive windows on the west elevation give rise to overlooking. It is unclear whether obscured glazing is proposed at 1st floor level. Planting is not sufficient to address the overlooking concerns.
- It would result in overshadowing of adjoining property. The BRE guidelines are of no use in such a context. The loss of early morning sunshine between sun rise to 9am from September through to June will impact negatively on the qualitative amenity enjoyed at her property at these times. Precedent set in ABP 304936.
- Construction and operational phases would cause unacceptable levels of noise and disturbance. Mitigation measures are required during construction period including construction hours and complaints procedures.
- There is a need to establish baseline noise and vibration levels and ground investigations. No noise mitigation measures during construction phase proposed.
- Conditions required to address noise including independent noise monitoring.

6.1.4. ***Other Issues***

- Would set an undesirable precedent.
- Would result in the devaluation of adjoining property.
- No construction access via Enderly.

- The documentation accompanying the application is misleading -
 - The photograph from roof level is not indicative of the existing relationship between Enderly and the appeal site.
 - The drawings are obscured by non-permanent planting preventing proper assessment.
 - The site layout plan obscures the length of the proposed west elevation.
 - The development description should properly refer to demolition of the existing dwelling.
 - No structural/condition report justifying demolition has been submitted as per development plan requirements.
 - The floor to ceiling heights should be reviewed.
 - A ground level structure on the western boundary of the site is not shown on the drawings.
 - The site notice location is unsatisfactory
 - Orientation of drawings is unsatisfactory.
- A dwelling with a pitched dormer roof, which provides for north and south facing windows, only, and omission of all raised terraces should be considered.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

The appeal does not raise any new matter which would justify a change in attitude to the proposal.

6.4. Observations

An observation from BPS Planning and Development Consultants on behalf of Mr. & Mrs Barnes, Lynwood, Cunningham Road refers. The submission can be summarised as follows:

6.4.1. *Policy Provisions*

- The proposal seeks to remove a quality building which contributes to the character and appearance of the streetscape and urban quality. Its replacement bears no relationship to the site or the area. The proposal would be contrary to the plan objectives seeking to retain existing dwellings.
- The proposal would be contrary to the development plan provisions set out in section 8.2.3.4 pertaining to additional accommodation in the built up area, section 12.7.7.1 addressing extensions and section 12.3.9 relating to demolition and replacement dwellings. It would also be contrary to the 'A' zoning objective provision, Policy Objective PHP20 and section 12.3.7 and would fail to protect the observers' existing residential amenities. It would not represent sensitive infill development.
- The proposal is contrary to the provisions set out in section 5.9.1 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) in that the proposal fails to respect and is injurious to the existing pattern of development, built form, scale, character, heritage and residential amenity of the area.

6.4.2. *Design and Visual Impact*

- The proposal is a poor response to the site slope and levels. It cannot absorb the height and scale of the proposed extension. There are alternative means to gain the additional floorspace desired.
- There is no justification for the increase in height. The applicant's ground floor equates to Lynwood's 1st floor level. The 3rd storey would be above the eaves of Lynwood.

- The proposed increase in the floor area with 2 storeys over basement would represent an abrupt increase in building height and scale, bulk and massing and would be visually overbearing.
- The extent and increase in the windows, terrace areas and external stairs is excessive for a proposal that maintains large ground level private amenity areas.
- It constitutes overdevelopment of the developable area of the site.

6.4.3. Amenities of Adjoining Property

- The proposal does not provide for a material improvement on that previously refused permission as to protect the residential amenities of adjoining property.
- The setback from the observers' dwelling would be only 7.725 metres. The 1st floor setback would be 9.39m. That previously refused had a setback of 7.725 metres
- The terraces allow for overlooking with potential for the roof to be used for amenity purposes.
- The increase in floor levels from 68.35OSD to 68.65OSD means that even the existing east facing windows would have more of an overlooking impact.
- Angled windows on the north elevation allow for overlooking.
- The extensive windows on the east elevation give rise to overlooking. It is unclear whether obscured glazing or not is proposed at 1st floor level. Planting is not sufficient to address the overlooking concerns.
- It would result in overshadowing of adjoining property. The loss of afternoon and evening sunshine will impact negatively on the qualitative amenity enjoyed at their property.
- It will have a negative impact on the visual amenity of the area. Due to the steep driveway it would be visually dominant and overbearing and would detract from the driveway's sylvan environment.
- Construction phase issues including access need to be addressed. A construction management plan is required.

- The shared boundary wall should not be damaged during construction.
- There is a need to establish baseline noise and vibration levels and ground investigations. No noise mitigation measures during construction phase proposed.
- Conditions required to address noise including independent noise monitoring.

6.4.4. **Other Issues**

- Would set an undesirable precedent.
- Would result in the devaluation of adjoining property.
- The documentation accompanying the application is misleading -
 - The drawings are obscured by non-permanent planting preventing proper assessment.
 - The setback to Lynwood is given to the nearest elevation and not the boundary.
 - The site layout plan obscures the length of the proposed east elevation.
 - The development description should properly refer to demolition of the existing dwelling.
 - Lynwood's pitch roof is not clear on the site sections. The existing eaves level of Koti and Lynwood are approx. the same.
 - No structural/condition report justifying demolition has been submitted as per development plan requirements.
 - Orientation of drawings is unsatisfactory.
- A dwelling with a pitched dormer roof and omission of all raised terraces should be considered.

7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

- Compliance with Development Plan Provisions
- Design and Visual Amenity
- Amenities of Adjoining Property
- Other issues

7.1. Compliance with Development Plan Provisions

- 7.1.1. The site is within an area zoned A, the objective for which is to provide residential development and improve residential amenity while protecting existing residential amenities. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicants with the requirement that such works should not compromise the residential amenities of adjoining properties.
- 7.1.2. The appellant and observers query whether the limited extent of demolition referenced on the plans accompanying the application can be realised in view of the nature and extent of the development proposed. This is specifically raised with respect to the current development plan provisions which favour the retention of existing dwellings on grounds of sustainability and energy efficiency. I submit that the proposal before the Board for assessment is that as put forward in the plans and particulars and, whilst the works to the existing dwelling entail significant interventions, the proposal does not constitute what would be considered to be a replacement dwelling. Certainly the proposal can be seen to accord with the development plan emphasis for retention and retrofit as set out in Section 4.3 of the plan and with Policy PHP19 which seeks to conserve and improve existing housing stock through supporting improvements and adaptation.
- 7.1.3. On this basis I consider that it is appropriate to assess the proposal against the development plan requirements for dwelling extensions as set out in section 12.3.7.1.
- 7.1.4. I note that this is the second application for works to the dwelling. Permission was previously refused under ref. D21A/0909 for demolition, refurbishment and extension

of the dwelling providing for three levels on grounds of being visually obtrusive and overbearing when viewed from adjacent sites and its adverse impact on residential amenities.

7.2. Design and Visual Amenity

- 7.2.1. The dwelling as existing is single storey with dormer extension over a small basement area and is not of a particular architectural quality as to merit specific concern. It is not a protected structure and is not included in the National Inventory of Architectural Heritage. The other two dwellings served by the private driveway in the immediate vicinity are also of relatively modern construction with no unifying architectural style or features. 'Enderly' bounding the site to the west is a small residential scheme of recent construction comprising of 2 and 3 storey terraced dwellings of a contemporary design. This variety of design styles is replicated in the wider environs with more modern dwellings mixed with older dwellings, a number which have been subject to various extensions and alterations. Neither the site or its environs are designated as an Architectural Conservation Area. Accordingly, I do not consider that the area is of a particularly distinctive character or that it is particularly sensitive in terms of built heritage value which would preclude the extension and refurbishment of the existing dwelling to a contemporary design. In this regard I submit that the provisions of the development plan as set out in policy objective HER 20 which seeks to encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment would not be applicable.
- 7.2.2. Certainly the level of intervention in terms of refurbishment and extension is notable and will result in a dwelling that is contemporary in design bearing little resemblance to that as existing. However this, of itself, does not make it unacceptable. As noted on day of inspection such refurbishment and/or extension is not uncommon with a number of older properties in the general area either having recently undergone or undergoing such works, many also entailing a more contemporary design solution than what was originally on site.
- 7.2.3. On this basis I consider that the substantive issue arising is the potential for the design solution to have an impact on the amenities of adjoining property.

7.3. Amenities of Adjoining Property

- 7.3.1. As noted above the works to the dwelling would result in a contemporary design which bears no resemblance to that currently on site. The actual footprint of the ground floor is to be altered only marginally with the addition of an office and removal of the utility/boiler room and provision of a separate store to the rear and a small increase in the floor area to the front (north elevation). The fenestration along the eastern and western elevations will largely mirror that existing. The setback from the side boundary walls (east and west elevations) would be effectively the same. A new 1st floor extension is proposed which will provide for the kitchen/living areas with access to terraces. The height of the extended dwelling is to be 75.47 mOD which is 1.02 metres higher than the ridge height of the existing roof at 74.45 mOD.
- 7.3.2. The appellant resides in No. 11 Enderly to the west of the appeal site. No. 11 is a mid terrace, three storey dwelling with a balcony at 1st floor level to the front elevation. It is served by surface parking to the front. The dwelling fronts onto the estate road and estate boundary which is delineated by a high stone embankment.
- 7.3.3. Although the increase in the dwelling height as noted above is not material I submit that the scale and massing of the dwelling will alter significantly. Notwithstanding, I do not consider that this change is unacceptable when viewed from the west. While I fully acknowledge the significant difference in levels between those within Enderly and the appeal site which is in the region of 5 metres, I consider that views from the public areas of the estate are dominated by the high stone embankment. Although the views from the upper floors of the dwellings, including that from the appellant's, may be altered I am satisfied that the extension will not have an overbearing impact and will not adversely impact on the residential amenities. I consider that the 1st floor is not excessive and maintains a setback from the site boundaries. Within such an urban context this visual intervention is not considered to be material and is acceptable.
- 7.3.4. The only window openings to the western elevation are at the corners with a setback of in the region of 19.8 metres from the front wall of the dwellings in Enderly including the appellant's. The screen planting proposed at these points is considered unacceptable and concern is expressed about the potential for overlooking and loss of privacy from both the windows and terraces. I consider that

any such concerns can be addressed by a condition requiring a permanent screen to be erected at such points.

- 7.3.5. In terms of daylighting and sunlighting I note that the appellant's property would experience some overshadowing in the early morning in the summer months. Whilst this loss is unacceptable to the appellant I submit that it would not be to an extent as to materially impact on the residential amenities of her property bearing in mind the urban context of the Enderly estate.
- 7.3.6. The observers' property 'Lynwood' is to the east of the subject site and is split level presenting as two storeys to the north elevation. It has a 1st floor balcony along the length of this front elevation allowing for views of the coast to the north. Certainly their view of the dwelling subject of the appeal will be materially altered in terms of the scale and massing of the 1st floor but this view would be above the existing high boundary wall. I am satisfied that it would not have an overbearing impact. Issues of particular concern pertain to overlooking and loss of privacy. The design of the 1st floor is such that save for the corners there are no windows in the eastern and western elevations with terraces to be provided to both the front and rear elevations. Again, the proposed screen planting to these terraces is considered insufficient. As above I consider that this can be addressed by way of appropriate permanent screening. In this regard I note condition 2 attached to the planning authority's decision which requires such provision to the terrace to the front (north) elevation only.
- 7.3.7. In terms of overshadowing and loss of light the observers' property would experience marginal increases in overshadowing during the summer months in the late afternoon/early evening. I submit that it would not be to an extent as to have an adverse impact on the amenities of the property which would warrant a refusal of permission.
- 7.3.8. In conclusion I consider the proposed development, subject to certain conditions, to be acceptable in terms of design and layout and would accord with the development plan provisions for extensions to dwellings as set out in section 12.3.7.1.

7.4. Other Issues

- 7.4.1. Construction activities by their nature involve a level of noise and disturbance however such works are temporary in duration and issues arising with noise, traffic, operating hours etc. can be appropriately addressed by way of condition requiring the preparation of a construction management plan.
- 7.4.2. The issue of access and potential for impact on 3rd party lands and shared boundaries is raised by the parties to the appeal. The applicant should be advised of section 34(13) of the Planning and Development Act, 2000, as amended, that a person is not entitled solely by reason of a permission to carry out any development.
- 7.4.3. Deficiencies in the drawings accompanying the application have been raised. I consider that the plans and details as presented are sufficient to allow for a full and proper assessment of the application. The query as to whether the works can be realised without significantly more demolition than delineated is noted but any grant of permission will require the development to be carried out in accordance with the plans and details submitted subject to any requirements set out by condition. Issues of the positioning of the site notice is not a matter for adjudication by the Board. I note that 3rd party rights do not appear to have been disenfranchised as is evident by the 3rd party appeal and observation received.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the minor scale of the proposed development, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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**

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the pattern and character of development in the area, the design and scale of the proposed extension, the nature and extent of the refurbishment works to the existing dwelling, and the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site, would not seriously injure the visual amenities of the area and would not adversely impact on the residential amenity of surrounding properties. 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. An opaque glazed screen 1.8 metres high shall be installed at the following locations:
 - (a) along the western boundary of the 1st floor extension for the length of the corner window to the front (north) elevation.
 - (b) Along the western boundary of the 1st floor extension for the length of the corner window to the rear (south) elevation and the 18.75 sq.m. terraced area as delineated on drawing number 2013-L(-) 102 accompanying the application.

(c) The east side of the 18.75 sq.m. terraced area to the rear (south) elevation as delineated on drawing number 2013-L(-) 102 accompanying the application.

(d) The east side of the terrace to the front (north) elevation.

Reason: In the interest of protecting the amenities of adjoining property.

3. The roof of the 1st floor extension shall not be used as a balcony or terrace.

Reason: To protect the amenities of adjoining property.

4. 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.

Reason: In the interests of public safety and residential amenity.

5. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. 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.

Reason: In the interest of visual amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that the 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.

Pauline Fitzpatrick
Senior Planning Inspector

June, 2023