



An
Bord
Pleanála

Inspector's Report

ABP-313735-22

Development	Construction of a two-storey detached dwelling together with associated site works and services.
Location	15 Westway Park, Blanchardstown, Dublin 15, D15 H2XA.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW21A/0254.
Applicant(s)	Allan Clarke.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellant(s)	Brian & Patricia Clarke.
Observer(s)	None.
Date of Site Inspection	31 st day of August, 2022.
Inspector	Patricia-Marie Young.

Contents

1.0 Preliminary Comment	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning Authority Decision	4
4.1. Decision	4
4.2. Planning Authority Reports	5
4.3. Prescribed Bodies	6
4.4. Third Party Observations	6
5.0 Planning History.....	6
6.0 Policy Context.....	6
6.1. Local	6
6.4. Natural Heritage Designations	9
6.5. EIA Screening	9
7.0 The Appeal	9
7.1. Grounds of Appeal	9
7.3. Planning Authority Response	10
7.4. Observations	10
8.0 Assessment	10
9.0 Recommendation.....	18
10.0 Reasons and Considerations	18
11.0 Conditions	18

1.0 Preliminary Comment

- 1.1. In relation to the request for an oral hearing the Board in accordance with Section 134(3) of the Planning and Development Act, 2000, (as amended), has decided to determine this case without an oral hearing on the basis that the appeal can be dealt with through written procedure and the information provided on file.

2.0 Site Location and Description

- 2.1. The irregular shaped appeal site, with a stated area of 0.054ha, is located on the cul-de-sac of Westway Park, c83m to the west of Snugborough Road as the bird would fly at its nearest point and c385m by road to the east of Blackcourt Road, in the Dublin city suburb of Blanchardstown, in Dublin 15.
- 2.2. The site relates to the curtilage of No. 15 Westway Park. No. 15 is a semi-detached two-storey suburban dwelling, that is accessed from the cul-de-sac road of Westway Park by a vehicle entrance that provides access to an area of tarmac hardstand that at the time of inspection was in use for off-street car parking. In the northern most corner of the site there is a single storey garage with a gable front.
- 2.3. The site adjoins the rear garden of No. 4 Westway Rise and a modest stretch of the northernmost end of the rear garden boundary adjoins the rear garden of No. 5 Westway Rise.
- 2.4. The eastern boundary adjoins No. 14 Westway Park, and the western boundary adjoins No. 16 Westway Park.
- 2.5. The residential scheme of Westway is characterised by once highly coherent in design and layout pairs of two storey semi-detached dwellings. The surrounding area has a strong residential character.
- 2.6. Photographs taken during inspection of the site are attached.

3.0 Proposed Development

- 3.1. Planning permission is sought for the following:
 - Construction of a new 2 storey, 4-bedroom detached dwelling with attic storage accessed via a staircase from the first-floor level as well as served by three roof lights

in the rear roof slope, a single storey porch and bay window to front, single storey sunroom to rear;

- Construction of a new 1.8m high boundary wall to rear garden & 1m high boundary wall to front driveway;
- Modifications to existing driveway & entrance piers for provision of new vehicular entrance to proposed new dwelling.
- All associated site development work.

3.2. According to the planning application form the gross floor space of existing buildings on site is given as 100m², the gross floor space of works proposed is given as 147m² and it indicates that two car parking spaces are proposed alongside new connections to public mains drainage and water supply.

3.3. According to the submitted plans the proposed two storey dwelling would have a maximum ridge height of 7.85m, a maximum depth of the two-storey element of 9m along its western elevation with the ground floor level rear extension extending a further 3.25m from this and a maximum width of 8.9m with this width of a staggered alignment from the front elevation towards the rear single storey element. The design and layout seek to respond to that of existing dwellings on the cul-de-sac that the site forms part of.

3.4. On the 14th day of April, 2022, the applicant submitted their **further information** response. This response addressed a number of issues raised by the Planning Authority in its request for further information on the 21st day of February, 2022. In particular drainage, surface water and design of the proposed dwelling related concerns

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The Planning Authority's Notification of the Decision to Grant Permission subject to 10 no. mainly standard conditions was issued on 11th May, 2022, including:

Condition No. 3: Drainage and Surface Water.

- Condition No. 4: Works to public domain, vehicle entrance, storm water and damage to public domain.
- Condition No. 7: Requires permanent obscure glazing on all bathroom and en-suite windows.
- Condition No. 10: Section 48 contributions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The final Planning Officer's report, dated the 5th day of May, 2022, is the basis of the Planning Authority's decision and considered that all the concerns raised in their further information request had been satisfactorily addressed, including the concerns raised in relation to drainage and the design features that were considered to be visually incongruous having regard to the prevailing pattern of development. The Planning Officer considered that all other matters could be satisfactorily addressed by way of conditions and therefore recommended that permission be granted.

The initial Planning Officer's report, dated the 18th day of February, 2022, concluded with a request for further information on the following matters:

Item No. 1: Concerns raised in relation to establishing whether or not there is a pipe traversing through the rear garden and whether it is an internal surface water drain, an internal foul drain, or a public surface water drain. Measures were sought to re-divert this pipe.

Item No. 2: Details requested on the Rainwater Harvesting Unit.

Item No. 3: Concerns raised in relation to a number of the proposed dwellings design features including:

1. The circular window at 1st floor level on front elevation.
2. Pitched roof area over porch/front door.

Requested that the proposed dwellings elevation be revised.

4.2.2. Other Technical Reports

Water & Drainage: Final report responding to the applicant's further information response raised no objection subject to safeguards.

Transportation: No objection, subject to safeguards.

4.3. **Prescribed Bodies**

Irish Water: No objection.

4.4. **Third Party Observations**

- 4.4.1. During the course of the Planning Authority's determination, they received 3 no. Third-Party Observations. These are attached to file and the substantive planning issues raised therein mainly correlate with those raised by the appellant in the appeal submission. In addition, concerns raised in relation to disruption this development would give rise to during the construction phase.

5.0 **Planning History**

5.1. **Site and Setting**

- 5.1.1. No planning history for the subject site and setting.

6.0 **Policy Context**

6.1. **Local**

- 6.1.1. The applicable Development Plan is the Fingal Development Plan, 2017-2023, under which the site is zoned 'RS' with a stated objective to '*provide for residential development and protect and improve residential amenity*'.
- 6.1.2. Objective PM44 of the Development Plan is relevant. This objective seeks to encourage and promote the development of underutilised infill, corner, and backland sites in existing residential areas subject to the character of the area and environment being protected.
- 6.1.3. Objective DM39 of the Development Plan is relevant. This objective seeks 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.

6.1.4. Objective DMS40 of the Development Plan is relevant. It seeks that new corner site development shall have regard to the following:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.

6.1.5. Objective DMS28 of the Development Plan is relevant. It seeks that a separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

6.1.6. Objective DMS29 of the Development Plan is relevant. It seeks to ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

6.1.7. Objective DMS87 of the Development Plan is relevant. It seeks to ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- Houses with 4 or more bedrooms to have a minimum of 75 sq. m. of private open space located behind the front building line of the house.

It also sets out that narrow strips of open space to the side of houses shall not be included in the private open space calculations.

6.1.8. Objective SW04 of the Development Plan is relevant. It requires the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

6.2. Regional

6.2.1. The **Eastern and Midland Regional and Spatial Economic Strategy**, which came into effect on June 28th, 2019, builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. Chapter 4 (People & Place) sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City at the top of the settlement hierarchy. This strategic plan seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans. These include:

- **RSO 2 Compact Growth and Urban Regeneration** - Which seeks to promote the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.

6.3. National

6.3.1. **National Planning Framework**, 2040, seeks to consolidate development and promote efficient use of land by utilising infill and brownfield sites. It contains policies that relate to the promotion of compact growth and making better use of under-utilised land, including 'infill' and 'brownfield' sites. Objective 3b seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway, and Waterford, within their existing built-up footprints.

6.3.2. Other:

- **Climate Action Plan, 2019.**
- **National Development Plan, 2021 to 2030.**
- **Housing for All – A New Housing Plan for Ireland to 2030, 2021.** Like other national policy provisions this targets settlement centre growth first and seeks regeneration of cities, towns, and villages.
- **Section 28 Ministerial Guidelines:** The following Section 28 Ministerial Guidelines are relevant:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.

6.4. Natural Heritage Designations

6.4.1. None within the zone of influence of the project.

6.5. EIA Screening

6.5.1. The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a dwelling in a serviced suburban site with surplus capacity in the drainage and water supply, the absence of features of ecological importance within the site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal can be summarised as follows:

- The design, layout and shape of the proposed dwelling is at odds with its setting.
- This development could give rise to parking outside of their driveway.
- The proposed developments front door and the window design of the front elevation would overlook their front driveway, a bedroom, and a sitting room in their home.
- There are no bay windows in this setting.
- Persons using the area to the front of the proposed dwelling would be able to overlook their property and into their front elevation.
- The proposed development would adversely impact on the established privacy of their property.

- There is no regard in the design for their property including modifications made to their property to accommodate a disabled family member.
- Currently there is serious issues with street parking on a daily basis.
- This application is causing significant stress for family members.
- The construction of a dwelling on the subject site is objected to in its entirety.

7.2. Applicant Response

7.2.1. None received.

7.3. Planning Authority Response

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

- The proposed development is not considered to result in any undue impact on either vehicular or pedestrian access in its setting and particularly to adjoining properties.
- There are no opposing windows from the proposed first floor to the rear and on the eastern elevation to give rise to overlooking.
- The proposed development will not impact unduly upon the visual amenities of the area given that the style and format of the proposed house is consistent with existing development in the area and the front building line is c1.6m behind that of the established building line to the immediate west.
- The Board is requested to uphold its decision.

7.4. Observations

7.4.1. None.

8.0 Assessment

8.1. Preliminary Comment

8.1.1. Having inspected the site and considered the contents of the appeal in detail, including having had regard to local through to national planning provisions as well as guidance the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Visual Amenity Impact
- Residential Amenity Impact
- Access
- Other Issues Arising

8.1.2. The matter of '*Appropriate Assessment*' also requires examination and I concur with the Planning Authority that all other matters can be satisfactorily be addressed by way of appropriately worded conditions, including the demolition of the existing garage structure on site.

8.1.3. For clarity, my assessment below is based on the proposed development as revised by way of the applicants further information response which was received by the Planning Authority on the 14th day of April, 2022, which in my view made qualitative improvements to front elevational treatment of the proposed dwelling and also included additional clarity on drainage and surface water measures relating to the development of this corner garden to accommodate an additional dwelling to the required best standards.

8.2. Principle of Development

8.2.1. The appellants in this case object to the principle of a proposed dwelling house on what is the side garden of No. 15 Westway Park. Notwithstanding, the site and its surrounding setting is subject to the 'RS' land use zoning. The stated objective for such land is to provide for residential development and protect and improve residential amenity. The vision for this land use zone seeks to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

8.2.2. Of relevance Objective PM44 of the Development Plan seeks to encourage and promote the development of underutilised corner sites in existing residential areas subject to the character of the area and environment being protected. In addition, Objective PM41 of the Development Plan seeks to encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation, and amenities for either existing or future residents are not compromised.

8.2.3. These objectives are consistent with regional and national planning policy provisions as well as guidelines.

8.2.4. I therefore consider that the principle of the development is acceptable subject to safeguards.

8.3. Visual Amenity Impact

8.3.1. The appellant in this case considers that the design of the proposed dwelling is at odds with the character and pattern of development in this area. The Planning Authority as part of their determination of this application raised a number of concerns in relation to the detailing of the front elevation and requested that the applicant deal with their concern by way of revised front elevation treatment by way of further information. The Planning Authority considered that the applicant by way of their revisions had satisfactorily addressed their concerns and were satisfied that the proposed dwelling would not give rise to any undue visual amenity impact on its streetscape setting.

8.3.2. I note that the proposed development sought under this application seeks planning permission for a single storey dwelling on the side garden of an existing two storey semi-detached dwelling.

8.3.3. This development would, if permitted, result in the subdivision of the curtilage of No. 15 Westway Park, into two independent residential plots within a serviced and mature residential suburban setting.

8.3.4. There are a number of objectives set out in the Development that are relevant to the proposed development sought. These I have set out under Section 6.1 of my report above. They include but are not limited to objectives PM44, DM39 and DMS40 which in my view are particularly relevant for a proposal for a dwelling in a side garden.

8.3.5. As set out in the previous section the Development Plan allows provision for such subject to a satisfactory design, scale, and regard to the pattern of development and setting.

8.3.6. The dwelling proposed though including an attic space is a two-storey detached dwelling with a 1.6m from the front building line that characterises No. 15 Westway Park and the existing semi-detached pairs to the south west of it, a height of 7.85m and a maximum width of 8.9m.

- 8.3.7. It is a more substantial in gross floor space than the existing dwelling of No. 15 Westway Park which has a given area of 100m² and with the proposed dwelling having a given area of 147m².
- 8.3.8. Though it has a maximum width of 8.9m its principal elevation is 6.8m with the ground floor level containing a single storey porch, that connects to a bay window feature with the width of the dwelling staggering as it corresponds with the oblique angle of the eastern boundary of the site as well as reducing towards the rear single storey portion of the dwelling sought. With this boundary at its southern most point meeting its 9.75m roadside boundary and at its most northern point meeting the rear boundary of the site which is the widest point of the site at 28.525m.
- 8.3.9. The setback nature of the proposed front elevation provides a level of subordination between the existing dwelling and the proposed dwelling.
- 8.3.10. In addition, the lesser width of the front elevation when compared with the wider portion of the proposed dwelling reflects the characteristic width of the host dwelling and the original design of semi-detached dwellings within this streetscape scene.
- 8.3.11. Moreover, the dwelling at its widest point is also setback from the main front elevation by just over 2m and the palette of materials which consists of plaster finish and brick detailing at ground floor level is characteristic of that present within its streetscape scene.
- 8.3.12. Further, the architecture resolution seeks to respond in its design and layout by seeking to respect that of the original design content of Westway Park.
- 8.3.13. I also observed that in the case of other larger plots addressing Westway Park and in the Westway residential development that many of the original have been extended to the side by way of single through two storey extensions.
- 8.3.14. I also observed a recent insertion of a detached dwelling on the side garden of No. 1 Westway Lawns. This occupies a more prominent and visible location in comparison to the appeal site.
- 8.3.15. In relation to the provision of a front porch and a bay window ground level extension. These features of the proposed dwelling sit back from the front building that characterises No.s 15 Westway Park and the other semi-detached pairs to the west.

- 8.3.16. In addition, there is an example of a modest extensions forward of the building line within this group of semi-detached pairs, i.e., No. 20 Westway Park and I observed that there are other examples within the larger Westway residential scheme.
- 8.3.17. I also consider that the setback of the dwelling within the context of this modest cul-de-sac would result in the proposed dwelling having limited visual impact on its streetscape scene.
- 8.3.18. Having regard the design and layout of the proposed dwelling, the size of plot on which No. 15 Westway Park comprises, the fact that regard was had to the pattern of development in the Westway residential scheme area as well as the palette of materials that predominates, I am of the opinion that the proposed detached dwelling would have harmonise as well as respect the streetscape scene in which it is proposed and that it would not negatively impact the visual amenities of the area.

8.4. Residential Amenity Impact

- 8.4.1. The Third-Party raises concerns in relation to the proposed development giving rise to diminishment of their residential amenity by way of overlooking. Particular concern is expressed in terms of the diminishment of privacy enjoyed by their principal elevation and front garden area which upon site inspection was in use for off-street car parking.
- 8.4.2. On this concern I note that the appellant property is situated with a south west/north east orientation and the proposed dwelling is situated with a south east/north west orientation.
- 8.4.3. Thus, both having different orientations that are reflective of the fact both properties are situated on angled sites at a point where the cul-de-sac of Westway changes its alignment at a right angle. With the boundary between the site and the appellants property being angled reflecting sites that have less generous roadside widths and more substantive rear boundaries.
- 8.4.4. There is no direct overlooking arising from the design of the proposed dwelling. With no first-floor windows proposed on the eastern elevation and to the rear the first-floor level windows of the proposed dwelling does not directly overlook the rear of adjoining properties No. 4 and No. 5 Westway Rise in a manner that would be at odds with Objective DMS28 of the Development Plan. The said objective sets out that a separation distance of a minimum of 22 metres between directly opposing rear first

floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

- 8.4.5. The site is located in an established suburban residential area. In such areas, it is understood that the main concern in terms of overlooking is where properties effectively back on to one another or between flanking properties. This is an inherent reality very often of living within a residential community in an urban area and there are mechanisms that are frequently employed to minimise the degree of intrusion and loss of privacy for residential properties under the planning code.
- 8.4.6. In this case the design, as said does not include any first-floor windows on the eastern elevation, that would overlook the appellants property. Which I note appears to include a number of additional structures including a single storey structure that could potentially be in separate use given the manner in which access is accommodated to this structure. Notwithstanding, this is an enforcement matter for the Planning Authority to deal with as they see fit. These additional structures would also not be impacted by way of additional overlooking arising from the proposed dwelling given the oblique angle and orientation of these structures.
- 8.4.7. In relation to the front elevation of the appellants property, this addresses the public domain with as said its setback area between it and the roadside boundary in use for off-street car parking.
- 8.4.8. This elevation and a setback area is highly visible from the public domain.
- 8.4.9. Therefore, the residential use of the proposed two storey dwelling, if permitted, would not in my view give rise to any more significant perception of being overlooked than the existing situation.
- 8.4.10. In relation to other potential residential amenity concerns, I consider given the orientation of the site and the aspect of the proposed dwelling relative to existing residential structures through to the separation distances between the same is such that no significant overshadowing and/or loss of daylight would occur to adjoining and/or neighbouring properties in the vicinity. I also consider that all other matters of concern including nuisances during demolition and construction phase can be dealt with by way of standard conditions should the Board be minded to grant permission.

8.4.11. Having regard to the location of the proposed dwelling within a built up suburban area of Dublin; the manner in which the subdivision is proposed of No. 15 Westway to accommodate the proposed dwelling house; the design, nature and extent of the proposed development relative to the established residential properties in its vicinity; it is my considered view that the proposed development, would be acceptable in terms of impact on existing residential amenity and would otherwise be in accordance with the proper planning and sustainable development of the area.

8.5. Access

8.5.1. The appellants raise concern that the proposed development would give rise to access issues for their property and they also contend that there is existing congestion as well as traffic conflicts arising as a result of on-street car parking with this being a daily occurrence.

8.5.2. At the time of inspection, I did not observe any such issues present and I note that the roadside boundary has a width above 9m with the site widening steadily from the front to the rear of the site, with the rear of the site being above 28m.

8.5.3. I also observed minimal movement of vehicles on the cul-de-sac of Westway Park during the time of my site inspection. Having regard to the submitted drawings I concur with the Planning Authority's Transportation Section that the proposed development would not give rise to any road safety and/or traffic hazards.

8.5.4. On the basis of the limited speed limit of this cul-de-sac road together with the fact that the proposed development shows that it can meet the required Development Plan standards for car parking combined with the site's proximity to public transport, amenities and services, that subject to conditions that the proposed development which includes the subdivision of the area to the front of No. 15 Westway in order to accommodate the proposed detached dwelling on a proposed independent plot comprising of what is currently the side garden area is acceptable. With this being subject to the *proviso* of limiting the width of the vehicle entrances serving the host and proposed dwelling.

8.5.5. In relation to limiting the width of the vehicle entrance I note that the drawings show that the host dwelling and the proposed dwelling would be served by a 3m in width vehicle entrance. It also shows that the proposed dwelling would be served by a separate pedestrian access.

- 8.5.6. This width is not dissimilar to those dwellings on this coherently designed residential cul-de-sac of semi-detached pairs who maintain their original vehicle access points. Moreso, the majority of properties along this cul-de-sac are served by driveways that accommodate off-street car parking and therefore with no turning area to accommodate movement of vehicles onto and out of the semi-private domain of their front garden areas onto the public domain.
- 8.5.7. I do, however, note to the Board that the provision of a separate pedestrian access point is at odds with the road boundary treatment along this cul-de-sac and that the location of the proposed pedestrian entrance was at the time of inspection obstructed by the appellants gateway which was opened against the roadside boundary of the site.
- 8.5.8. Notwithstanding, any existing and future obstruction of the property is in my view a civil matter.
- 8.5.9. However, I do consider that the provision of a separate pedestrian access point would result in limited solid roadside boundary remaining to the front of the host dwelling and the proposed dwelling which would be at odds with the pattern of development in the area.
- 8.5.10. The Board may therefore consider it appropriate given the pattern of development of the area to omit the pedestrian entrance on the basis that would be give rise to a roadside boundary treatment that was characteristic of those within its streetscape scene. Subject to this amendment I otherwise concur with the Planning Authority that subject to the conditions restricting the width of the vehicle entrance the proposed development would not give rise to any undue additional road safety and traffic hazard for existing users of the public domain.

8.6. Appropriate Assessment

- 8.6.1. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

9.0 Recommendation

9.1. I recommend that permission be **granted**.

10.0 Reasons and Considerations

10.1. Having regard to the policies and objectives of the Fingal County Development Plan, 2017-2023, the nature and scale of development proposed and the surrounding pattern of development, it is considered that subject to compliance with the conditions set out below, the proposed development would accord with the zoning objectives for the site and relevant development standards, would not seriously injure the residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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 14th day of April, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The separate pedestrian gate serving the proposed dwelling shall be omitted and a solid capped wall matching that of the roadside boundary of the existing host dwelling be provided in its place.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. All bathroom and en-suite rooms shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

Reason: In the interest of residential amenity.

4. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: In the interest of public health.

7. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

8. All services to the proposed development including telephone and electrical cables and associated equipment shall be located underground throughout the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of residential and visual amenity of the area.

9. The footpath shall be modified and dished at the entrance in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing, replanting of roadside tree shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of safety and visual amenity.

10. 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 a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste, protection measures for the adjacent open space and trees.

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

11. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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.

Patricia-Marie Young
Planning Inspector

27th day of October, 2022.