



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313982-22

#### Development

Retention/permission for development (a) Retention of variations to original approved P.A. Ref. No. D98A/0391, (b) single storey rear conservatory extension and ancillary site works, (c) existing single-storey store to the side of the existing dwelling, (d) to complete the existing single-storey store referenced in (c) above together with associated works.

#### Location

No. 4a, St. Begnet's Villas, Dalkey, Co. Dublin.

#### Planning Authority

Dun Laoghaire Rathdown County Council.

#### Planning Authority Reg. Ref.

D21A/0916.

#### Applicant(s)

Keith & Catherine Watson.

#### Type of Application

Retention Permission/Planning Permission.

#### Planning Authority Decision

Grant.

<b>Type of Appeal</b>	Third-Party.
<b>Appellant(s)</b>	Jeanette & Joe Watson.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	18 <sup>th</sup> day of November, 2022.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 4a Begnet's Villas, has a stated area of 0.0179ha. It is located on the southern side of Begnet's Villas, c25m to the west of its junction with Hyde Road and c178m by road to Hyde Roads junction with Barnhill Road (R119), in the Dublin city south suburb of Dalkey, Co. Dublin.
- 1.2. The site contains a two-storey detached dwelling that has at some point in time been extended to the rear that is setback from the public domain of Begnet's Villas by concrete hard stand that is used for off-street car parking. Historically the site formed part of the side garden area of No. 4 Begnet's Villas.
- 1.3. The site is adjoined by a terrace group of three 2-storey terrace dwellings to the east, a terrace group of five 2-storey dwellings to the west and the rear garden area of No. 4 wraps around the rear eastern side boundary as well as the southern boundary. It is located in what was once a highly coherent in design and layout residential scheme. The site forms part of mature residential setting.

## 2.0 Proposed Development

- 2.1. Retention permission for development is sought for:
  - Variations to original approved planning application P.A. Ref. No. D98A/0391.
  - An existing single storey rear conservatory extension and ancillary site works.
  - An existing but yet to be completed single-storey store to the side of the existing dwelling for the storage of bicycles.
  - All associated works.
- 2.2. Planning permission is also sought to complete the existing single-storey storage for bicycles as referenced above.
- 2.3. The applicant submitted their **further information** response on the 11<sup>th</sup> day of May, 2022. It was not deemed to be significant in nature and therefore no public notices were deemed to be required. This submission included:
  - Confirmation that Irish Water had no issue with the retention of the bike shed.
  - Revised drawings showing location of the public sewer.

- Site Plan relating to the original application P.A. Ref. No. D98A/0391.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. On the 7<sup>th</sup> day of June, 2022, the Planning Authority decided to **grant** retention permission and grant planning permission for the development subject to 2 conditions including:

Condition No. 2: Use of dwelling restricted to a single dwelling.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The **final Planning Officer's report** is the basis of the Planning Authority's decision. It considered that the applicants further information response appropriately addressed the concerns raised in their further information request, that the development accorded with the proper planning and sustainable development of the area and subject to safeguards recommended a grant of permission.

The **initial Planning Officers report** concluded with a recommendation for further information on the following matters:

Item No. 1: Relates to concerns raised by Irish Water.

Item No. 2: Requests that the applicant provide revised layout drawings to an appropriate scale detailing the location of the public sewer and the dimensions of setback of the existing dwelling from it. It also sought the approved drawings for P.A. Ref. No. D98A/0391.

##### 3.2.2. Other Technical Reports

**Drainage:** No objection.

#### 3.3. Prescribed Bodies

- 3.3.1. **Irish Water:** Their **final** submission raised no objection subject to safeguards.

### 3.4. Third-Party Observations

- 3.4.1. During the course of the Planning Authority's determination, they received one single letter of objection which I have read and note that it is attached to file. I consider that the key issues raised are similar to those raised by the appellant in their submission to the Board.

## 4.0 Planning History

### 4.1. Site

- 4.1.1. **P.A. Ref. No. D98A/0391:** Permission was granted subject to conditions for the erection of a 2-storey single dwelling house to the side of an existing dwelling (No. 4 St. Begnet's Villas). Of relevance to this appeal case are the following conditions:

Condition No. 5: *"No part of the proposed dwelling (or of any subsequent extensions or outbuildings) shall be within 3m of the 225mm diameter public sewer which traverses the site. REASON: In the interest of public health."*

Condition No. 8: *"Notwithstanding the exempted development provisions of the Local Government (Planning & Development) Regulations, 1994 (as amended), no extension to the proposed dwelling shall be erected without a prior grant of permission. REASON: In the interest of the proper planning and development of the area. NOTE: The applicant shall take note that this grant of permission does not include the proposed widened access to No. 4 St. Begnet's Villas as this area has not been shown within the site of the application. Any proposal for such an entrance shall be the subject of a separate planning application".*

- 4.1.2. **Other**

#### **Planning Enforcement:**

**ENF 231 21:** The Planning Authority's Planning Officers report indicates that there is live enforcement on going on the subject site.

## 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"*.
- 5.1.2. Section 12.3.7 of the Development Plan is relevant. It deals with the matter of additional accommodation in existing built-up areas.
- 5.1.3. Section 12.3.7.1 of the Development Plan provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.
- 5.1.4. Section 12.3.7.1(i) of the Development Plan provides guidance on extensions to the front and sets out that these: *"at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided."*
- 5.1.5. Section 12.3.7.1(ii) of the Development Plan provides guidance on extensions to the rear. It states the following: *"ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house"*.

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites. The nearest Natura 2000 site is located c0.91km to the east. It is Dalkey Islands SPA (Site Code: 004172).

## 5.3. EIA Screening

- 5.3.1. The proposed development is not of a nature or scale which would fall within the fifth schedule of the Planning and Development Regulations, 2001, (as amended), such as would necessitate the carrying out of an EIAR.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The Third Party's grounds of appeal can be summarised as follows:
- This development fails to accord with the proper planning and sustainable development.
  - Reference is made to Condition No. 5 and 8 of the grant of permission P.A. Ref. No. D98A/0391 which it is argued that this proposal contravenes.
  - Reference is made to the land use zoning objective of the site.
  - The requirement for private open space for a three-bedroom house is 60m<sup>2</sup>. This has not been provided.
  - The line of the sewer was identified under the parent grant of permission and the 3m gap required separation distance.
  - The documentation required under the further information request has not been fully addressed.
  - Though the bike shed structure is within three minimum separation zone from the 225mm sewer line, it is recognised that it is a wooden structure that is of lightweight construction and should not be an issue. However, there is a second sewer line which runs to the rear of the dwelling. It is contended that it is likely to run



underneath the conservatory for which retention is sought. This requires clarification.

- Concern is raised that the parent permission related to a site area of 165m<sup>2</sup>; however, the planning application form gives a site area of 179m<sup>2</sup>.
- The conservatory reduces the private open space to 45m<sup>2</sup>. The parent grant of permission provided 49m<sup>2</sup> of private open space and not the 49m<sup>2</sup> stated by the Planning Authority's Planning Officer.
- Concern is raised that the poor-quality survey drawings result in confusion.
- The drawings incorrectly set out the rear garden depth.
- The quality of their private open space is reduced by the fact that it adjoins the rear garden of No. 4a St. Begnet's Villas.
- Concern is raised that there is no roads department report.
- At present there is a single combined entrance driveway for both houses with no demarcation between the two sites.
- Clarification is required on parking provisions.
- Due to the proximity of the conservatory to No. 4 it results in a serious loss of residential amenity as a result of noise and overlooking.
- There are inaccuracies in the drawings which are misleading. There is 0.7m from the site boundary and the backdoor of No. 4. Not the 1.17m shown in the Site Layout Plan.

## 6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- The appellant in this case does not clarify that they were the original applicant for the parent permission for this dwelling (Note: P.A. Ref. No. D98D/0391).
- This type of development to which this application relates is normally exempted development.
- By way of this application, they wish to regularise the status of the works on the site.

- Irish Water has accepted the position of the bike shed near their sewer within a minimum separation zone.
- The private open space required for a three-bedroom dwelling is 60m<sup>2</sup> under the Development Plan.
- If Condition No. 8 did not exist under the grant of permission P.A. Ref. No. D98D/0391 the conservatory could have been constructed subject to 25m<sup>2</sup> of private open space remaining to the rear of the dwelling.
- The location of the sewer was clarified as part of their further information response.
- There is no evidence of a sewer under the conservatory.
- This development does not give rise to any undue residential amenity impact.
- Noise is not a planning matter.
- The grounds of the appeal are frivolous, without substance or foundation.

### **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.
- No new issues raised that would justify a change in their decision.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. From my reading of the file, inspection of the site and its setting, having had regard to all relevant policy provisions and guidance, I conclude that the key issues relevant to this appeal case before the Board are:

- Procedural Matters/Adequacy of Documentation
- Principle of the Proposed Development
- Amenity Impact
- Drainage

- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination. The above issues are assessed in turn below.

## 7.2. Procedural Matters/Adequacy of Documentation

7.2.1. A number of procedural concerns are raised in the submissions on file which in my view require comment upon. First of all, the First Party in their response to the grounds of appeal consider that the appellants submission is frivolous, without substance or foundation.

7.2.2. On this matter I consider that I consider that the Third Party in their appeal submission raise planning related concerns in relation to the development for which this application relates including raising concerns that the Planning Authority's grant of permission do not have sufficient regard to protecting their residential amenity in the limited conditions attached to the decision notification.

7.2.3. Secondly, the Third Party raises concerns that relate to the Planning Authority's procedural handling of this application. The Board does not have an ombudsman role on such matters and this appeal case is assessed on an entirely *de novo* basis.

7.2.4. Thirdly, the Third Party raises concerns in relation to accuracy and adequacy of the documentation submitted with this application during its determination by the Planning Authority.

7.2.5. On this matter, I note that the Planning Authority deemed that the documentation met the legislative provisions for what constituted a valid planning application. Whilst I consider that there is some merit in these concerns and would appear to be some discrepancies in terms of the information provided with this application and the parent application. Notwithstanding, the documentation on file together with my inspection of the site and the planning history documentation should in my considered opinion suffice for the Board to make an informed decision on the appropriateness of the development sought under this application at this location.

## 7.3. Principle of the Proposed Development

7.3.1. By way of this application retention permission is sought for development that was constructed in variation and in non-compliance with the conditions attached to original the approved planning application P.A. Ref. No. D98A/0391, i.e., the parent

permission to which No. 4a St. Begnet's Villas relates. With this component of the development relating to the construction of a single storey rear conservatory extension, a single storey but yet to be completed bike store together with associated works. In addition, planning permission is sought for the completion of the aforementioned bike store.

- 7.3.2. In relation to the principle of the development sought under this application I draw the Boards attention that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, they must be considered "*as with any other application*". This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed. Therefore, no account can, or should, be taken of the fact that the development has already taken place.
- 7.3.3. I also note that one of the key issues raised is that the retention development to which this application relates is at variance with the conditions attached to the parent grant of permission and it would appear that there is live enforcement action relating to this site itself.
- 7.3.4. I am cognisant that enforcement is a matter for the Planning Authority to deal with as they see fit and as stated above this application relates to a development that has already been carried out. With this including outstanding concerns in relation to compliance or lack thereof with the parent grant of permission through to the carrying out of development that requires permission without first regularising it through the planning process. As such I reiterate that it must be considered "*as with any other application*" and as if it had not been carried out.
- 7.3.5. Also, on the matter of enforcement, I am further cognisant having examined the documentation attached to planning application P.A. Ref. No. D98A/0391 and carrying out a site inspection that there are other non-compliances with what was permitted and that this has resulted in a side garden dwelling.
- 7.3.6. Whilst the site area appears to have increased from 165m<sup>2</sup> to 179m<sup>2</sup>, the built form, layout, appearance, gross floor area (Note: decreased from 92m<sup>2</sup> to 79m<sup>2</sup>), positioning of the dwelling which included a modest side access to the rear garden area through to the site layout are not as permitted.

- 7.3.7. Further, there is also a recently erected of poor-quality wooden side front boundary erected between No. 4 and No. 4a St. Begnet's Villas which give rise to further visual disharmony to the streetscape scene alongside gives rise to traffic hazard and public safety issues for those using the public domain of St. Begnet's Villas. To the rear there also appears to have been substantial works to the side and rear garden within the curtilage of No. 4 St. Begnet's Villas in the intervening years.
- 7.3.8. In this regard I note that Condition No. 1 of the grant of permission for P.A. Ref. No. D98A/0391 required that all works to be carried out in accordance with the plans, particulars and specifications lodged with the application in the interest of ensuring that development shall accord with the permission granted. Alongside ensuring effective control be maintained. This application appears to have been made and implemented by the appellants in this case at some point of time after permission was granted for P.A. Ref. No. D98A/0391 on the 8<sup>th</sup> day of October, 1998. From the available details it is unclear when the grant of permission was implemented and when the dwelling house through to the creation of the subdivision between No. 4a and No. 4 St. Begnet's Villas was completed.
- 7.3.9. The documentation accompanying this application appears to suggest that the positioning of the dwelling and shape of its footprint changed during the further information stage. This would appear to be also supported by the final Planning Officer's report for P.A. Ref. No. D98A/0391.
- 7.3.10. However, these changes, for example, do not correspond to the placement of the dwelling on site as revised and also if it had the dimensions of the storage shed now sought for retention and completion would still have allowed for access to the rear private amenity space.
- 7.3.11. At some point in time there after it would appear that the ownership of the dwelling on the side garden of the appellants property, No. 4 St. Begnet's Villas, changed hands from the Appellant to a Third Party. It is unclear but not relevant planning fact if it was the First Party in this case.
- 7.3.12. I therefore raise concerns that though this application relates to a development to the rear and side of No. 4a St. Begnet's Villas, if permitted, and setting aside the fact that the development before the Board for its deliberation is also one that fails to accord with Condition No. 8 of the parent grant of permission. With this condition clearly

setting out that no extensions to the proposed dwelling shall be erected without a prior grant of permission. The given reason being in the interest of the proper planning and development of the area and likely arose from the constraints of this modest size garden site to absorb any further development without giving rise to adverse residential and/or visual amenity impacts on properties in its vicinity.

- 7.3.13. Notwithstanding the above, the site and its setting relates to land subject to land use zoning Objective 'A' under the Development Plan. The objective for such land is: "*to provide residential development and improve residential amenity while protecting the existing residential amenities*" and where residential development including extensions and ancillary residential building structures are considered to be generally permissible in principle within this suburban residential location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance. Further, in relation to the Planning Officer's report raises no particular concerns in relation to the historic amendments and alterations to the parent permission which are likely to be at this point in time historic and not enforceable. Thus, the general principle of the rear conservatory and the storage shed on residential zoned land is in my view acceptable.

#### **7.4. Amenity Impact**

- 7.4.1. The site is located on land where the zoning objective seeks to protect and enhance the amenity as well as character of the existing residential communities. And as previously discussed the development for which retention is sought under this application is a type that is generally deemed to be permissible subject to safeguards and relates to modest built form, height and overall mass rear extension and ancillary storage shed. The latter is also reversible and moveable in its nature and construction with a limited life span in terms of its envelope of materials.
- 7.4.2. Also as said, any grant of permission should seek improvements to the quality of this structure, in particular its exterior finish which is not a qualitative response that positively contributes to the host dwelling or its setting. For this reason, as it currently presents and alongside the limited details provided with the planning application, I consider that there is no assurance provided that the completed shed would be of a satisfactory standard of development and a type of development that would not give rise to visual disamenity to its setting by way of its visual incongruity as observed from

the public domain and the adjoining semi private domains of neighbouring properties. Should the Board be minded to grant permission I therefore recommend that it either omits this structure or impose a suitable condition to ensure a more qualitative and site setting appropriate outcome in the interests of safeguarding the visual amenity of the area.

7.4.3. The rear conservatory provides a light weight addition to the rear of the dwelling that improves the habitable space of occupants in a site context where the quality of the rear private space amenity is poor. Due to significant overshadowing, overlooking and orientation that exists.

7.4.4. Moreover, it is a type of addition that is not out of character with the pattern of development to the rear of properties in St. Begnet's Villas, including those with modest in area rear private amenity space.

7.4.5. Moreover, on the matter of nuisance, I note that the appellant raises concerns in relation to additional undue noise nuisance from the development for which retention permission is sought. In relation to this concern, I am not convinced that either structure would give rise to any undue noise nuisance, and I am further of the view that any noise arising from the development sought under this application would be that to be expected from the use associated with occupation of a single dwelling. Moreover, should the Board permit the shed structure it is standard practice to impose a restriction on hours of construction works. Such a condition would be appropriate given that this structure appears to not be completed. Any noise nuisance that is in excess of this is a matter for Gardai as this would be anti-social behaviour.

7.4.6. Outside of this concern I concur with the Planning Authority that the development for which retention is sought under this application, if permitted, would not give rise to any serious injury to adjoining and neighbouring residential properties.

## 7.5. **Drainage**

7.5.1. The appellant raises a number of drainage concerns in relation to the development to which this application relates.

7.5.2. Firstly, they raise concerns in relation to the proximity of the bike shed structure which is within the 3m minimum separation zoned from an Irish Water sewer line. In relation to this concern I note that Irish Water in their final response to the development sought

under this application on foot of the applicant's further information response raised no objection stating in a letter provided to the First Party: *"based upon the details you have provided with your enquiry and as assessed by Irish Water, we wish to advise you that, in this instance, Irish Water will accept the retention of the existing bike shed near to the existing Irish Water owned sewer with a minimum horizontal separation in strict accordance with the drawing no. 1662-110"*.

- 7.5.3. I note that this shows a horizontal separation distance of between 2.4m and 3.2m. They also provide a further submission to the Planning Authority raising no objection subject to safeguards.
- 7.5.4. I also note the other documentation provided in relation to the sewer and its structural integrity which raise no significant concerns.
- 7.5.5. Secondly on the matter of a second sewer line which the appellant contends runs to the rear of the dwelling. With this sewer line in their view likely to run underneath the conservatory for which retention is sought.
- 7.5.6. Clarification on this matter was sought by the Planning Authority in their further information response.
- 7.5.7. There is no evidence provided by the appellant or indeed with this application that supports the presence of a sewer line underneath the conservatory or within 3m horizontal separation distance of the sewer line. Nor are any concerns raised in relation to the same by Irish Water or the Planning Authority's drainage department.
- 7.5.8. I therefore concur with the Planning Authority that the development sought under this application would not be prejudicial to public health.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the minor nature and scale of the development under consideration for which retention is sought, the site 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.



## 7.7. Other Matters Arising

- 7.7.1. **Private Open Space:** The remaining private open space is consistent with the pattern of development in this area, and it would appear that the dwelling house is a more modest 79m<sup>2</sup> to the 92m<sup>2</sup> dwelling house permitted under P.A. Ref. No. D98A/0391 on a smaller site of 165m<sup>2</sup>. In addition, the conservatory which provides an additional c22m<sup>2</sup> of habitable space for this modest dwelling that contains only two bedroom that meet spatial requirements. Whilst still providing a rear garden depth of c7.17 between most of the rear elevation of the conservatory and the rear boundary of the site. With the width of the rear garden tapering in its width from c7.2m to c2.8m to the rear boundary of the site. I also note that the existing rear private amenity space is overlooked and overshadowed. In this instance the development sought under this application seeks to improve the residential amenities of the existing dwelling and still results in a private open space remaining that is consistent with the pattern of development in its setting.
- 7.7.2. **Access and Car Parking:** The Appellant raises concerns in relation to access and car parking arrangements. This application does not seek any increase in dwelling units to that permitted under P.A. Ref. No. D98/0391. As said discussed in my assessment above there is significant inconsistencies with what was permitted to the development that is now present at No. 4a St. Begnet's Villas together with recent works to the front of No.s 4 and 4a St. Begnet's Villas that are outside the Boards remit in its deliberation of this appeal case. This I note includes that the area to the front of these properties were to serve the parking needs of both dwellings alongside included provisions for access.
- 7.7.3. **Legal Interest/Oversailing/Encroachment:** I note the appellants concerns in relation to a number of what appears to be civil matters and I also raise concern that there is insufficient information provided with this application as well as on appeal in relation to whether or not the applicant has the legal interest to erect part of the shed structure on and over what appears to be a boundary wall that could potentially be in shared ownership. In saying this any dispute of the ownership of lands, way leave agreements, consent to construct structures on land outside of the applicant's legal interest is a matter to be resolved between the parties, having regard to the provisions of Section 34 (13) of the 2000 Planning and Development Act (as amended) where it states 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.

## 8.0 Recommendation

- 8.1. I recommend that permission for the development sought under this application be **granted**.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the development sought under this application, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area nor would it be prejudicial to public health. The development sought under this application 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. Within 6-months of the date of this order the developer shall agree in writing a revised and more qualitative palette of materials, finishes, treatments, and colour for the single storey shed to the side for the use of bicycle storage.

**Reason:** In the interest of visual amenity.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0700 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.

**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'*.

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Patricia-Marie Young  
Planning Inspector

1<sup>st</sup> day of December, 2022.