



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314673-22

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<b>Development</b>	Alterations and Additions to an existing dwelling, widening of entrance onto Whitethorn Road together with all associated site works.
<b>Location</b>	No. 27, Whitethorn Road, Clonskeagh, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Planning Authority Reg. Ref.</b>	D22A-0383.
<b>Applicant(s)</b>	Lauren Delahunty.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Vivian Mulloy; Nuala & Joseph Ryan & Marianne Dorney.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	7 <sup>th</sup> day of December, 2022.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No. 27 Whitethorn Road, the appeal site has a stated site area of 0.0529ha, and it is located on the northern side of the lightly trafficked Whitethorn Road, c216m to the south west of Whitethorn Roads junction with Clonskeagh Road and c173m to the east of its junction with Whitebeam Road, in the city suburb of Clonskeagh, just under 6km to the south of Dublin's city centre, in Dublin 14.
- 1.2. The site contains a red brick finished two storey semi-detached dwelling with later rear single storey extensions. This dwelling is connected to a flat roofed single storey garage by a pedestrian entrance that provides secure access to the rear of the dwelling. This garage structure maintains the front building line of No. 27 Whitethorn Road and its matching pair No. 29 and adjoins a matching garage structure that the adjoining property of No. 25. The subject semi-detached pair forms part of a group of similar properties that front onto Whitethorn Road.
- 1.3. Access to the subject dwelling on site is via period metal gate that provides access onto a hard surfaced off-street car parking area that is located in the setback area between the front elevation of No. 27 and its period boundary finishes. There is also a pocket of mature landscaping and clipped evergreen hedging alongside the roadside and side front boundaries.
- 1.4. The surrounding area has a mature residential character with Whitethorn Road characterised by once highly uniform in design, layout and appearance semi-detached dwellings that have since their completion been subject to a variety of alterations and additions.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for alterations and extensions to existing two storey, semi-detached dwelling, comprising of the following:
  - Demolition of existing garage, boiler house to side and single storey parts of existing dwelling to rear.
  - Construction of a new two storey extension to side (West), and single and two storey extension to rear (North) of the existing.

- Widening of existing vehicular entrance gate.
  - All associated and ancillary site works.
- 2.2. The existing dwelling is 125.27m<sup>2</sup>; the garage and boiler have a combined area of 17.67m<sup>2</sup> and the total area for demolition area sought is given as 32.05m<sup>2</sup>.
- 2.3. On the 8<sup>th</sup> day of August, the applicant submitted their **further information** response which was accompanied by new public notices. This response includes the revision of the west elevation of the proposed rear extension to incorporate a brick finish; the design of the roof structure over the second-floor level extension has been revised; the side extension has been moved off the side boundary with No. 25 the adjoining property to the west by 900mm. I note to the Board that the additional floor area of that original proposed, i.e., 130.5m<sup>2</sup> has been reduced to 120.6m<sup>2</sup>. Having regard to the area for demolition the proposed development would give rise to an additional net floor area of 88.55m<sup>2</sup>.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

- 3.1.1. On the 26<sup>th</sup> day of August, 2022, the Council issued notification to **grant** planning permission for the proposed development subject to 8 no. standard conditions. I have noted the content of this notification and the conditions contained therein. A copy of which is attached to file.

#### 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. This report includes:

- The principle of the proposed development is deemed acceptable.
- The further information items have been satisfactorily addressed.
- No undue residential and/or visual amenity impacts would arise from the proposed development.

- No AA or EIA issues arise.
- Concludes with a recommendation to grant permission.

The initial Planning Officer's report concluded with a request for further information on the following matters:

Item No. 1: Raises concerns in relation to the finish of the western side elevation and requests a brick finish in keeping with the streetscape scene be provided.

Item No. 2: The applicant is requested to revise the extension so that it accords with Section 12.3.7.1 of the Development Plan.

### 3.2.2. **Other Technical Reports**

**Drainage:** No objection, subject to safeguards.

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. Three No. Third Party submissions were submitted during the course of the Planning Authority's determination of this application. The planning concerns raised in these submissions including the further submissions made by the Third-Party Observers following the applicant's submission of their further information response correlate with one another. I have noted the content of these submissions which are attached to file with the primary concerns raised relating to residential and visual amenity impact.

## 4.0 **Planning History**

### 4.1. **Site and Setting**

4.1.1. There appears to be no recent and/or relevant planning history associated with the subject site and its setting.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The relevant Development Plan is the Dún Laoghaire Rathdown County Development Plan, 2022-2028. The site is zoned 'A' residential with the objective to: "*provide residential development and improve residential amenity while protecting the existing residential amenities*" under which residential development is listed within the '*Permitted in Principle*' category of this zoning objective.
- 5.1.2. Policy Objective PHP19: Existing Housing Stock – Adaptation of the Development Plan sets out that it is a Development Plan policy objective to conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- 5.1.3. Section 12.3.7 of the Development Plan relates to additional accommodation in existing built-up areas with Section 12.3.7.1 relating to extensions.
- 5.1.4. Section 12.4.8 of the Development Plan deals with the matter of vehicle entrances.

### 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.
- 5.2.2. I note that the nearest Natura 2000 site are the South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located to the east and at 2.5km lateral separation distance at its nearest point as the bird would fly.

### 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 3<sup>rd</sup> Party grounds of appeal can be summarised as follows:

- The size, height and scale of the proposed development would result in the overdevelopment of the site.
- The proposed development would result in a visually dominant and significantly overbearing form of development.
- Concern is raised in relation to the given floor area of the existing dwelling house and the proposed works sought.
- The additional floor area is excessive.
- The revisions are inadequate and add to the side extensions visual overbearance.
- Concern is raised that the established amenities of adjoining properties would be diminished by way of overlooking, overbearing and overshadowing.
- The proposed development is contrary to the land use zoning objective for the site and setting.
- The size of the site is an irrelevant consideration.
- The roof form is visually incongruous in its setting.
- Permitted extensions in this area have been subordinate to their host dwelling.
- The Board is requested to overturn the Planning Authority's grant of permission.

### 6.2. Applicants Response

6.2.1. The First Party's grounds of appeal can be summarised as follows:

- The proposed extension is a sustainable solution for this suburban site.
- Given the size of the dwelling and the size of the site it is not accepted that the proposed development is excessive.
- The existing dwelling house is a small for its site area.

- The site has a rear private amenity space of 234m<sup>2</sup>.
- The proposal includes measures to protect the amenity of adjoining properties.
- A shadow analysis has been provided with this response.
- The architectural design seeks to integrate with the host dwelling and its setting.
- The revised design has addressed the terracing effect with No. 25 Whitethorn Road.
- The appellants have misrepresented the size of the existing dwelling in their appeal submission.
- This development is consistent with planning provisions and the pattern of development in the area.
- The Board is sought to uphold the grant of permission.

### **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 Officers report.
- Appeal raises no new issues that would warrant a change in attitude to their decision.

## **7.0 Assessment**

### **7.1. Overview**

7.1.1. Having examined all documentation on file, including observation and responses received to the grounds of appeal, having reviewed the planning history, inspected the site, and having had regard to the relevant local policies, I consider the key issues in the appeal to be as follows:

- Principle of Development
- Amenity Impact - Visual
- Amenity Impact - Residential



- 7.1.2. The matter of ‘*Appropriate Assessment*’ also requires examination. I note that the Third-Party Appellants raise no other substantive concerns in relation to the proposed development, nor have the other parties to this appeal. Further, having examined the proposed development sought under this application as originally submitted and as revised I am satisfied that there are no other substantive planning issues that would warrant detailed examination by the Board in their *de novo* deliberation of this case and that the Board would have reached similar conclusions to the Planning Authority on such matters having regard to the proper planning and sustainable development of the area.
- 7.1.3. For clarity this includes but is not limited to the proposed widening of the vehicle entrance and drainage matters.
- 7.1.4. In relation to my assessment below, I note to the Board that it is based on the proposed development as revised by the details submitted to the Planning Authority on the 8<sup>th</sup> day of August, 2022, due to the qualitative improvements that it contains. In particular in terms of diminishing the potential of the proposal to give rise to adverse residential and visual amenity impacts on its setting.
- 7.1.5. I also consider having had regard to the information on file together with having inspected the site that there is sufficient information for the Board to fully assess the application. It should be noted that no validation issues were raised by the Planning Authority under its assessment of the proposed development and the floor areas as presented in the drawings appear to correlate with the nature, scope and extent of the development sought.

## 7.2. **Development Principle**

- 7.2.1. No. 27 Whitethorn Road, the appeal site and its immediate setting is zoned ‘A’ under the applicable Development Plan. The stated objective for which is to: “*provide residential development and improve residential amenity while protecting the existing residential amenities*” and the Development Plan sets out that residential development is permitted in principle.
- 7.2.2. By way of this application permission is sought for the demolition of existing garage, boiler house to side and single storey parts of existing dwelling to rear. These structures are modest in nature and are of no architectural merit or other significant that would warrant their permission to a host dwelling that is not afforded any specific

protection. In addition, the semi-detached pair, and the streetscape scene it forms part are not afforded any specific protection. Therefore their removal as part of facilitating residential development at this site gives rise to no substantive planning concern.

- 7.2.3. In addition, permission is also sought for the construction of a new two storey extension to the western side and a part single as well as part two storey extension to rear of the existing that has a northerly orientation and the widening of the existing vehicular entrance gate that opens onto the northern side of Whitethorn Road on the westernmost side of the roadside boundary.
- 7.2.4. The Third-Party Appellants in this appeal case consider on visual and residential amenity grounds that the proposed development would be contrary to land use zoning objective 'A' of the Development Plan. Matters which I propose to examine in more detail in the following sections of my assessment below.
- 7.2.5. The Planning Authority having had regard to the grounds of appeal submission considered that it contained no new issues that would justify a change in their decision.
- 7.2.6. The First Party contend that the proposed development as revised is consistent with land use zoning objective 'A' which seeks to provide a balance between improving residential amenities and protecting existing residential amenities.
- 7.2.7. In conclusion I consider that the general principle of the proposed development is acceptable, subject to safeguards, at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

### **7.3. Amenity Impact**

- 7.3.1. The appellants in their grounds of appeal submission raise concern that the proposed development, as revised, would be visually overbearing and incongruous in its setting. The appellants on the other hand argue that the design, which includes the revisions made by way of the applicant's further information is a design that integrates successfully with the host dwelling and its setting.
- 7.3.2. With regard to the visual impact of the proposed extension I am satisfied that the scale and design of the side extension does not overwhelm or dominate the original form or appearance of the host dwelling and its streetscape scene. I also consider that the

addition of brick to the western elevation alongside extending a hipped roof that has a slightly lower ridge height is respectful of the architectural character of the host dwelling, the semi-detached pair, and the group of once originally matching semi-detached pairs that address Whitethorn Road.

- 7.3.3. I am further cognisant that the host dwelling, its semi-detached pair and the formally designed as well as once highly coherent in appearance, layout, built form, palette of materials, building to space relationship streetscape scene, are not afforded any specific protection in terms of their visual amenities outside of those that seek for this type development to not give rise to any undue adverse visual amenity impacts, including that such developments shall not be out of character with their setting.
- 7.3.4. Further the consolidating part of the two-storey extension to the western side results in the additional habitable space that the applicants are seeking to improve their residential amenities to be consolidated. In doing so it would give rise to less potential for adverse overshadowing and loss of daylight/natural light to arise for adjoining properties.
- 7.3.5. I do not consider that the two-storey extension's proximity in terms of its setback from the western boundary is out of context with side extensions in such suburban settings. Nor do I consider that the overall design concept of the proposed development when considered as part of the overall streetscape context of the northern side of Whitethorn Avenue is out of character or visually overbearing.
- 7.3.6. Moreover, the proposed extension does not exceed the established front building line, nor does it seek to dominate the front elevation of the dwelling by introducing a new form of architectural approach that could potentially diminish a streetscape scene whose defining character arises from its architectural design, built form and layout coherence.
- 7.3.7. Having regard to the above I consider that these components of the proposed development are consistent with Section 12.3.7.1(i), (iii) and (iv). These sections of the Development Plan set out the principles for front, side, and roof extensions to existing dwellings and in consistent manner seek that no undue amenity issues arise.
- 7.3.8. In relation to the two-storey component to the rear I question the design approach in the carrying through of a separate hipped shaped roof over the two-storey rear extension.

- 7.3.9. This design choice, in my view, results in an overly complicated roof structure that poorly integrates with the host dwelling alongside fails to be visually subservient.
- 7.3.10. Of further concern in my view is that this roof structure over the rear two storey extension which is designed to be appreciated at ground and first floor level in terms of its rear elevation presentation to be a distinct and legible new building layer of its time.
- 7.3.11. In this context a flat contemporary roof structure would be less visually dominant against the host dwelling alongside would result in less overshadowing of adjoining properties. As well as the host rear private amenity space. Having regard to the orientation of the site through to the juxtaposition of this component of the proposed development relative to other sensitive to change receptors.
- 7.3.12. On this point having examined the shadow analysis put forward by the applicant with their response to the grounds of appeal. Together with having regard to the orientation of the site and the relationship of buildings as well as features that inform the existing overshadowing context through to that which would arise if the proposed development were to be permitted. I am of the view that the roof structure over the rear two storey extension is excessive in its height and built form. If permitted, it would in my considered opinion, give rise to greater overshadowing than is reasonable and necessary for a two-storey rear extension.
- 7.3.13. Further given the proximity of the two-storey element to the boundary with No. 25. With a modest 1.29m separation at its widest point along the side of this rear extension with the boundary of this property.
- 7.3.14. When this is considered alongside the visual monotony of the western elevational treatment, the overly complicated roof structure with the two-storey extension proposing a maximum ridge height that not only exceeds that of the two-storey side extension proposed (Note: c7.2m) but its height of 7.89m lacks subservience to the main roof structure.
- 7.3.15. With this lack of subservience added to by its length of its ridge, the similarity in ridge height with the original hipped roof over No. 27 through to visually overwhelms views towards the original roof structure of the host dwelling to the extent that it is no longer a dominant original surviving key feature of host dwelling.

- 7.3.16. I therefore raise concerns that the proposed rear extension conflicts with Section 12.3.7.1 (ii) of the Development Plan. It states that first floor rear extensions will: “*only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities*” and, the Development Plan further sets out under this section that determining factors will include but not be limited to overshadowing, overbearing, along with proximity, height, and length along mutual boundaries.
- 7.3.17. Based on the above considerations I recommend that the Board should it be minded to grant permission amend the roof structure over the rear two storey extension by way of condition in the interests of addressing the undue amenity impacts that would arise from it and in order for it to comply with Section 12.3.7.1 (ii) of the Development Plan. Further, subject to this amendment I consider that the proposed development would not be inconsistent with the pattern of development for alterations and additions to existing dwelling houses in this suburban setting.

#### **7.4. Residential Amenity Impacts**

- 7.4.1. The appellants in this appeal case consider that the proposed side and rear extension would also give rise to serious injury of the residential loss by way of loss of privacy arising from additional overlooking.
- 7.4.2. Like the existing context, there is a degree of overlooking arising from first floor level of properties. I am therefore of the view that the four windows proposed considering that they would be positioned at a point where they would achieve the required first floor level separation distance of 22m (Note: Section 12.3.5.2 of the Development Plan) and given their not substantive in height and width dimensions that they would not significantly add to overlooking of adjoining properties.
- 7.4.3. As noted in the previous section concerns were raised by the appellants on the matter of visual overbearance from the proposed extension.
- 7.4.4. In this regard I have already set out that I consider that the roof structure over the two-storey rear extension should be revisited with a more sympathetic and subservient roof structure having the other positive benefit of reducing the level of overshadowing that would arise.

- 7.4.5. In tandem with this is the matter of sunlight and daylight levels to adjoining properties, particularly No. 25 which is located to the west.
- 7.4.6. The 7.8m height together with the 4.6m depth of the main first floor level when taken against the roof structure over the second-floor level has the potential to add to the level of daylight and sunlight diminishment to the rear of No. 25 but also No. 29 over and above their existing situations. This is clear from the shadow analysis provided with the applicant's response to the grounds of this appeal.
- 7.4.7. In this regard, the general design criteria outlined in section 12.3.1.1 of the Development Plan highlight the need to consider sunlight/daylight standards with Section 12.3.7.1 of the said plan dealing more specifically with extensions to dwellings and highlights the need to consider overshadowing impacts and other impacts on the residential amenity of adjoining properties.
- 7.4.8. However, unlike guidance for larger residential schemes, guidance for dwelling extensions does not refer to any particular standard (such as Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice, Building Research Establishment (BRE) Report, 2011) or require the submission of a daylight/sunlight assessment.
- 7.4.9. Despite this I acknowledge that local and national policy/practice is commonly guided by the principles of the BRE guidelines. Notwithstanding, I would highlight that the guidelines allow for flexibility in their application, stating in paragraph 1.6 that: *"although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design"*.
- 7.4.10. Further, the BRE Guide notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.4.11. In my view the impacts on adjoining properties would be largely as a result of their proximity to the site boundary and the excessive height and overall built form of the rear second extension.

- 7.4.12. The BRE Guide states that an important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.
- 7.4.13. Furthermore, I would again highlight the stated need for flexibility in the application of standards as stated in the BRE Guide itself with the land use zoning objective for the site itself clearly seeking to achieve a reasonable balance between existing residential amenities and improving residential amenities which is what is proposed under this application.
- 7.4.14. I am also cognisant that both No.s 25 and No. 29 contain extensions to the rear of varying height and built form. These I accept are more modest. However, the design proposal seeks to minimise extending to the rear by way of demolishing the existing side garage and boiler. Thus freeing up a space on site where a significant component of the additional floor area would be accommodated and in turn allowing for more consolidated residential extensions that give rise to less adverse impact on the residential amenities of properties within medium density suburban areas like this. In such suburban settings a loss of daylight/sunlight it can be anticipated and expected from extensions to existing dwellings.
- 7.4.15. Based on the above considerations, subject to the omission of the hipped roof over the two-storey rear extension and its replacement with a subservient flat roof that sits below the eaves of the host dwelling, I am satisfied that the proposed development will not result in any unacceptable daylight/sunlight impacts for neighbouring properties.
- 7.4.16. In relation to the host dwelling, I am satisfied that the proposed development would significantly improve the internal residential standards of the dwelling, while also maintaining a high standard of external space.
- 7.4.17. In conclusion, I am satisfied that the proposed development would not give rise to any serious injury to residential amenities in a manner that could be considered contrary to the Development Plan provisions or otherwise.

## 7.5. Other Matters Arising

- 7.5.1. **Section 34(13):** Given the nature of the proposed development which includes the demolition of structures and building of structures onto a party/shared boundary as a

precaution I recommend that the Board include Section 34(13) of the Planning and Development Act, 2000, as amended, as a precaution. This sets out that a person is not entitled solely by reason of a permission to carry out any development.

7.5.2. **Development Contributions:** The proposed development, on the basis of the floor additional floor area sought, is not exempt from the payment of Section 48 Development Contribution levy.

## 7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## 8.0 **Recommendation**

8.1. I recommend that permission is **granted**.

## 9.0 **Reasons and Considerations**

9.1. Having regard to the pattern and character of development in the area, the design and scale of the proposed development, and the provisions of the Dún 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 acceptable in accordance with the land use zoning objective for the site, would not seriously injure the visual amenities of the area or the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.2. **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 to the planning authority on the 8<sup>th</sup> day of August, 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 proposed hipped roof structure over the rear two storey extension shall be omitted and replaced with a flat roof that sits below the height of the eaves of the host dwelling.

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

**Reason:** In the interests of clarity and to protect residential amenity.

3. The dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

**Reason:** In the interest of clarity and to prevent unauthorised development.

4. 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.

5. 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.

6. 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 or public holidays. Deviation from these times shall 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.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage, and Local Government in July, 2006. This plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of orderly development and sustainable waste management.

8. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil, and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer’s expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

9. 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.

**Advisory Note:**

The applicant/developer is advised that 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'* and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

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Patricia-Marie Young  
Planning Inspector

21<sup>st</sup> December, 2022.