



An
Bord
Pleanála

Inspector's Report

ABP-314962-22

Development

Permission is sought for the subdivision of No. 27 Churchtown Road Lower and the construction of a new three-bedroom two storey house and all associated site works.

Location

Site to the rear and side of No. 27 Churchtown Road Lower, Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D22A/0464.

Applicant(s)

Eoin Griffin.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party.

Appellant(s)

1. Val & Aveen Murray.
2. Ronan Fleetwood & Others.

Observer(s)

1. Carol MacKeogh.
2. Elizabeth Sides.
3. Fintan Hourihan.

Date of Site Inspection

14th day of February, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 27 Churchtown Road Lower, the appeal site has a stated site area of 0.024ha and it forms part of a larger residential plot that contains a 2-storey end of terrace brick dwelling that is situated on the southern corner of Churchtown Road Lower's intersection with a residential cul-de-sac known as Charleville, over 300m to the north of Windy Road Luas Stop, in the south Dublin city suburb of Churchtown, in County Dublin.
- 1.2. The subject development relates to the rear garden area of this property that contains a derelict single storey structure, is overgrown and has an existing access onto the southern side of Churchtown Avenue's in close proximity to its end.
- 1.3. The site is bound by No. 12 Churchtown Avenue on its eastern side and No. 28 Churchtown Road Lower on its southern side.
- 1.4. The surrounding area can be described as having a residential in character, with groups of two storey terraces with front and rear gardens on the eastern side of Churchtown Road Lower in the vicinity of the site.
- 1.5. On the opposite side of Churchtown Road Lower is Milltown Golf Course. In addition, Charleville is characterised by two storey detached dwellings whereas Flemingstown Park has more of a mix of house styles.

2.0 Proposed Development

- 2.1. Planning permission is sought for:
 - Subdivision of No. 27 Churchtown Road Lower.
 - Demolition of an existing 10m² single storey garage structure as well as the removal of a section of the existing boundary wall to Churchtown Avenue.
 - Construction of a three-bedroom two storey, detached dwelling of 145m² gross floor area together with all ancillary and landscape works including a new separating boundary wall.
 - Provision of a new vehicular entrance onto Churchtown Avenue.
 - Provision of a car port accommodating two car parking spaces.

- Provision of a pedestrian gate from Churchtown Avenue.
- All associated site works and services.

2.2. On the 19th day of August, 2022, the Planning Authority sought further information on the following matters:

Item 1: All boundary details requested.

Item 2: Clarity sought on any fenestration proposed for the eastern elevation.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 3rd day of October, 2022, the Planning Authority issued notification of the decision **grant** permission subject to 13 mainly standard in nature conditions. I note the requirements of Condition No. 8. This condition restricts the width of the kerbside area to be dished to 4.8m.

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 includes the following points:

- The further information request has been satisfactorily addressed.
- No AA issues arise.
- No EIA issues arise.

The **initial Planning Officer's report** concludes with a recommendation seeking further information.

3.3. Other Technical Reports

Drainage: No objection, subject to safeguards.

Transportation: Concluded with a request for further information on concerns relating to the undercroft car parking provision proposed and the width of kerb to be dished or

that their concerns in relation to these matters be dealt with by way of an appropriately worded condition.

3.4. Prescribed Bodies

3.4.1. None.

3.5. Third Party Observations

3.5.1. During the course of the Planning Authority's determination of this application they received 7 no. Third Party Observations. The key planning issues raised in these submissions correlate with those raised by the Third-Party Appellants and Observers in this appeal case.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. D22A/0258:** The Planning Authority **refused** permission for a development consisting of the construction of a new three-bedroom two storey, with additional attic accommodation, detached dwelling of 186m² floor area, in the rear garden of the existing house along with all ancillary and landscape works including a new separating boundary wall. The works will also include the demolition of an existing 10M2 single storey garage structure as well as the removal of a section of the existing boundary wall to Churchtown Avenue. A new vehicular entrance and car port is proposed which will be accessible off Churchtown Avenue. The reasons for refusal read:

"1. *The ridge height of the proposed development far exceeds the existing ridge height in its immediate surroundings. It is considered that the provision of the proposed development at this established and compact residential location would be of overbearing appearance, and negatively impact the existing character at the subject site and its environs. As such, the development would set an undesirable precedent for corner site development in the local area and would not be in accordance with the proper planning and sustainable development of the area.*

2. *The proposed development does not provide enough off-street car parking for a 3-bedroom dwelling. It is considered that this would lead to parking overspill onto the public road, which would increase pedestrian and traffic hazard at this location, and would endanger public safety by reason of increased traffic hazard. The development proposed is therefore not in accordance with the content of, inter alia, Section 12.4.5.1(ii) and Table 12.5, respectively, of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. As such, the development would set an undesirable precedent for residential car parking standards in the local area and would not be in accordance with the proper planning and sustainable development of the area.”*

Decision date: 03/06/2022.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028, is the operational plan for the purposes of the Board decision under which the site is zoned as ‘Objective A’. The stated land use zoning objective for such land is: ‘to provide residential development and improve residential amenity while protecting the existing residential amenities’ and Table 13.1.2 confirms that residential uses are ‘permitted in principle’ in this zone.
- 5.1.2. Chapter 4 ‘Neighbourhood – People, Homes and Place’ of the Development Plan sets out that the Council aims to increase delivery of housing.
- 5.1.3. Section 4.3 of the Development Plan deals with ‘Homes’ and relevant policies/objectives can be summarised as follows:
 - PHP18: Promotes increased density on suitable sites subject to suitable design which respects the character and amenities of the surrounding area.
 - PHP20: Seeks to protect the residential amenity of existing properties.
- 5.1.4. Section 4.4 of the Development Plan promotes quality design and healthy placemaking in accordance with national policy and guidance.

5.1.5. Chapter 12 of the Development Plan deals with Development Management with Section 12.3 setting out criteria for residential developments; Section 12.3.7.5 deals with corner/side garden sites; Section 12.3.7.7 deals with the matter of infill development; Section 12.4.3 deals with the matter of Driveways and hardstands; Section 12.4.8 deals with the matter of vehicle entrances and hardstanding areas; and, Section 12.8.3.3 deals with the matter of private open space.

5.2. **Natural Heritage Designations**

5.2.1. None within the zone of influence.

5.3. **EIA Screening**

5.3.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The Board received two Third Party appeals objecting to the Planning Authority's decision to grant permission for the development sought under this application. I have taken account the concerns raised in both of the submissions received and I consider the main issues raised can be summarised collectively as follows:

Visual Amenity Impact

- This development would diminish the visual amenities of Churchtown Avenue.
- The proposed dwelling would give rise to a dwelling that has no setback from street.
- The Development Plan requires infill development to retain the physical character of the area. This proposal fails to do so.
- The proposed dwelling does not follow the building lines of Churchtown Avenue.

- Removal of boundary walls that date back to the 1920s is objected to.
- A single storey dwelling would be more appropriate in this context.
- Despite the reduction in ridge height put forward in the further information response the proposed dwelling is still overbearing in its appearance.
- The proposed dwelling would visually dominate the bungalow on the opposite side of the road.

Residential Amenity Impact

- This proposal would give rise to a loss of privacy for neighbouring properties.

Traffic

- The proposed development would exacerbate issues with parking on Churchtown Avenue and would give rise to obstruction for road users including emergency vehicles.

Nuisance

- Construction phase would give rise to significant nuisance for neighbouring properties.

Other

- The Planning Authority have failed to have regard to relevant local planning provisions.
- Due to the limited size of the site part of the dwelling proposed would be located where there would be limited to no access for its future maintenance purposes.
- The site is too small to accommodate this proposal.
- If permitted, this proposal would result in piecemeal backland development.

6.2. Applicant Response

6.2.1. On the 24th day of November, 2022, the Board received the Applicants response. It can be summarised as follows:

- The adjoining properties of No. 28 Churchtown Road Lower and No. 12 Churchtown Avenue have not objected to this development.

- The further information response addressed all of the Planning Authority's concerns and included a revised dwelling with the attic level removed.
- The building line is not uniform along Churchtown Avenue.
- The proposed dwelling does not give rise to any adverse amenity impacts on its setting.
- This proposal is not backland development.
- The Planning Authority raised no transportation or parking concerns.
- The issue of illegal parking on double yellow lines of Churchtown Road is not a planning matter.
- A Preliminary Health and Safety Plan will be prepared to deal with all aspects of the construction.
- The roof height of 7.665m matches the roof height of surrounding houses and the proposed footprint is also similar to surrounding houses.
- The proposed development accords with relevant local planning provisions.
- The site is within c375m from the Windy Arbour LUAS Stop.

6.3. Planning Authority Response

6.3.1. On the 7th day of November, 2022, the Board received the Planning Authority's response. It can be summarised as follows:

- Reference should be had to their Planning Officers Report.
- The grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

6.4. Observations

6.4.1. 3 No. Third Party observations were received. These expressed their opposition to the Planning Authority's decision to grant permission for the proposed development. I consider that the issues raised in the observations are broadly similar to those raised by the Third-Party Appellants in their appeal submissions to the Board. Additional matters raised include:

- Overshadowing of Neighbouring Properties.
- The Board should have regard to the grant of permission for two dwelling houses in the side garden of No. 5 Churchtown Avenue. These will increase traffic along Churchtown Avenue in addition to the dwelling proposed under this application.

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. The key planning issues, as I consider them in this appeal case can be dealt with under the following broad headings: (i) policy context; (ii) impact on visual and residential amenities arising from the proposed development; (iii) impact on public domain of Churchtown Avenue; and (iv) other matters arising. The matter of 'Appropriate Assessment' also requires examination.
- 7.1.2. For clarity, the assessment below is based on the proposed development as revised by the applicant's further information response received by the Planning Authority on the 12th day of September, 2022.

7.2. **Policy Context**

- 7.2.1. The proposed development sought under this application seeks the subdivision of the residential plot associated with No. 27 Churchtown Road Lower in order to recreate an independent residential plot upon which a detached part single and part two storey dwelling with separate pedestrian and vehicle access onto the public domain of Churchtown Avenue is proposed.
- 7.2.2. The subject plot in its current form consists of the rearmost garden space of No. 27 Churchtown Road Lower, a 2-storey brick and extended to the rear terrace dwelling whose northern boundary runs adjoins part of the southern side of the Churchtown Avenue restricted in width and modest in length cul-de-sac road. The proposed residential site itself would be setback c37m from Churchtown Avenue's junction with Churchtown Road Lower and would be bound on its southern side by part of the rear garden area associated with the adjoining terrace property, No. 28 Churchtown Road Lower and its rear boundary would bound the front garden of No. 12 Churchtown Avenue.

- 7.2.3. The immediate site context consists of a mixture of residential built forms with the host property and No. 28 Churchtown Road Lower being 2-storey in their built form and with the property on the opposite side of Churchtown Avenue containing a setback bungalow that is sited in what was once the rear back garden of No.s 25 and 26 Churchtown Road Lower. In addition, the adjoining property of No. 12 Churchtown Avenue contains an end-of-terrace 2-storey dwelling house dating to c1920s that forms part of a group three that address the cul-de-sac end of Churchtown Avenue.
- 7.2.4. The site is within c375m of the nearest Luas Station (Note: Windy Arbour Luas Stop) and is within 430m of Churchtown Road Lower's junction with Milltown Road which contains a number of Dublin bus stops along it. Furthermore, the site is within easy reach of various services and amenities that are synergistic to residential land use including but not limited to amenity spaces like Shanagarry Park, Milltown Golf Club, through to schools including Our Lady's National School.
- 7.2.5. Planning provisions including the current Development Plan through to regional and national guidance promotes and supports compact urban form through densification of appropriate serviced infill and under-utilised sites in urban areas close to public transport links, services, amenities through to employment opportunities.
- 7.2.6. In addition, the site, itself is residentially zoned, i.e., '*Objective A*' which seeks: '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'. I consider the general principle of the subdivision of the residential plot associated with No. 27 Churchtown Road Lower through to the demolition of the existing single storey structure of no particular merit, of poor structural quality and little evidence to support its functional use as ancillary space for No. 27 Churchtown Road Lower as part of facilitating the construction of the proposed dwelling sought under this application to be in accordance with the zoning objective for the site as well as regional through to national planning provisions, subject to safeguards.
- 7.2.7. The Planning Authority's Planning Officers report which formed the basis of their decision did not raise any concern in relation to the principle of the demolition and the provision of a dwelling house on this site, subject to safeguards.
- 7.2.8. I therefore consider that the principle of subdivision, demolition of an existing structure through to the proposed dwelling to be in accordance with the zoning objective for the

site and that it is a type of development that is consistent with the proper planning as well as sustainable development as provided for under local through to national planning policy provisions and guidance at such serviced suburban locations.

7.3. Visual Amenity Impact

- 7.3.1. In terms of the visual amenity, whilst I consider that the proposed development would give rise to a discernible change to its modest residential cul-de-sac setting notwithstanding, I consider that the site has the capacity to accommodate a site appropriate new dwelling.
- 7.3.2. In this case I consider the use of a more contemporary of its time design for the proposed dwelling as opposed to a pastiche style is an appropriate design direction for this new built insertion and I also consider that the palette of materials is respectful of existing residential buildings in this cul-de-sac as well as the host dwelling.
- 7.3.3. In addition, the revised dwelling in terms of its height, scale, bulk, and elevational design achieves a more subordinate building in comparison to that originally proposed. In addition, the positioning and reduced height of the dwelling graduates more respectfully with adjoining and neighbouring dwellings in its context.
- 7.3.4. Alongside it reduces the potential adverse impact from this building on adjoining properties, in particular in terms of visual overbearance and overshadowing.
- 7.3.5. Moreover, it gives rise to less overshadowing on the private amenity space proposed to serve future occupants of the dwelling.
- 7.3.6. In terms of visual amenity, I am satisfied that the proposed development does not give rise to visual amenity concerns that would in themselves support refusal of the development sought under this application.

7.4. Residential Amenity

- 7.4.1. In terms of impacts on residential amenity, I am cognisant that the proposed development, if permitted and implemented, would result in a change in context and relationship with adjoining and neighbouring properties in its vicinity. I consider that the properties most likely to be impacted upon by the proposed development is No. 28 Churchtown Road Lower to the south and No. 12 Churchtown Avenue to the east. In relation to these properties, I consider that the separation distances, particularly between opposing first floor windows are typical of what would normally be anticipated

within such an established urban area. This will ensure that any impacts that arise would be in line with what might be expected in an area such as this.

- 7.4.2. Given the height and design of the proposed dwelling, in an area characterised by two-storey and single storey dwellings, I am of the opinion that the proposed dwelling would not unduly overbear, overlook, or overshadow adjoining properties, and it would not seriously injure the amenities of property in the vicinity of the site subject to any windows on the southern, eastern and western first floor level being fitted with opaque glazing.
- 7.4.3. In relation to open space, I consider that adequate private open space is proposed for both the existing and the proposed dwelling, to comply with Development Plan standards. The Planning Authority have raised no undue concerns in this regard.
- 7.4.4. I am also of the opinion that the proposal would not depreciate the value of property in the vicinity. I consider that this suburban serviced area has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area, subject to qualitative design approaches that have regard to their setting and in so doing ensuring that an appropriate balance is attained between providing residential development and protecting the established residential amenities. I am satisfied that the proposed development would not warrant refusal of permission on its residential amenity impact on properties in its vicinity.

7.5. Traffic and Car Parking

- 7.5.1. The proposed development includes two car parking spaces to serve future occupants of the proposed dwelling. This provision is in keeping with the Development Plan provisions. The Planning Authority's Transportation Department did not recommend a refusal of planning permission and whilst recommending a request for further information considered that their concerns could also be addressed by way of an appropriately worded condition. This condition sought the following:

"1. The proposed two no. undercroft car parking spaces on the north elevation shall be centrally located in the middle of the undercroft space between the dwelling ground floor and the eastern column supporting the first floor in order to provide adequate visibility from exiting vehicles to pedestrians walking on the adjacent footpath.

2. *Only a 4.8 metre long section of kerb, in front of the proposed two no. undercroft car parking spaces, shall be dished to try to ensure that vehicles exit centrally from the undercroft car parking spaces.*
4. *Appropriate measures shall be included to prevent water runoff, or transfer of unbound material, from the proposed development onto the public realm as required.*
5. *All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians and cyclists, on the public road/footpath, during construction works.*
6. *The Applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works and repair any damage to the public road arising from carrying out the works.”*

7.5.2. Whilst I accept Churchtown Avenue is restricted in its footpath and carriageway width with as observed during inspection of the site obstruction of both the footpath and carriageway arising from *ad hoc* on-street car parking. Notwithstanding, I observed that double yellow lines run on both sides of the main access road of Churchtown Avenue. This means that you cannot park there at any time. With this restriction applying to all hours of the day, including Sundays and Bank Holidays. This situation will remain unchanged if permission is granted and any parking that arises on the double yellow lines is an offence that falls with the Gardai to enforce as they see fit.

7.5.3. In addition, the majority of properties that front onto the modest in length 1920s laid out cul-de-sac road contain front garden areas that have been converted into off-street car parking spaces.

7.5.4. Further, the bungalow opposite also contains off-street car parking provision.

7.5.5. Overall, this modest cul-de-sac is one where the prevailing pattern of driving and vehicle manoeuvres occurs with due cognisance to its constraints and limitations.

7.5.6. In this context I am not of the view that the traffic generated outside of the construction phase of the proposed development would subject to the safeguards recommended by the Planning Authority's Transportation Department being imposed as part of a grant permission would lead to the creation of a traffic hazard or obstruction of road

users over and above the existing situation given that it would result in one additional dwelling with the required Development Plan standard off-street car parking provisions being proposed.

7.5.7. In addition, the site is located in close proximity to public rail and bus transport. I therefore recommend to the Board that the Planning Authority's Transportation Department requirements be attached to any grant of permission.

7.5.8. On the basis of the above I am satisfied having regard to the information before me and having visited the site that the proposed development, if permitted, would not result in the creation of a traffic hazard or obstruction of road users.

7.6. Other Matters Arising

7.6.1. **Construction Nuisance:** With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site is within an established residential area and that any construction traffic routed through same could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition including a Demolition and Construction Management Plan through to restriction on hours of demolition and construction activities.

7.6.2. **Procedural:** The Third-Party Appellants raise concerns in relation to the Planning Authority's handling of this planning application. On this matter I note that the Board does not have an ombudsman role and such matters are outside the remit of this planning appeal.

7.6.3. **Undesirable Precedent:** I note the Third-Party concerns raised in terms of setting of precedent and highlight that each application is assessed on its own merits.

7.6.4. **Drainage and Services:** I have no information before me to believe that the existing public water supply and mains drainage system does not have capacity to deal with the scale of development sought under this application. The OPW www.floodmaps.ie show no record of the site flooding in the past and there are no rivers in the vicinity of the site with the site located within Flood Zone C. Development is therefore considered 'appropriate', and a Justification test is not required. In addition, I have no information

before me to believe that the proposal would be prejudicial to public health. I therefore concur with the Planning Authority on the basis of the information before me that the proposed development gives rise to no substantive drainage, services and/or flooding concerns.

7.6.5. **Removal of Built Fabric:** Concerns are raised that this proposal would result in the loss of period boundaries which in turn would impact on the visual amenities of Churchtown Avenue's streetscape scene. These man-made features are afforded no specific protection under the Development Plan and the boundary wall in itself I consider to be of no particular merit that would warrant their protection.

7.6.6. **Maintenance:** Concerns are raised that due to the proximity of the proposed dwelling with its site boundaries that difficulty could arise in future for maintenance of elevations where access is limited and may therefore require access onto land outside of their legal interest. I note that the grant of permission included advisory notes, with one reiterating Section 34(13) of the Planning and Development Act, 2000, as amended, and the other dealing with the matter of encroachment and/or oversailing.

It is my opinion that these concerns are civil matters for resolution between the parties concerned and in this respect I acknowledge 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.

Should the Board be minded to grant permission it may wish to attach similar advisory notes as a precaution.

8.0 **Appropriate Assessment Screening**

8.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

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

10.0 Reasons and Considerations

10.1. Having regard to the pattern of development in the area and its residential zoning under the Dun Laoghaire Rathdown County Development Plan, 2022-2028, it is considered that, subject to compliance with conditions below, the proposed house would not seriously injure the character of the area or the amenities of property in the vicinity, would provide an adequate standard of residential amenity to future occupiers 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 12th day of September, 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 entire 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: To prevent unauthorised development.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.

5. The construction of the development shall be managed in accordance with a Demolition and Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, dust management measures, protection of the trees during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste through to management of traffic arising from construction works, deliveries and removal of waste.

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

6. All necessary measures shall be taken by the Applicants and Contractors to avoid conflict between construction traffic/activities and all other road users, particularly pedestrians and other vulnerable road users on Churchtown Avenue and on Churchtown Road Lower during construction works.

Reason: In the interests of public safety.

7. The Applicants and Contractor shall prevent any mud, dirt, debris or building material being carried out onto or placed on the public road or adjoining properties

as a result of the site works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of public safety.

8. Only a 4.8m long section of kerb, in front of the proposed 2 no. undercroft car parking spaces, shall be dished to try and ensure that vehicles exit centrally from the undercroft car parking spaces.

Reason: In the interest of public safety and residential amenities.

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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought

to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Patricia-Marie Young
Planning Inspector

7th day of September, 2023.