



An
Bord
Pleanála

Inspector's Report ABP-315141-22

Development

RETENTION permission is sought for a single-story porch extension to the front and side, single and two storey extensions to the rear and all associated site works.

Location

No. 24 Grace Park Heights,
Drumcondra, Dublin 9.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB1536/22.

Applicant(s)

Maria Kirby.

Type of Application

Retention Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant(s)	John & Kathleen Tansey and Peter Fox.
Observer(s)	None.
Date of Site Inspection	2 nd day of February, 2023.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 245.5m² is located at No. 24 Grace Park Heights, circa 107m to the south east of Grace Park Heights intersection with Grace Park Road, in the suburb of Drumcondra, and just under 4km to the north east of Dublin's city centre as the bird would fly.
- 1.2. The site contains an end-of-terrace mainly two storey dwelling that has been subject to recent alterations and extensions that at time of inspection were nearing completion. These works consisting of alterations and additions to the main dwelling including the construction of a single storey porch extension as well as part single and part two storey extension to the side and rear.
- 1.3. Running along the western boundary of the site is a pedestrian access that provides pedestrian/cyclist connectivity between the public domain of Grace Park Heights to the cul-de-sac end of Calderwood Road which terminates alongside the north western corner of the site.
- 1.4. The front elevation is setback from the public domain of Grace Park Heights and accommodates a driveway which is used for off-street car parking. It also accommodates an area of soft landscaping.
- 1.5. The subject site forms part of a mature residential area within the north city suburban area of Drumcondra.

2.0 Proposed Development

- 2.1. RETENTION permission is sought for the following:
 - Construction of a single-story porch extension to the front and side.
 - Construction of a single and two storey extensions to the rear, internal alterations, velux windows to the front and rear.
 - All associated site works.
- 2.2. According to the planning application form the total floor area to be retained and new development on site is 141m² and the floor area of the extensions are given as 37.7m². In addition, it indicates a plot ratio of 1.74 and site coverage of 33%.

2.3. On the 26th day of September, 2022, the applicant submitted a revised set of drawings accurately depicting the development sought and clarifying that the remaining private open space is 57m². It also clarifies no amenity space above ground floor level.

3.0 **Planning Authority Decision**

3.1. On the 21st day of October, 2022, the Planning Authority granted **RETENTION** permission for the proposed development subject to 8 conditions. Including:

Condition No. 2: Section 48 contributions.

Condition No. 3: Restricts the use of the flat roof.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **final Planning Officer's report** dated the 17th day of October, 2022, is the basis of the Planning Authority's decision. It includes the following comments:

- The further information response is satisfactory.
- No undue residential and/or visual amenity impacts would arise.
- The remaining quantum of private open space is acceptable.
- No Appropriate Assessment issues arise.
- Recommends a grant of retention permission.

3.2.2. The **initial Planning Officer's report** dated the 28th day of July, 2022, considered the principle of the development to be acceptable and it concurred with the Third-Party submissions that the drawings submitted did not accurately set out the development sought. This report concludes with a recommendation for further information seeking that this concern be addressed.

3.2.3. **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. During the course of the Planning Authority's determination of the subject application 3 No. Third-Party Observations were received. The key issues raised in these submissions were visual amenity impact; residential amenity impact; inaccurate drawings; and the potential for the flat roof to be used as a balcony/terrace.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. EO984/21:** Enforcement relating to unauthorised works being carried out on site.

4.2. Setting – Recent & Relevant

- **ABP-309674-21 (P.A. Ref. No. 3967/20):** On appeal to the Board permission was **granted** subject to conditions for a development that included the construction of a two storey extension at the front of the house, a bay window and two windows to the front façade and incorporation of the garage structure into the layout of the dwelling as an extension to the kitchen at 38, Grace Park Heights, Dublin 9 (Note: c37m to the south east of the appeal site and also located on the southern side of Grace Park Heights).

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14th day of December, 2022, under which the site is zoned 'Z1 – *Sustainable Residential Neighbourhoods*'. Section 14.7.1 of the Development Plan in relation to 'Z1' zoned land states that the land use objective is: "*to protect, provide and improve residential amenities*".
- 5.1.2. Chapter 15 of the Development Plan sets out Development Standards.
- 5.1.3. Appendix 18 of the Development Plan is relevant as it sets out for guidance for the development sought.

5.2. Natural Heritage Designations

5.2.1. None within the zone of influence.

5.2.2. The nearest Nature 2000 site, South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) is located c2.2km to the south east of the site at its nearest point.

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 grounds of this Third-Party Appeal can be summarised as follows:

- The design, scale, height and built form of the proposal would be visually incongruous when viewed from their property (Note: No. 26 Grace Park Heights).
- This development has resulted in a loss of light which in turn has negatively impacted the residential amenities of their property.
- This development represents overdevelopment of the site.
- This development is contrary to the zoning objective for the site and its setting.
- If permitted, it would give rise to an undesirable precedent.
- This development was carried out without the benefit of planning permission.
- No drawings have been provided of the site prior to the recent works.
- Concerns that the flat roof would be used as a terrace.
- The further information details are inaccurate and do not address or clarify the eastern elevation or treatment of the extension against the boundary of their property.

- The extension has not been built without a setback from their boundary.
- There is no precedent for a dwelling of this size on Grace Park Heights.
- The decision of the Planning Authority does not address the real impacts of this development on its setting.
- The works carried out could have the potential to undermine the boundary wall between their property and No. 24 Grace Park Heights.
- This development gives rise to an oppressive sense of enclosure when viewed from their property.
- The applicant has included private open space that is unusable in their calculations. The actual private open space is 45m² and not the 57m² indicated.
- The Board is requested to refuse permission for the development sought.

6.2. Applicants' response

6.2.1. None.

6.3. Planning Authority Response

6.3.1. The Planning Authority response can be summarised as follows:

- Board is requested to uphold their decision.
- A Section 48 condition is required for the development sought.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Introduction

7.1.1. I have read the appeal file, all associated reports and plans and conducted an inspection of the appeal site and its setting. The subject planning application is for permission for retention of a development described as consisting of the construction of a single storey porch extension to the front and side; as single and two storey

extensions to the rear; internal alterations including the installation of velux windows to the front and rear; together with all associated site works at No. 24 Grace Park Heights, in the Dublin city suburb of Drumcondra. At the time of inspection, the construction works associated with this application to the host dwelling were substantially complete with ground works remaining to the side and rear of the host dwelling.

- 7.1.2. For clarity, I note 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.
- 7.1.3. Further, the current Development Plan indicates that developments should be assessed in terms of its contribution towards the achievement of the applicable zoning objective, the vision for the zoning objective and its compliance as well as consistency with the policies and objectives it contains.
- 7.1.4. In this regard the site and its setting forms part of a larger parcel of urban land subject to the 'Z1' zoning objective under the Dublin City Development Plan, 2022-2018. The stated objective is: "*to protect, provide and improve residential amenities*" and the general principle of residential development are deemed to be acceptable under the said plan subject to safeguards.
- 7.1.5. The site is not subject to any specific protection, nor does it form part of a conservation area. Notwithstanding, it does form part of a streetscape scene that is planned and highly uniform in terms of the residential buildings it contains, its overall design, layout and building to space relationship. I therefore note that Volume 2 Section 1.1 of the Development in relation to alterations and extensions to existing dwellings includes under its general design principles that this type of development: "*make a positive contribution to the streetscape*" in terms of front extensions. But it also indicates that they have no adverse impact on the character of the area or the visual/residential amenities of directly adjoining dwellings.
- 7.1.6. Based on the above, I concur with the Planning Authority in this case that the general principle of the residential development sought under this application is acceptable,

subject to safeguards. In addition, I also consider that the development would not give rise to any significant change in demands in terms of its water and waste drainage demands on the public infrastructure services. The latter is based on the additional demands of this modest in terms of scale development through to the available capacity of this existing infrastructure. Moreover, there is no increase in dwelling units or bedspaces that would require additional car parking provision on site.

- 7.1.7. I therefore consider that the key issues for assessment in this appeal case are residential and visual amenity impacts. The matter of 'Appropriate Assessment' also requires examination. My assessment of these matters below is based upon the development as revised by the applicant's further information response received by the Planning Authority on the 26th day of September, 2022, on the basis that this documentation presents a more accurate representation of the development for which permission is sought.
- 7.1.8. Further in relation to the concerns raised in relation to the accuracy of the further information whilst it is a concern that the eastern elevation of the rear extension is not shown in the suite of drawings submitted with the applicant's further information I consider that this is a matter that could be clarified by way of condition. With such a condition also requiring the agreement of its external finish as part of protecting the visual and residential amenities of its setting, including the appellants adjoining property.
- 7.1.9. Further, if permission is granted for the development sought under this application it is standard practice to include a condition requiring the development to be carried out as per the drawings and documentation lodged with the application. Any deviation from the development as permitted, except as may be required to comply with any particular requirements of accompanying conditions is an enforcement matter for the Planning Authority to deal with as they see fit.
- 7.1.10. Moreover, any development that has occurred outside of which the applicant has legal interest or in the absence of consent, for example in the case of works on a shared boundary and/or works that oversail or encroach onto property which the applicant has no consent for is a civil matter. As such civil matters require resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which 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. I also note that the Development Management Guidelines under Section 5.13 state: *“the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the courts”*. As a precaution should the Board be minded to grant permission I recommend that they include an advisory note reiterating Section 34(13) of the PDA, 2000, as amended.

7.1.11. Overall, the documentation accompanying this application and as revised together with the photographs taken during my inspection of the site are in my view sufficient for the Board to make a determination on this appeal case. With this determination aided by publicly available aerial and street view images of the site prior to any works subject of this application having been commenced. Any outstanding unauthorised works undertaken on site is an enforcement matter for Dublin City Council who has jurisdiction on such matters.

7.2. Residential Amenity Impact

7.2.1. The appellant raises concerns that the development sought under this application, if permitted, would give rise to continued serious injury of their residential amenity by way of overlooking, overshadowing and visual overbearance. They also raise concerns that the development could potentially give rise to adverse structural impacts on their property.

7.2.2. In relation to the development sought under this application, a development which consists of a porch extension to the front and side, single and two storey extensions to the rear and all associated site works, I consider that the main potential for adverse impact on the residential amenity of adjoining properties, in particular the appellants adjoining property, No. 26 Grace Park Height, arises from the rear part two storey extension.

7.2.3. The other components of the development due to the host dwellings position at the end of terrace adjoining a pedestrian footpath, the lateral separation distance between the host dwelling and other properties, the orientation of the site through to the overall design and layout is such that the single storey additions do not give rise to any undue overlooking, overshadowing or are the type of insertion due to their built nature and

form that could be considered to be visually overly dominant in the context of its setting. A setting which includes a pattern of *ad hoc* single storey rear extensions.

- 7.2.4. In addition, the subject property forms part of a group of a once homogenous in design and built form two storey terrace dwellings that contains no examples of two storey additions projecting from the rear elevation as part of the original design intent or as resulting from later additions made to it. This end-of-terrace property is also more highly visible than most of the terrace group of dwellings it forms part of. This is due to the site being bounded by public domain on its western and southern side.
- 7.2.5. In addition, there is an originally matching terrace group to the west of the pedestrian pathway.
- 7.2.6. Similarly, to the terrace group the subject dwelling forms part of it contains no examples of two storey rear additions. Though like the terrace group No. 24 Grace Park Heights forms part of the once highly coherent terrace group has been diluted by various *ad hoc* additions and alterations over time. Both terraces have a general north south orientation with the adjoining residential development of Calderwood Road which is situated to the immediate south having a general east west orientation.
- 7.2.7. The pattern and juxtaposition of the Calderwood Road development which terminates to the rear of the aforementioned terraces results in the rear elevation of these terraces particularly the end terrace properties in proximity to the pedestrian pathway being highly visible.
- 7.2.8. Thus, any extension to the rear of No. 24 Grace Park Heights would be highly visible in their context.
- 7.2.9. In terms of the second floor extension, externally this flat roofed structure is 3.6m deep by 3.7m wide with a maximum height of 5.95m. Internally it is indicated to accommodate a bedroom space with a given 10.2m² floor area that appears to be served by a large glazed unit that appears to accommodate a door opening onto the flat roof of the extension and on the western side a tall restrictive in width glazed unit. The drawings show that its eastern elevation is positioned c100mm from what appears to be the shared boundary with the appellants property (No. 26 Grace Park Heights). The material finishes of this elevation do not match that of the main envelope and appear unfinished. In this regard I note that the ground, first floor level west and southern first floor elevation is finished with vertical dark coloured metal seam walls.

- 7.2.10. I note that the submitted documentation do not put forward any definitive clarity on what is proposed to address the unresolved eastern first floor level façade treatment.
- 7.2.11. In the absence of this clarity if left as it currently presents. This outcome would be visually incongruous and arguably visually overbearing in its setting. Including as observed from the public domain and from the adjoining as well as neighbouring properties in its vicinity. This matter should the Board be minded to grant permission should be dealt with by way of an appropriately worded condition.
- 7.2.12. In addition, the first-floor elevation sits over a 3.45m in height flat roofed 4.6m deep by 4.7m wide single storey rear projection. The southern elevation of the first-floor elevation contains substantive glazing. Of concern the glazing dimensions of the first-floor level south facing window of the extension, its associated opening mechanisms together with the limited difference in first floor level relative to the flat roof adjoining if used to provide access to the adjoining flat roof over the ground floor extension gives rise to the potential concern of the flat roof being used by occupants for open space amenity. If so used it would result in undue overlooking as well as other associated nuisances particularly to the adjoining property No. 26 Grace Park Heights.
- 7.2.13. Whilst I accept that the subject property is located in a context where there is an established level of overlooking, in my view, the level of overlooking that would arise would seriously diminish No. 26 Grace Park Heights established residential amenities and would also diminish properties in its immediate vicinity given the density, pattern and characteristics of residential development in this area. This concern is in my view with basis given that the ground floor level extensions have significantly reduced functional and useable private amenity space for occupants of No. 24 Grace Park Heights.
- 7.2.14. I also raise a concern that to permit a development that has the potential for an open space amenity above ground floor level would give rise to an undesirable precedent for open space amenity above ground floor level which is a type of development that is out of character with the pattern of development in this area.
- 7.2.15. I therefore consider any grant of permission should restrict access to the flat roof structure to maintenance purposes only and a condition should be included that provides clarity and/or as appropriate revisions to the opening mechanism of the first-floor level southern facing window so that it cannot be used as a doorway onto the flat

roof from bedroom 4 as labelled in the drawings. These requirements are in my view reasonable and appropriate to safeguard the residential amenity of properties in the vicinity of the development sought under this application.

7.2.16. In relation to overshadowing, while I consider that the first-floor level extension would give rise to some diminishment of daylight and sunlight penetration to adjoining properties, particularly No. 26 Grace Park Heights, notwithstanding given rear elevations southerly aspect; the nature, scale, height, depth and overall massing of the first floor level extension together with the juxtaposition of structures to one another in the site's context the impact is not out of context with residential developments in such a suburban context where dwellings require adaption to meet occupants needs for additional space.

7.2.17. In relation to the quantum of open space remaining, I am cognisant that Section 15.11.3 of the Development Plan on the matter of private open space states that: "*generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city*". It also indicates that the standards may be relaxed on a case by case subject to qualitative analysis. The documentation submitted by the applicant appears to suggest that 57 sq. m. of private open space would remain. This calculation appears to not be solely based on the area to the immediate rear of the ground floor extension sought under this application. Notwithstanding, No. 24 Grace Park Heights is setback c8.296m from the public domain of Grace Park Heights. It sits on an irregular shaped triangular plot which is at its widest where it is c11m in width and narrows down to its southerly boundary where it is just over c4m in width. The existing dwelling is setback over 8m from the public domain of Grace Park Heights. The semi-private/defensible space of the front garden area accommodates a driveway with the remainder in soft landscaping. The original dwelling when taken together with the side and rear elevations has staggered and variable setbacks from the western boundary. The side and rear of the site has a southerly aspect with the southern boundary adjoining the public domain of Calderwood Road with the development addressing this road having generous mainly soft landscaped setbacks from the public domain. These setbacks also contain limited natural and/or built features that would block daylight and sunlight penetration. Thus, this arrangement allows for qualitative daylight and sunlight penetration to the rear of the site.

- 7.2.18. In addition to this the site is within close walking distance of a number of functional passive communal open space areas. Including but not limited to those forming part of Grace Park Heights original design concept.
- 7.2.19. The site is also within close proximity to a number of recreational amenity spaces and provisions including Whitehall GAA and Ellenfield Park (Note: location of Dublin City Astro Pitch, Tennis Courts operated by Dublin City Council, Outdoor Exercise Equipment and Playground).
- 7.2.20. In this context I consider that the remaining quantum of private open space is acceptable subject to further development that has the potential to reduce available private open space being restricted.
- 7.2.21. The additionally glazing on the western and southern elevation of the extensions sought under this application above boundary level arguably results in improved passive surveillance of the public domain. In particular the restricted in width pedestrian/cyclist passageway running between No. 24 Grace Park Heights and No. 22 Grace Park Heights which connects Grace Park Heights to Calderwood Road.
- 7.2.22. Whilst the terrace group the subject dwelling forms part of does not have any precedent of first floor level additions to the rear within the wider area there is a pattern of first floor level extensions, based on the above, it is my considered opinion, that subject to the safeguards recommended above that the development sought under this application would not give rise to any undue residential amenity diminishment that would warrant a refusal of permission.

7.3. Visual Amenity Impact

- 7.3.1. In terms of visual amenity impact of the development on its setting, the Development Plan encourages contemporary design solutions for extensions to existing dwellings subject to them harmonising and being respectful for the host dwelling and their context. In this context I consider that the extent, scale, and mass of the proposed extension is appropriate to its urban location and context. The proposal provides a clear distinction between new and existing building layers in a manner that integrates with the existing dwelling and other properties in the vicinity.
- 7.3.2. Indeed, the design approach is not dissimilar to that permitted by the Board in appeal case ABP-309674-21 (P.A. Ref. No. 3967/20). With the development for which this appeal case relates including contemporary in style alterations to No. 38 Grace Park

Heights that, if implemented, would be visible as part of the terrace group the host dwelling forms part of, i.e., No. 38 is the end of terrace dwelling occupying the eastern end of the subject terrace group the host dwelling forms part of. Also, these contemporary interventions would also be legible in the streetscape scene of Grace Park Heights.

- 7.3.3. In addition, there is a varying design quality and approach in terms of alterations and additions to properties on either side of Grace Park Heights, and whilst 2-storey additions are not a common insertion they are a common insertion within the wider urbanscape scene of Grace Park Heights.
- 7.3.4. Under Section 1.1 of Volume 2, Appendix 18 of the Development Plan, it sets out that the design of residential extensions should have regard to the amenities. Including that they should integrate with the existing building through use of similar or contrasting materials. In relation to contemporary design approaches, it indicates that these should be context appropriate and that the design itself should not have an adverse impact on the existing dwelling through to it should positively contribute to the streetscape.
- 7.3.5. The host dwelling is not afforded any specific protection nor is its streetscape scene of Grace Park Heights and Calderwood Road. The two concerns with the design are the lack of resolution for the eastern first floor level elevation and the height and width of the south facing first floor level bedroom window serving bedroom labelled no. 4.
- 7.3.6. I have previously discussed the concerns arising from the eastern elevation treatment and lack thereof in terms of it being visually overbearing as well as incongruous in its setting.
- 7.3.7. I have also discussed concerns relating to the potential for the southern first floor level window serving bedroom labelled no. 4 for its potential to provide access for the recreational use of the adjoining flat roof area. Further to this while I accept the height and dimensions of this window harmonise with the overall contemporary design of the alterations and additions to No. 24 Grace Park Heights. Notwithstanding when viewed as part of the once highly uniform and consistent in appearance and built form the height dimension of this window is out of character with the rear elevation of the host terrace group and the neighbouring terrace group to the west. The latter also being highly visible from the public domain of Calderwood Road.

7.3.8. Should the Board be minded to grant permission it may wish to consider the reduction in this glazing units height. A reasonable reduction in height would in my view result in the first-floor level rear extension harmonising more successfully with No. 24 Grace Park Heights and the terrace group it forms part of. It would also further address the issues arising from the potential for its use to facilitate access onto the flat roof of the ground floor rear extension.

7.3.9. Based on the above, subject to safeguards, I consider that the development sought under this application would not result in significant and/or material impacts on the visual amenities or would it be unduly visually incongruous or dominant in its immediate visual context.

7.4. **Other Matters Arising**

7.4.1. **Drainage:**

There is inadequate clarity in terms of treatment and measures to deal with additional surface water runoff arising from the proposed development on site despite the resultant loss of deep soil. This is contrary to the provisions in the Development Plan that require all developments, including modest developments like that sought under this application to appropriately address this matter in accordance with best practice measures as part of overall the design. There are several given reasons for this approach including but not limited to urban greening, achieving high quality development outcomes that have regard to future proofing, biodiversity and safeguarding public infrastructure so that it can accommodate the compact growth of serviced residential areas. It therefore advocates that all developments have regard to Sustainable Urban Drainage Systems (SuDS) measures to deal with surface water runoff.

Based on the above considerations, I recommend that should the Board be minded to grant retention permission for the development sought under this application that a suitable condition should be imposed requiring all additional surface water runoff generated to be dealt with on site in accordance recommendations of the Greater Dublin Strategic Drainage Study for Sustainable Urban Drainage Systems (SuDS) and Section 12.4.8.3 of the Development Plan.

7.4.2. **Section 48:** Section 48 development contributions are applicable.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the c2.3km separation distance to the nearest European site, i.e., South Dublin & River Tolka Estuary SPA (Site Code: 004024) which lies to the south east, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. It is recommended that retention permission be **granted** subject to conditions for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the design and scale of the development sought, it is considered that subject to compliance with the conditions set out below, it would not seriously injure the visual amenities of the area and it would not seriously injure the amenities of adjoining property. 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, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The development shall be amended as follows:

- (a) The cill level of the south facing first-floor level window serving Bedroom No. 4 shall be revised upwards to a height that harmonises with first floor level window of remaining first floor level rear window.
- (b) Details and timescale for completion of the first-floor level eastern elevation. The materials, finishes and treatment shall harmonise with the host dwelling, the rear first floor level south and west elevational treatment as well as the terrace group No. 24 Grace Park Heights forms part of.

Revised drawings including revised site plans showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within 3 months of this order.

Reason: In the interests of visual and residential amenity.

- 3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, no further structures shall be erected on site unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

- 4. The flat roof area over the rear single storey extension shall not be used as a terrace/balcony and shall only be accessed for maintenance purposes.

Reason: In the interest of residential amenity.

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

(b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Permeable paving shall be incorporated to the front of the proposed dwelling and the existing dwelling as part of the car parking on-site provision and the existing surface water

drainage for adjoining properties shall not be adversely affected by the development hereby permitted.

Reason: In the interest of public health and to ensure orderly disposal of surface water.

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 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.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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*'. Thus, any grant of permission for the subject proposal would not in itself confer any right over private property.

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

17th day of July, 2023.