



An
Bord
Pleanála

Inspector's Report

ABP-317181-23

Development	Demolition of garage, construction of house with all associated site works
Location	Rear of 77A-78 Rathgar Road, off Winton Avenue, Rathgar, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3788/22
Applicant(s)	Michael O'Brien
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Tanya Waters
Observer(s)	None
Date of Site Inspection	14 th August 2023
Inspector	Joe Bonner

1.0 Site Location and Description

- 1.1. The site has a stated area of 158 square metres and is currently occupied by a vacant car service garage with frontage onto Winton Lane, which is a narrow service lane extending northwards from Winton Avenue, that in turn connects Rathgar Road and Rathgar Avenue. The site is located to the rear of a terrace of six no. three storey terraced houses, five of which are protected structures and face onto Rathgar Road. It is also located directly opposite to the side gable of 1A Winton Avenue. A mews building located immediately adjoining to the north is used for recreational purposes by the owners of No. 77 Rathgar Road, while a two storey mews house is located on the corner of Winton Avenue and Winton Lane, separated from the site by the rear garden of No. 79 Rathgar Road. Two further modern mews houses are located at the end of the lane with onsite parking provided for one of the houses.
- 1.2. Due to its restricted width and length of c30m, the lane is not served by a footpath.

2.0 Proposed Development

- 2.1.1. The proposed development as applied for consists of the following:
 - Demolition of an existing garage and construction of 1 no. 3 bedroom, 2 storey mews style house, a parking garage with access off Winton Avenue to the rear of 77A-78 Rathgar Road, Rathgar, Dublin 6.
- 2.1.2. Following a request for further information changes included:
 - The front building line was moved forward c2.5m to align with the lane edge, with a setback open porch at ground floor level. The depth of the house increased from 10.12m to 12.3m and the rear building line has also been moved forward by 320mm.
 - The private open space in the rear garden was increased from 51.3sqm to 52.9sqm.
 - New side/gable walls are proposed to be built within the footprint of the site rather than on the existing historic boundary walls to the north and south.
 - The on-site garage/parking space has been eliminated and replaced by a bin and bike store.
 - A study has been added at first floor level in addition to three bedrooms.

- The front elevation has been changed from a gable front to a pitched roof.
- The brick to be used is similar to that used in recently constructed houses at the rear of 1A Winton Avenue and at the rear of No 79 Rathgar Road.

2.1.3. The original proposed floor area was 118sqm, revised to c142sqm.

2.1.4. The response to the request for further information was accompanied by the following documents:

- Design Statement
- Conservation Method Statement

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 28th of April 2023, Dublin City Council issued a decision to grant permission subject to the attachment of 12 No. conditions.

3.1.2. Relevant conditions include: -

- No. 9 – Requires a Construction Management Plan.
- No. 10 – An Appropriate Flood Risk Assessment to be carried out.
- No. 11 – Conservation expert required to be employed to oversee the development and to protect No. 78 Rathgar Road - a Protected Structure.
- No. 12 – Restrictions on exempted development in the form of extensions, garages, stores, offices or similar structures.

3.2. Planning Authority Reports

3.2.1. Planning Officer's First Report

3.2.2. The Planning Officer's First Report includes reference to a third party observation, is the basis for the request for further information and reflects the issues raised in the first reports of the Conservation Officer and the Transport Division including: -

- Development to respect established building line on the mews lane, provide details of material finishes and ensure historic boundary walls are retained. New side walls must be built inside of the historic boundary walls.
- The design is dated and not compliant with the Development Plan and should reflect the character of buildings on the mews lane in terms of height, scale, mass and roof treatment.
- If a car cannot access and manoeuvre on the lane, consider omitting parking.
- Provide bin space and bike parking.

3.2.3. Planning Officer's Second Report

- The Planning Officer's second report is the basis for the decision of the planning authority to grant permission. It reflects the comments made in the second reports of the Conservation Officer and the Transport Division.
- It notes that a Design Statement had been submitted that states Winton Lane has no defined character, and that the brick to be used is similar to that used on a mews house at the end of the lane and a recently constructed extension to the rear of 79 Rathgar Road.
- Third party observations about potential overlooking and the building height were noted but not deemed to significantly detract from the lane with sufficient separation provided between opposing windows.
- A Conservation Method Statement was submitted indicating the historic walls are neglected but would be retained. High quality material would be used, and the rear building line would be set back from the notional rear building line set by mews houses at the rear of 76 and 80 Rathgar Road.
- While a 7.5m deep rear garden will not be achieved, 10sqm of private open space will be provide per bedspace.

3.2.4. Other Technical Reports

- **Drainage Planning Division** – No objection subject to conditions.
- **Conservation Officer** – The first report sought further information, while in their second report regarding the revised proposal, they requested by condition that revised plans be submitted reducing the height of the roof, as they considered that

the proposed structure adversely impacts the special character and setting of the protected structure in introducing a development that is out of scale with the established character of this rear site (They do not specify which structure they are referring too). The Planning Officer did not agree that the height of the proposed building was excessive and considered that it would be difficult to amend the roof.

- **Transportation Planning Division** – The first report sought further information, while in their second report regarding the revised proposal, they had no objection subject to conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

3.4.1. Initial application

One third party observation was received on 24th May 2022 in respect of the initial application from the appellant Tanya Waters. A number of the observations were addressed in the revised proposal, while other concerns regarding height and overlooking are restated in the grounds of appeal.

3.4.2. Revised application following further information

Two third party observations were received in respect of the revised proposal and can be summarised as follows: -

Tanya Waters, 77A Rathgar Road (the appellant)

- The concerns addressed in the appellant's second observation are consistent with the grounds of appeal (see section 6.1 below), and address privacy, overlooking and land ownership.

Martin Ryan, 77 Rathgar Road

- The height at 8.35m is too high for the lane and will dwarf and overshadow the mews at the rear of No 77 Rathgar Road.
- The existing garage already blocks light into the studio and garden at No 77 and this will deteriorate as a result of the proposed development.

- The second floor side windows will overlook No 77.
- A smaller house would be more appropriate.

4.0 Planning History

4.1.1. Appeal Site

- **P.A Ref. 2690/18** – Permission refused by DCC on the 31st of May 2018 to ‘Raise the flat roof of an existing open fronted motor repair workshop from height of 2.870 meters to 4.330 meters. The proposal includes extending the depth of the building/roof by 305mm’ The refusal reason stated:

The proposed development by reasons of its overall height and increased workshop space would set an undesirable precedent for intensification of a non-conforming use which is contrary to the zoning objective Z2 which seeks to protect and/or improve the amenities of residential conservation area. The proposed works would be visually obtrusive and would materially and negatively impact the visual amenity of the area and would seriously injure the amenities of the adjoining residential area. The proposed development would therefore contravene the objectives of the Development Plan and be contrary to the proper planning and sustainable development of the area.

- **P.A. Ref. 5920/04** – Permission granted by DCC on 18th of March 2005 to the same applicant, for the same house that was subject to this initial application, before being amended following the request for further information.

Other Mews sites on the Lane

There are three modern mews houses located on Winton Lane and one other mews building that is used for recreational purposes.

- **P.A. Ref. 2083/14** – Permission granted in 2014 for a change of use from artist’s studio to games and recreational room for the immediately abutting building the north, which is at the rear of No 77 Rathgar Road. There are three rooflights on the roofslope facing the site of the current appeal.

- **P.A. Ref. 6362/05** and amended by **P.A. Ref 3705/07** for a 3 bedroom mews at the end of the lane. The house is at the rear of No 76 Rathgar Road, has a flat roof and a parapet height of 6.715m.
- **P.A. Ref. 4284/19** – Permission granted for a 2 bedroom dwelling with a part single storey, part two storey flat roof at the rear of 1A Winton Mews, also at the end of the lane. The house has on-site parking accessed via Winton Lane.
- **P.A. Ref. 3750/00 (ABP Ref. PL29S.125238)** – Permission granted in 2001 for a two storey mews at the rear of No. 80 Rathgar Road, on the corner of Winton Avenue and Winton Lane. On appeal, the Board removed a condition that required a set back of the north-western boundary of the site by two metres to facilitate the creation of a five metre wide laneway. The ridge height is stated to be 0.23m higher than the proposed development subject to the appeal.
- **P.A. Ref. 3913/04** – Permission granted by DCC in September 2004 for a two storey, three bedroom mews together with demolition of existing garage to the rear of No. 79 Rathgar Road, a protected structure. This building was never built and would have occupied the space immediately south of the current appeal site, where a timber gated access is provided to the rear of the No 79, which has recently been extended.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The relevant Development Plan is the Dublin City Development Plan 2022-2028, which came into effect on 14th December 2022.
- 5.1.2. The site is zoned 'Z2' Residential Neighbourhoods (Conservation Areas) with a stated objective '*to protect and / or improve the amenities of residential conservation areas*'. The principal land-use encouraged in residential conservation areas is housing. Five of the six houses on Rathgar Road, which the site backs onto, are protected structures. No 77A Rathgar Road, the home of the appellant, is an infill house and not a protected structure.

- 5.1.3. Section 15.15.2.2 'Conservation Areas' provides that all planning applications for development in Conservation Areas shall:
- Respect the existing setting and character of the surrounding area.
 - Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
 - Protect the amenities of the surrounding properties and spaces.
 - Provide for an assessment of the visual impact of the development in the surrounding context.
 - Ensure materials and finishes are in keeping with the existing built environment.
 - Positively contribute to the existing streetscape.
- 5.1.4. Policy BHA9 applies to development in Z2 'Conservation Areas' and provides that development within a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- 5.1.5. Section 15.13.4 addressed 'Backland Housing' that includes mews houses.
- 5.1.6. Section 15.13.5 'Mews Developments' addresses Design and Layout, Height, Scale and Massing, Roofs and Access. Section 15.13.5.3 'Roofs' states that 'The roof profile for mews buildings should be simple and in keeping with the character of the area. The following roofs are suitable: flat green or low-pitch metal roofs and double pitched slate roofs similar to the surviving mews building. All pitched roofs should run parallel with the mews lane with no ridge lines running perpendicular to the lane'.
- 5.1.7. It is the Policy of Dublin City Council under 5.5.2 Regeneration, Compact Growth and Densification: -

QHSN5 Urban Consolidation: To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

5.2. Natural Heritage Designations

5.2.1. None Relevant.

5.3. EIA Screening

5.3.1. Having regard to the existing development on site, the limited nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was lodged by Tanya Waters with an address at 77A Rathgar Road that shares a boundary with the rear boundary of the application site. The issues raised in the appeal can be summarised as:

- Section 14.8.2 of the 2016 Dublin City Development Plan requires that special care must be taken in the design and layout of development in order to protect both protected and non-protected structures.
- The proposed mews appears overbearing and excessive in height and is 2.5m taller than the adjacent mews and 0.62m higher than the tallest mews building, located at the start of the lane and to the rear of 80 Rathgar Road.
- The Conservation Officer recommendation that the height be revised to be more respectful of and sensitive to the established scale and roof ridgeline along the mews. However, this recommendation was not accepted by the Planning Officer and was not included as a condition of the planning decision.
- The rear building line projects significantly further than the mews at No 77 Rathgar Road.

- The rear garden depth is 6m rather than the required 7.5m.
- The first floor windows at the rear will overlook the appellants garden as well as their ground and first floor windows. To keep overlooking to a minimum, it is requested that a condition is attached requiring both first floor windows have opaque glazing or film on the bottom half of each window.
- The height and proximity of the building will significantly affect privacy and light, particularly in the evenings.
- It will be damaging to the resident in the adjacent mews at the rear of No 77 Rathgar Road as they will be completely overshadowed.
- A question has been raised in respect of the extent of the applicant's landownership.

6.2. Applicant Response

6.2.1. A response to the appeal was received from the applicant's agent on 20th June 2023. They responded under the following headings:

- Planning History – The planning application was assessed by DCC under the 2016-2022 City Development Plan, which has been replaced by the 2022-2028, with reference to ridge heights being different in the new plan.
- Zoning – The applicant refutes the claim that the proposed development is not consistent with the Z2 zoning, whereas the current use as a motor repair workshop is a non-conforming use.
- Conservation Report – The applicant is satisfied that they dealt with the issues raised in the Conservation Officer's request for further information and height only became an issue in their second report, following the submission of the response to the request for further information. They provide examples of the houses fronting onto Rathgar Road which are higher than the proposed house, while Carlingford Mews at the start of the lane has a slightly higher ridge level than the proposed house by 0.23m. They agree with the Planning Officer that it is not necessary to amend the roof profile.

- Height – The house has modest floor to ceiling heights and the sloping roof will facilitate the water tank, mechanical heat recovery unit, solar PV convertor and additional storage space. The ridge is only 42cm higher than the previously permitted ridge from 2004 and this is accounted for by the change in orientation of the ridge, which is a requirement of section 15.13.5.3 of the Development Plan.
- The ridge is now 6m from the rear façade and the rear eaves are 0.5m lower than the previous ridge height that was adjacent to the appellant’s house.
- Building Line – The rear building line is in line with the previously permitted rear building line from P.A. Ref. 5920/04. The mews at the rear of No 77 is not a residence but could be redeveloped in the future for residential purposes.
- Overlooking – The site is inner suburban where densification is encouraged and the separation distance between opposing first floor windows at the proposed house and the appellants house is 24m, and is at an oblique angle, which is greater than the required 22m. The distance to the opposing windows at No 78 Rathgar Road is 25.5m.
- Legal – The applicant contests the appellants claim to ownership of the site and provides evidence in support of their response.

6.3. Planning Authority Response

- The Planning Authority requested that the Board uphold the decision to grant permission and that a condition be added requiring the payment of a Section 48 Development Contribution.

6.4. Observations

- None

6.5. Further Responses

None

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including the response to further information and information received in relation to the appeal, having inspected the site, and having regard to the relevant local planning policies, I am satisfied that the main issues in this appeal are those raised in the grounds of appeal. These issues can be dealt with under the following headings:

- Policy
- Overlooking
- Height
- Overshadowing
- Building Line
- Garden Depth / Open Space
- Legal issues
- Appropriate Assessment

7.1.2. In the interests of clarity for the Board, I confirm that this assessment is based on the amended design, and associated plans and particulars submitted in response to the request for further information, as the revised design is the subject of both the decision to grant permission and the appeal.

7.2. Policy

7.2.1. It is noted that the Planning application was assessed under the policy provisions of the Dublin City Development Plan 2016-2022. This assessment is based on the provisions of the Dublin City Development Plan 2022-2028, which came into effect on 14th December 2022.

7.2.2. The proposed development is located in an area zoned 'Z2' (Conservation Area). The principle of residential development is therefore acceptable, subject to the detailed considerations below.

7.2.3. The mews lane is not a typical historic mews lane with surviving coach houses that have been adapted for modern living. All three residential buildings are modern, having been permitted in 2001, 2005 and 2019, while the fourth building was an artist studio that was converted to an ancillary recreational and games use in 2014 associated with the adjacent house at No. 77 Rathgar Road.

7.3. Overlooking

7.3.1. Overlooking of both the rear garden area and first floor windows are raised as key concerns for the appellant. The proposed house would have two first floor bedroom windows located at a distance of 24 metres from the opposing first floor windows of the appellants home at No 77A Rathgar Road, to the north of the site.

7.3.2. Section 15.11.4 of the Development Plan refers to Separation Distances (Houses) and states that there should be adequate separation between opposing first floor windows at the rear of dwellings and that traditionally, a separation of about 22 m was sought between the rear first floor windows of 2-storey dwellings, but that this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers.

7.3.3. Section 7.4 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), referring to Privacy and Security states that at the rear of dwellings, there should be adequate separation (traditionally about 22 m between 2-storey dwellings) between opposing first floor windows.

7.3.4. Taking into account the separation distance between the rear of the appellant's home and the first floor windows on the proposed development, I am satisfied that there is adequate separation between opposing first floor windows and that the internal amenities of the appellant's home would not be affected by the proposed development.

7.3.5. The appellant's concerns about overlooking of the private open space at the rear of their home are based on the depth of the proposed rear garden being 6m rather than 7.5m. The rear building line was moved 320mm further from the shared boundary as a result of the revised design but is still short of the recommended depth of 7.5m.

7.3.6. It is noted from the appellants observations and appeal that they have erected a shed structure immediately inside of their rear boundary, that has a depth of approximately 4m, meaning that the rear of the proposed house is at least 10m from the front of the shed and the active recreational space in the appellant's rear garden and while the shed could be removed at some time in the future, the remaining private open space within the appellants rear garden is already overlooked from the first and second floor levels at the rear of existing houses on the terrace of houses facing Rathgar Road and from the rear of the mews buildings on Winton Lane. I am satisfied that, in terms of impacts on residential amenity, that any impacts from the proposed development would not be so great as to warrant a refusal of permission or to require the provision of opaque glazing on the first floor bedroom windows of the proposed house.

7.4. Height

- 7.4.1. There are two elements to be considered regarding height; one being the height to eaves level and the other being the ridge height of the proposed dwelling.
- 7.4.2. I am satisfied that the eaves level of the proposed house is consistent with the eaves on the three other residential properties located on Winton Lane and are also similar to the eaves levels of the six houses located on Winton Mews on the southern side of Winton Avenue. The eaves are therefore consistent with the established character of mews houses in the immediate vicinity.
- 7.4.3. With respect to ridge height, the six houses at Winton Mews the southern side of Winton Avenue all have similar but slightly different roof profiles and have ridges of c8.3m that all run parallel to the mews lane. The proposed ridge height would be similar to the ridge heights of those six houses and would also be similar to the ridge height of Carlingford Mews located at the start of the lane, although the ridge of that house is parallel to Winton Avenue rather than Winton Mews while and the floor level is slightly higher, giving it a total height of c7.98m compared to 8.37m in the proposed house.
- 7.4.4. It is observed that the two mews houses at the end of the lane, to the north of the site have flat roofs and parapets that reduce the visual impact of the houses. However, the prevailing pattern of roof profile on Winton Mews is a standard pitched roof with a ridge running parallel to the dominant road. From a visual impact

perspective, houses on the southern side of Winton Mews have relatively uniform and standard pitched roofs and while a single pitched roof is higher than the double pitched roofs on the older houses in the vicinity, I am satisfied that these roofs do not negatively affect the character of the conservation area, or the character of the protected structures located on Rathgar Road, which they back onto.

- 7.4.5. While in isolation, the proposed roof profile would make the proposed house significantly higher than the immediately adjacent recreational structure to the north at the rear of No 77A Rathgar Road, the overall height of the building would be 8.37m which is consistent with the majority of the mews houses in the immediate area and as mews development are being developed incrementally in this area, there is scope to provide for the future development of similar scaled residential buildings in both the back gardens of No. 77, where the existing non-residential structure is located and No. 79, the latter of which had previously been granted permission for a mews development which was not constructed.
- 7.4.6. I am satisfied that the height of the proposed building including the ridge height is acceptable at this location and the replacement of the roof with a lower profile roof is not warranted.

7.5. Overshadowing

- 7.5.1. The appellants claims that the residents of the Mews at No 77 Rathgar Road will be completely overshadowed by the proposed development. However, no evidence was submitted in support of the appellant's claim, while it is noted that the building which they are referring to is not a residence, but a games and recreational room. I am satisfied that taking into account the height of existing buildings, including on the site subject to the appeal and vegetation in the form of trees in the vicinity of the site and to the use of the adjacent building, that the amenities of the recreational and games building at the rear of No 77 Rathgar Road will not be significantly impacted by the proposed development.

7.6. Building Line

The building line has been brought out to the front of the lane as required by the planning authority while the redesign of the house resulted in the rear building line being moved 320mm further from the appellant's home than was originally proposed.

I am satisfied that both the front and rear building lines are acceptable, while at the sides, the building has reduced in width so that it would be located entirely inside of the historic side boundary walls, rather than building on top of the historic walls.

7.7. Garden Depth / Open Space

- 7.7.1. The garden depth is stated to be 6m on the revised site layout plan and as the boundary runs at an angle this refers to the minimum depth of the garden. The rear building line has also been moved 320mm from the original proposal. The appellant refers to a requirement for back gardens to be 7.5m deep, but Section 15.13.4 referring to Backland Housing that includes mews houses, states that applications for backland housing should consider a minimum rear garden depth of 7 metres, but continues by stating that a relaxation in rear garden length, may be acceptable, once sufficient open space is provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.
- 7.7.2. In addition, the appellant has constructed a shed measuring c4m depth immediately adjacent to the shared boundary, thereby increasing the distance between the proposed development and their private amenity area.
- 7.7.3. Section 15.11.3 of the Development Plan provides that private open space for houses is usually provided by way of private gardens to the rear of the house and a minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. The house has two double and one single room and a requirement for 50sqm of private open space. 52.9sqm of open space is proposed.
- 7.7.4. I am satisfied that a sufficient quantity of open space is provided and that the proposed garden depth would not impact negatively on adjoining residential amenity.

7.8. Legal Issues

- 7.8.1. The appellant has raised a potential issue with the ownership of the site. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of this planning appeal. In any case, this is a matter to be

resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.9. Appropriate Assessment

- 7.9.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed mews development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development 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 for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received on the 14 th March 2023, 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
----	--

	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
3.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interest of visual and residential amenity.</p>
4.	<p>Drainage arrangements, including the termination and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures, traffic management and off-site disposal of construction/demolition waste.</p>

	Reason: In the interest of public safety and residential amenity
7.	<p>A Conservation Method Statement including a detailed programme of conservation works to be carried out, shall be prepared by a conservation expert who will supervise the works, and shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In order to ensure the protection of the historic boundary walls and that the proposed works are carried out in accordance with best conservation practices.</p>
8.	<p>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.</p> <p>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.</p>

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.

Joe Bonner
Senior Planning Inspector

5th September 2023