



An  
Bord  
Pleanála

## Inspector's Report ABP-317631-23

<b>Development</b>	Demolition of former two-storey steelworks factory and construction of 3 three-storey houses and all associated site development works		
<b>Location</b>	Former steelworks factory, Manor Avenue, Terenure, Dublin 6W		
<b>Planning Authority</b>	South Dublin County Council		
<b>Register Ref. No.</b>	SD22A/0373		
<b>Applicant</b>	Patricia Carmody		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant permission.
<b>Type of Appeal</b>	Third Party	<b>Appellant</b>	Colette Cregg
<b>Observers</b>	Ciaran & Pauline Ryan Jonathan McGlinn James and Ena Butler Anne Marie Dodd		
<b>Date of Site Inspection</b>	30 <sup>th</sup> July 2024	<b>Inspector</b>	Michael Walsh

## Context

### 1. Site Location/ and Description.

The site of the proposed development is located in a predominantly residential area. This area has a spacious layout and the housing appears to date generally from the second half of the twentieth century. Density is on the low side and the prevailing pattern is of two-storey semi-detached houses, most having substantial gardens.

Manor Avenue is a lane giving access to an irregularly shaped area of land on which are located five houses and a former industrial premises. This area of land is essentially land-locked and within a block defined by Wainsfort Road, Wainsfort Park, Wainsfort Grove and College Drive, all of these roads being fronted by lines of houses.

Manor Avenue branches off Wainsfort Grove at a point where the road alignment provides good sight distance for exiting traffic. The initial portion of it is quite narrow but widens out such that two cars can pass with relative ease. Along this portion of Manor Avenue there are two houses under construction, on sites formed from portions of the back gardens of houses on College Drive.

At a point about 700 metres in from the entry the road widens out. Just beyond this point there is a fork in the road. The right-hand or northernmost branch continues on a straight course and gives access to houses nos. 2,3 and 4; no.1 has direct access from Manor Avenue. This branch is narrow and gated at its access

The left-hand or southernmost branch continues on a curved course where it gives access to house no. 1A and the steelworks site. For the most part this branch is wide enough to allow two cars to pass but the initial curve is blind. There is a gate at the easternmost part of the site boundary and also into the main part of the site, the latter having a width of some 4.1 metres. I infer that the gates on this lane system are left open much of the time.

The current layout of the site and buildings located thereon is shown on drawings submitted with the application. The forecourt has a concrete surface. It is bounded on its southern side by a very high masonry wall, stated to be of historic interest.

Its height is shown to be 4.5 metres. The wall on the other side is much lower, having a height generally of 1.7 metres.

The building on the site has two components. The northernmost portion comprises a former coach house, which I infer has been altered over the years. Its northern side wall is a masonry wall of some substance. Its main use was as offices with office space also on the first floor.

The southernmost portion of the building comprises a large open workshop area having a wide opening on the forecourt. Its walls comprise the historic wall referred to above and the wall of the former coach house. Both components of the building are roofed in what appears to be corrugated iron.

The layout of residential property in the vicinity can be inferred from plans and photographs submitted. Nos. 3 and 4 Manor Avenue adjoin lengthy portions of the main part of the site. These houses have two storeys and some windows facing the development site. Nos. 38 to 52 College Drive have gardens extending back to the boundary of the main part of the site. Their back gardens are of varying lengths but they are all bounded from this site by the high historic wall referred to. The back gardens of nos. 86 to 88 Wainsfort Road also abut the site. The high wall and trees currently prevent overlooking.

## **2. Description of development.**

The full description of this development, as set out in the public notices, is as follows:

Demolition of former two-storey steelworks factory (465 m<sup>2</sup>) and build on resultant cleared site of c. 0.133 ha. and construction of 3 no. flat roof terraced three-storey: three-bedroom houses (160 m<sup>2</sup> each, 480 m<sup>2</sup> total) with external terraces at first and second floor levels and all associated site development works above and below ground at the former steelworks factory, Manor Avenue, Terenure, Dublin 6W, D6W DE70.

It was indicated in the application that Part V of the Planning & Development Act 2000, as amended, does not apply and that connections would be made to public watermains and public sewers. The application was accompanied by a housing quality assessment, an architectural design statement, a drainage design report, an arboricultural impact assessment report and a utility survey report.

The planning authority, in a request for additional information, sought details in respect of a number of items, including a daylight/sunlight/overshadowing analysis, a justification for increased building height, landscaping details, drainage details and open space provision. A comprehensive response was received which included detailed reports on landscaping proposals, drainage design, daylight/sunlight assessments and a set of aerial photographs.

### **3. Planning History.**

Reg. Ref. No. SD18A/0356 (Appeal Ref. 304447)

Permission granted on 7<sup>th</sup> October 2019, following a successful appeal, for three houses on this site.

Reg. Ref. No. SD22A/0373 (Appeal Ref. 317424)

Leave to appeal granted on 17<sup>th</sup> July 2023 to Colette Cregg under section 37(6) of the Planning and Development Act 2000, as amended, in respect of the development which is the subject of the current appeal.

I would also refer to permissions granted for two houses on the entrance leg of Manor Avenue, to the rear respectively of nos. 6 and 12 College Drive. (Reg. Ref. Nos. SD20A/0199 and SD20A/0198 and appeal ref. nos.308896 and 309055).

### **4. National/Regional/Local Planning Policy**

The current development plan for the area of the planning authority is the South Dublin County Development Plan 2022-2028. The zoning objective applicable to this site is RES (existing residential) and this objective is expressed as, *to protect and/or improve residential amenity*.

There are policies and objectives relating to the built heritage, two of which might be referred to briefly. Policy H7 promotes high quality design and layout in new residential developments to ensure a high-quality living environmental for residents. Section 12.6.8, referring to infill sites, states that development on such sites should be guided by the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities and the companion Urban Design Manual.

## **5. Natural Heritage Designations**

The site of the proposed development is located in a mature mid-suburban area. There are no European sites close to this site. The Dodder Valley is designated as a proposed natural heritage area but is located some distance from the subject site.

## **Development, Decision and Grounds of Appeal**

### **6. Planning Authority Decision**

The conclusion in the Planner's report was that, having regard to the policies of the South Dublin County Development Plan and the additional information provided, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area.

Sixteen conditions were attached. These are generally of a nature applied to a development of this type but the substance of condition no. 16, added at a late stage, might be noted. This requires the submission of revised plans for the written agreement of the planning authority incorporating two amendments, the omission of the proposed entrance gates and details of the height, design and screening to the proposed roof terraces.

### **7. Third Party Appeal**

The substance of the grounds is as follows.

- 1.0 This application is for three terraced houses with an area similar to that of the industrial building to be demolished. The site is enclosed by a high masonry wall which bounded a former 19<sup>th</sup> century orchard and houses.
- 2.0 In a previous appeal for four houses on this site the Inspector identified problems relating to adverse impacts on nearby houses and the length of the long narrow access lane. The Board however omitted one house and granted permission for the development.
- 3.0 The later application (Appeal Ref.317424) was for a similar development and, referring to the problems identified by the Inspector, overlooking is the single biggest concern of the appellant but the long access road may even enhance the development.

- 4.0 Referring to the further information drawings, the height of the houses in the later application is not in itself an issue. While condition 16(b) was a brave effort to address the appellant's concerns, the appellant did not have a say in protecting her privacy.
- 5.0 The appellant has one principal asset, her house and garden, as is the case with the applicant. She seeks a redesign which would not diminish the value of this asset.
- 6.0 The appellant's garden, as illustrated by photographs, is idyllic. The problem with the design, as amended by condition 16(b), is that the top floor has large living area windows and roof terraces directly overlooking the appellant's and others' gardens. The appellant's rear windows would be directly "spied" on. This would cut both ways; other houses would be able to "spy" into the applicant's top floor windows and terraces. The flawed condition 16(b) takes all control of the design remedy out of the appellant's hands.
- 7.0 The appellant suggests that, if the Board invite the submission of a revised design, she will not be found wanting in giving her written agreement to an acceptable amendment; only in the absence of a satisfactory amended design would she call for a refusal.

## **8. First Party Response**

- 1.0 The proposed scheme has the same footprint as the previously granted scheme but financial viability has necessitated increased floor areas. The previously permitted houses featured relatively small floor areas and sub-par living and outdoor spaces.
- 2.0 No. 52 College Drive is not directly behind the subject site so that direct overlooking is not feasible. It is highlighted that the increase in height of the proposed design is only 1.485m and that structures along College Drive have overall heights greater than the proposed scheme. The overlooking issue is believed to have been comprehensively tackled. The 4.6m boundary wall prevents overlooking at ground and first floor levels and the use of opaque glass on the south-facing second floor window as well as the timber fins bounding the terrace will ensure that overlooking is effectively prevented.

3.0 The appellant's concerns about decrease in her property's value is based on assumptions but it has been demonstrated that issues of overlooking, daylighting and overshadowing of the rear garden are not affected, rendering her argument unfounded.

## **9. Planning Authority Response**

No response to the appeal has been received from the planning authority.

## **10. Observations and Further Responses**

### Ciaran & Pauline Ryan

- The original permission, while having a visual impact, would be the best outcome for all parties.
- The proposed new development design would have a major negative effect on the overall privacy of the observers' house and garden.
- An amendment to this development, eliminating the undeniable effect on their home, should form the basis of a solution.

### Jonathan McGlinn

- The application site adjoins this observer's property with only a wall of 4 feet and 4 inches in height.
- Concerns identified by the Inspector in the previous case were solved by the omission of one of the four proposed houses.
- The Board should consider whether this development represents overdevelopment of a constrained backland site.
- The overall appropriateness of the contemporary design, with its third storey, needs to be fully assessed by the Board.
- The three-storey height is of profound concern. Condition 16(b) should have been properly detailed due to direct effects on the residential and visual amenities of adjoining properties. The observer is consequently denied any say in the protection of his privacy.
- A redesign is requested which would raise the height of the garden rear wall to not less than 2 metres, set the development back a minimum of 5 metres

from the boundary wall, and revert to the principle of two-storey pitched roof houses.

James and Ena Butler

- The observers' house is located closest to the boundary wall and closest to the proposed new structure.
- The proposed three-storey structure with roof-top terraces would greatly affect the observers' privacy with constant overlooking from windows and roof-top terraces.
- A two-storey structure with screened roof terrace is recommended in place of the proposed development.

Anne Marie Dodd

- Manor Avenue is a single-lane cul-de-sac with insufficient space to allow two vehicles to pass and no footpath. This laneway, which forks into two branches, is the sole access to all properties on Manor Avenue and there is already difficulty in navigating this laneway. Particular difficulties arise with access for fire tenders and refuse trucks.
- Manor Avenue consists entirely of private land over which residents have rights of way to access their properties but no established right of way exists to give access to the proposed houses.
- The proposed development would give rise to severe and oppressive overlooking of nearby properties and injure their privacy. A large picture window on the eastern gable wall of proposed unit 3 is in direct line of sight of the main recreational area of no.3 Manor Avenue, causing unavoidable direct overlooking of same.
- There are objections to the roof-top terraces as these will provide a direct view of all surrounding properties and gardens, the terraces being higher than the top of the ridges in the initially permitted plans
- The proposal to plant three large trees along the boundary wall with no. 3 Manor Avenue has given no consideration to the effect of the canopies of these trees on no. 3 Manor Avenue, arising from the obstruction of light to the recreational space of the property.



- The proposed development will not only further congest this tight area but consume the limited capacity of the laneway by overflow parking, creating further impediment to safe navigation and access by legal users and emergency services. It has also created alarm for residents arising from unobstructed viewing of properties and interference with privacy of homes.

#### Further responses

The submission of Anne Marie Dodd was circulated and responses to it were made on behalf of the appellant, by Ciaran & Pauline Ryan and by James & Ena Butler. These were expressed as being in support of the appeal and included some commentary on the right of way question and promotional documentation relating to the sale of the site.

### **Environmental Screening**

#### **11. Environmental Impact Assessment Screening**

Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **12. Appropriate Assessment Screening**

Having regard to the modest nature and scale of the development, location in a mature suburban area, connection to existing services and absence of connectivity to European sites, it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

## **2.0 Assessment**

### **2.1 Matters for Consideration**

2.1.1 The appeal in this case has arisen by means of the process set out in section 37(6) of the Planning and Development Act 2000 whereby leave to appeal can be granted in cases where a party had not previously made observations to the planning authority. In this case leave to appeal was granted by the Board on 17<sup>th</sup> July 2023 (appeal ref. no. ABP-317424-23). This was essentially on the basis that the development would differ materially from that set out in the application by reason of condition no. 16(b) imposed by the planning authority.

2.1.2 Referring to the grounds of appeal in the current case, it can be inferred that the primary concern of the appellant is the wording of the condition referred to. There is provision for an appeal to be made against a condition (section 139 of the Planning and Development Act 2000). I do not infer that this appeal is explicitly expressed as being solely against this condition and, accepting that this is a matter of discretion for the Board, I consider that it would be prudent to proceed with consideration of this appeal as a general appeal in line with the provisions of section 37(1).

2.1.3 The site of the proposed development is located at the end of what appears to be a private laneway. This lane system currently gives access to five houses, which are stated to have private rights of way. It is claimed in the observation by Anne Marie Dodd that the lower portion of the laneway, closest to Wainsfort Grove, is private property and that there is therefore no established right of way to give access to the proposed houses. There is possibly no public right of way over the lane system but the property accommodating the former steelworks must have had the necessary private right of way to ensure access. In any case the essential position is that a grant of permission does not give an applicant any rights which would override other legal rights. At the same time the applicant's interest in the land, described as *owner*,

has not been queried and it is reasonable to infer that the application has been properly made.

## 2.2 Land Use and Density

2.2.1 The broad perspective is that this site is located in a mature residential area. This is reflected in the zoning of the area for residential, as noted above. The site is essentially a backland site and is adjoined on all sides by residential property. The buildings on the site were used as a steelworks until relatively recently, this use having been a non-conforming use. The site is now derelict and effectively a brownfield site. Its use as a site for housing development would clearly be in accordance with the zoning objective for the area, though any proposal for development would have to be assessed by reference to relevant planning considerations.

2.2.2 The density of the proposed development works out at approximately 22 residential units per hectare, which is on the low side for development in a serviced area generally developed to a moderate density. It is clear however that there are significant constraints in this case. The site is narrow and partly bounded by a very high wall, which is considered to merit retention. There is a particular difficulty with space for access and circulation. The access road is, for the most part, narrow and particular attention was paid to the need for sufficient space to enable emergency vehicles to turn at the entrance to the site. This requirement resulted in the elimination of one house from the development originally permitted. The essential position therefore is that a development of three houses has been assessed as the appropriate scale of development for this site.

## 2.3 Layout and Built Form

2.3.1 Given the density limitation as set out above, the case has been made that the permitted development would have significant shortcomings in terms of poor standards of lighting and quality of open space. The manner in which these shortcomings have been addressed has led to the current development as proposed. The building form has been altered to an arrangement whereby the living rooms are on the upper floors, significant private open space has been provided on upper floor terraces and conventional residential forms have been replaced with blocks having a cubic-type effect. This redesign, arising from the layout having effectively been

turned upside down in an effort to overcome inherent site constraints, has facilitated increases in height and floor area.

2.3.2 The increase in height is a factor of some significance and this is accompanied by an increase in the bulk of the buildings at second floor level. It might be noted that the ground floor level has been depressed by a small amount. In the broad spatial context there are variations in the heights of structures in this general area so that the general height and massing of the structures are not in themselves seriously inconsistent with the built pattern in the area. This point is of necessity subject to possible implications for the amenities of particular properties in the vicinity, issues to be considered in this appeal.

## 2.4 Access Arrangements

2.4.1 There are clear limitations with the access arrangements. The access laneway system falls short of normally accepted standards for access to residential developments. The existence of this laneway system, together with the lands having access from it, is effectively an inherited situation. The laneway system currently provides access to five houses, in addition to the steelworks site. The width of the laneways is generally sufficient to enable two cars to pass. It can be inferred that this arrangement is satisfactory. Referring to the two houses now under construction, I infer that the planning authority have taken the position that the initial leg of Manor Avenue has sufficient capacity to accommodate the traffic generated by a small number of additional houses. I note that the access on to the public road has good sight distance for exiting traffic. It would be reasonable to conclude that the potential for any further development with access from this laneway system is quite limited.

2.4.2 The second leg of the laneway system, which is the narrowest portion, currently gives access to just one house. This leg also gave access to the former steelworks so that the houses now proposed are effectively in substitution for the steelworks. The layout provides space to enable emergency vehicles to turn within the site, but I note that the Roads Department of the planning authority have queried the proposed level of parking provision. Four spaces might appear to be just barely adequate for three houses but the principle of this level of provision has effectively been established by the decision in the earlier grant of permission. In a general comment I

would add that the access arrangements pertaining on Manor Avenue are of a type which is possibly not as rare in the older suburbs as might be imagined.

## 2.5 Services and Landscaping

- 2.5.1 This area is a developed area with public sanitary services available. Full details of these services along with details of the connections to them have been submitted with the application. The water supply connection is to the public mains system on Wainsfort Road. It would be reasonable to infer that this extension to the supply would be satisfactory to serve the proposed development. Regarding the foul sewage system, the lie of the land favours a connecting sewer to link with the public foul sewer on Wainsfort Road and details of pipe sizes and gradients have been submitted. It is reasonable to infer that the additional load arising from the proposed development could be accommodated in the public sewerage system.
- 2.5.2 In relation to surface water runoff, arising essentially from storm water surges, the County Council apply the principle of sustainable urban drainage in the measures put in place to limit discharges from developments to surface water sewers. These include the use of permeable paving to allow water to percolate into the subsoil, attenuation tanks and green roofs. Appropriate details have been submitted with the application and these are shown to be capable of achieving the required standards.
- 2.5.3 This site is currently occupied by the buildings of the former steelworks and has very little green space. A landscaping plan and arboricultural impact assessment report were submitted with the application. A further comprehensive landscape design response, submitted in response to a request for further information, included a detailed planting plan, methods to reduce impacts on adjacent green infrastructure and incorporation of SUDS features into the landscape design. The report also demonstrated a satisfactory score for the *green space factor* requirement of the land use zoning objective of the County Development Plan. The private open space provision was assessed to be adequate, taking the upper floor terraces into account.. One point that might be noted in an observation is the concern of the occupants of no.3 Manor Avenue about the three large trees proposed to be planted along the boundary of that property and their likely effects on lighting to that property.

## 2.6 Daylighting and Sunlighting

- 2.6.1 There are potential problems due to the height of the proposed houses being in excess of that of the existing structures on the site and also in excess of the heights

of the three houses permitted on this site. In one respect the proposed houses would in themselves be affected by the retention of the high wall bounding two sides of the site. As noted above, the retention of this wall was a consideration in the house plans having living areas on the first and second floors. At the same time this wall would limit effects on properties on College Drive, which are to the south of it.

2.6.2 Arising from concerns about effects on lighting, the planning authority sought details of likely effects. A detailed response was submitted comprising a daylight and sunlight assessment report. This report was based on Building Research Establishment guidance BR 209.2022, *Site Layout Planning for Daylight and Sunlight*, intended for use in the UK and Ireland. It was concluded in the report that effects on daylighting on adjacent houses would be minimal, with the exception of no.4 Manor Avenue where two windows would experience a minor impact. This impact would however be offset by rooflights on the room in question.

2.6.3 In relation to sunlight, the examination dealt with two houses on Wainsfort Road and no. 4 Manor Avenue, which have windows facing within 90° of due south. It was concluded that windows to main living spaces would have acceptable levels of sunlight, with the exception of the two windows on the latter property, the effects being offset by the rooflights noted above. In a general comment I note that the existing buildings on the site have some bulk, though the proposed houses would be somewhat higher than the houses already permitted.

2.6.4 In relation to the massing of the houses, there are potential effects on adjoining properties arising from visual obtrusiveness. This point was made in an observation by the occupant of no. 86 Wainsfort Road, who sought a relocation of Unit 1 further from his boundary. The height of the existing historic wall is a relevant factor in this situation and, though Unit 1 would be higher, any relocation of this house would have a limited effect. No. 4 Manor Avenue would seem to be more vulnerable in this regard but there is a substantial existing structure on the development site. Though the proposed houses are higher than the previous structure, they are set back from the boundary and angled away from the back of no.4 Manor Avenue, which has an open aspect in that direction.

## 2.7 Overlooking

2.7.1 This is an area in which the residents generally enjoy good standards of residential amenity, contributed to by private gardens and open spaces free from overlooking.

The need for living spaces on the upper floors of the houses has been clearly explained in documentation submitted on behalf of the applicant. Open terraces are provided at first and second floor levels as part of the private open space associated with the houses. The first-floor terraces face south where the high boundary wall proposed to be retained would effectively obstruct overlooking of the adjoining properties. Otherwise, there are no windows of any significance at first-floor level.

2.7.2 Problems of overlooking from higher level balconies or terraces are always likely to be a potential problem in an area such as this. In the current case any such problems are likely to be most acute at second-floor level. The windows facing south are shown to have obscure glass while the window on Unit 3, which faces east, lights a landing and stair shaft and mainly overlooks the circulation area. It is the terraces at this level which are the source of particular concern to the appellant and observers. These are located such that the living areas at this level open directly on to them and enable them to be used as extensions of the living areas. They are open to front and back. The architect clearly acknowledged that there could be a serious problem of overlooking of the private areas of adjacent gardens, and also of the backs of some houses.

2.7.3 This problem was addressed by means of the provision of screens at the edges of the terraces. These screens are shown to have a height of 1.8 metres and to be constructed of timber fins. The height is more or less adequate in my opinion to prevent overlooking but a height of 1.85 metres, or even slightly more, would not be that unusual for an adult so that a height of 1.85 metres would in my opinion be appropriate for the barriers.

2.7.4 It is clear that the timber fin arrangement was carefully thought out. The fins would allow light to filter through the screens, while greatly reducing casual overlooking of properties in the vicinity. It would still be possible for a person, perhaps a child, to peer through and get some sight of these properties. A fine detail of the fins, submitted with the first party response, indicates that the fins would be angled, such that the opportunity to overlook adjacent properties would be greatly reduced. The underlying problem in my opinion is that any barrier permeable to penetration of light is likely to create an impression of being overlooked to residents of adjacent properties; these residents could scarcely but be aware of people moving around on the terraces and possibly generating some sound. In this situation the only

satisfactory remedy in my opinion is for the screens to be of solid construction to the required height; the terraces and adjoining rooms would still receive a satisfactory level of lighting. This approach would also have the benefit of reducing overlooking of the second-floor terraces from adjacent properties, this being a consideration noted in the appeal.

2.7.5 The core problem in this appeal is the degree of uncertainty created by condition 16(b). This was added at a late stage in the consideration of the application by the planning authority. It has the disadvantage of throwing open the issue of the height of the screening, which was set at 1.80 metres on the respective drawings. Its main problem is that it leaves the various details of the screens to be worked out between the applicant and planning authority, leaving nearby residents with no say in this process. It was on this basis that leave to appeal was granted.

2.7.6 There are, in my opinion, two approaches to the resolution of this issue, in the event of a decision to grant permission for the development. One approach is to tie down the details of the screening as far as practicable, referring in particular to the height and construction of the screening. The other approach is to set out the basic requirements and then seek, either a further submission to the Board of fully detailed plans and particulars or the making of a further application to the planning authority confined to consideration of these outstanding items. I am disposed to take the view that the first approach would be the more effective and ought to achieve a satisfactory resolution of the issue. As long as the basic requirements for the screening are implemented, there is scarcely a need to specify all of the finer details of finishes, construction details, etc.

### **3.0 Recommendation**

On the basis of the above assessment I recommend that permission be granted, subject to conditions, for the development comprising the demolition of former two-storey steelworks factory and construction of 3 three-storey houses and all associated site development works at Manor Avenue, Terenure, Dublin 6W and I recommend in particular that condition 16(b) in the planning authority's decision be replaced by a new condition addressing the issue arising from the substance of that condition.



## 4.0 Reasons & Considerations

The proposed development comprises an infill residential development on a site having formerly had an industrial use. It is considered that this development, subject to compliance with the conditions set out below, would be consistent with the zoning of the site for residential use in the South Dublin County Development Plan 2022-2028, would be acceptable in terms of pedestrian and traffic safety, would not seriously affect the amenities of property in its vicinity and would in general be consistent with the proper planning and sustainable development of the area.

## 5.0 Conditions

1.	<p>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 4<sup>th</sup> day of May 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 shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The screening to the second-floor terraces shall be modified as follows:</p> <ul style="list-style-type: none"><li>(i) The height of the screening shall be 1.85 metres.</li><li>(ii) The screening shall be of solid construction and shall consist of vertical timber fins or boards installed in a manner to eliminate any gaps.</li><li>(iii) The gable wall on the west elevation of Unit 1 shall be increased in height to 1.85 metres over terrace level.</li></ul> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
3.	<p>The proposed entrance gates to the development hereby consented shall be omitted.</p>

	<b>Reason:</b> To protect the amenities of the area.
4.	<p>The existing historic stone wall which forms the boundary to the south and west of the proposed development shall be retained. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of clarity.</p>
5.	<p>Each unit shall be used as a single dwelling only and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p><b>Reason:</b> In the interest of clarity and residential amenity.</p>
6.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, or any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those, and any statutory provision replacing or amending them, shall take place within the curtilage of the 3 no. permitted dwellings without a prior grant of planning permission.</p> <p><b>Reason:</b> To ensure the retention of a reasonable amount of rear garden space for the benefit of the occupants of the dwellings and to protect the residential amenities of the area.</p>
7.	<p>The proposed landscaping scheme shown on the plans and particulars submitted with the application and submitted as additional information received on the 4<sup>th</sup> of May 2023 shall be implemented in full, within the first planting season following substantial completion of external construction works. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted. The three large trees shown alongside the boundary of no. 3 Manor Avenue shall be omitted from the development.</p> <p><b>Reason:</b> In the interest of visual and residential amenities.</p>

8.	<p>The construction of the 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 practices for the development, including noise management measures and details of all necessary measures to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads.</p> <p><b>Reason:</b> In the interests of public safety residential amenity.</p>
9.	<p>Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
11.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and off-site disposal of construction/demolition waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground within the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>

13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 on Mondays to Fridays inclusive, between the hours of 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
15.	<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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.

---

Michael Walsh

Planning Inspector

Date: 6 August 2024