



An  
Bord  
Pleanála

## Inspector's Report

**ABP-318444-23**

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<b>Development</b>	Construction of two new two-storey dwellings with attic levels within the side garden of the existing house and all associated site works.		
<b>Location</b>	4 Abbey Park, Monkstown, County Dublin		
<b>Planning Authority:</b>	Dun Laoghaire-Rathdown County Council		
<b>Planning Authority Ref.</b>	D23A/0400		
<b>Applicant(s)</b>	CCPM Properties Limited		
<b>Type of Application</b>	Permission		
<b>PA Decision</b>	Permission Granted with Conditions		
<b>Type of Appeal</b>	Third Party		
<b>Appellant</b>	Paul Kehoe and Jocelyn Stephens Kehoe Daniel Hart Anthony and Victoria Whittan and Others		
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	26 <sup>th</sup> January 2024	<b>Inspector</b>	Vanessa Langheld

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## **1.0 Site Location and Description**

- 1.1 Abbey Park is an L-shaped road with four houses at the top (Nos. 1-4), southern side of the road. The site, measuring 0.0622 ha, is located at No. 4 Abbey Park, Monkstown, County Dublin. This is an established residential cul-de-sac characterised by semi-detached housing, generous front and back gardens and established planting.
- 1.2 The site occupies a large corner site on this small cul-de-sac, and the front of it faces the wall to the back of housing at Monkstown Square. The substantial side garden site faces the side garden of No. 28 Abbey Park. The property has a larger garden than most of its neighbouring properties.
- 1.3 The site is occupied by a 3-bed semi-detached house, No. 4 Abbey Park, which has a garage and extension to the side. It is accessed by a single vehicular access onto Abbey Park with parking for up to 2 No. cars, parked one behind the other i.e. tandem parking.
- 1.4 Many of the other houses on Abbey Park have been upgraded, modernised and extended (to the side, rear and attic) in recent years.
- 1.5 Abbey Park is approximately 20 minutes' walk to the centre of Monkstown Village and to centre of Deansgrange Village. Having regard to the accessibility definitions set out in Table 3 of the newly published Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), the site may be defined as an 'Inner Suburban / Infill' location.

## **2.1 Proposed Development**

- 2.2 The Application provides for the construction of 2 No. dwellings (totalling 271 sq m), comprising a semi-detached 3 bed house (125 sq m) and a semi-detached 4 bed house (140 sq m).
- 2.3 The planning application site boundary includes that of the existing house, No. 4 Abbey Park. It is noted that works to that house, comprising the removal of the garage and outbuildings etc., the construction of a two-storey frontal

extension, the construction of dormer windows at attic level and the changing of the roof profile from hipped to gable ended were applied for under a separate planning application, the permission for which is currently under a separate appeal to the Board (317734-23). The current proposal requires that the application currently under appeal is granted, as part of the current proposal is to be built on part of the existing house the partial demolition of which is set out in statutory notices of the earlier and concurrently live proposal.

- 2.4 The two new houses will include attic level accommodation, with dormer windows to the rear and gable end roof profiles. The existing house, which is under appeal will be 101 sq m if permitted.
- 2.5 To the front, the application drawings now under appeal show the existing house extended forwards on its eastern boundary at ground and first floor level. (See Section 3.0 below.) This steps forward the building line, which allows for a transition to the building line of the proposed 2 No. new houses. (I note in this regard that the new houses will line up at first floor with the frontal extension to the existing house i.e. 2m forward of the existing building line on Abbey Park. At ground floor level the new houses will extend beyond that new building line by a further 2m.)
- 2.6 House No. 1 has its front door and parking spaces to Abbey Park beside the existing house, while House No. 2 has its front door around the corner close to the public footpath, with its parking set to the rear of the site and aligning with the parking for the adjoining house around the corner (No. 5 Abbey Park).
- 2.7 The proposed houses will have a brick finish at ground floor level, with a smooth render at first floor level. They have zinc clad canopies to their front entrances, high quality fenestration and fibre clad slate roofs, similar to that planned for the existing house, No. 4 Abbey Park.
- 2.8 The houses will have dormer windows at attic level (third floor) to the rear. (A similar dormer window is proposed for the existing house at attic level. As noted above, that application is under appeal to the Board under a separate application.)

- 2.9 There are two windows at first floor level facing the side of Abbey Park (the north-east elevation i.e. facing the street), a bedroom and stairwell window, and one window at attic level, a stairwell window.
- 2.10 The back garden of House No. 2 will be screened from the street by a timber fence, which will be stepped in to provide the parking for that house.
- 2.11 The existing low-level wall to the eastern elevation will be partly retained and there will be boundary planting behind it. (See the proposed Site Plan as attached to the Further Information Report submitted by the Applicant's Architects, Studio DSK.)
- 2.12 The development also provides for the following:
- New double width vehicular entrances from Abbey Park (one to adjoin the existing driveway, a 2.2 m wide entrance and one around the corner to the other side of Abbey Park, which will provide two parking spaces set outside the boundary of the back garden of the 4-bed semi-detached house.
  - Private amenity back garden space for each dwelling, 60 sq m and 75 sq m per dwelling.
  - Modest tree / boundary planting to a small section of the boundary with Abbey Park.
  - Pedestrian access to the rear garden space. For House No. 1 this will be shared with the existing house to be achieved by providing a right of way for the existing house. For House No. 2 this will be accessed between the boundary with the front garden of No. 5 Abbey Park and the proposed parking for house No. 2.
  - All ancillary works necessary to facilitate the development.
- 2.13 The proposed development was amended in response to the Further Information Request, dated 8 August 2023. It is brought to the Board's attention that the some of the drawings of the revised RFI Response scheme are attached at the back of this appeal file, while the rest are included in the written report from the Applicant's Architect, which was submitted to the Planning Authority on 27<sup>th</sup> September 2023.

- 2.14 The principal changes to the proposed development are as follows:
- The roof profile was amended so that it is now gable ended at both ends of the proposed houses to match that planned for the existing house.
  - A chimney feature is provided between the two proposed houses. In providing this, the stated intention is to reduce the impact visually of the new houses, and to accord with style of the existing adjoining housing.
- 2.15 The application drawings include the existing house, No. 4 Abbey Park but with the changes as provided under the 2023 planning application concurrently under appeal. This ensures that that the permitted works to No. 4 will be carried out thereby ensuring a continuity in the design of the three houses together. There is no reference to this anomaly on the Planners Report and the Planners Report stated that there 'there was no appeal to date'.

### **3.0 Planning History**

- 3.1 Permission was granted by Dun Laoghaire-Rathdown County Council for the existing house, No. 4 Abbey Park (D23B/0245) for works consisting of the demolition of the side garage and other outbuildings, and the provision of a new porch, a frontal extension at ground and first floor pushed forward of the existing building line, and for a new gable ended roof to provide for a front and a rear dormer. That application is now under separate appeal to the Board (ABP-317734-23). Those works are planned to proceed concurrently with the development now under appeal. (See above.)
- 3.2 In my opinion the issue of sequencing is important to the determination of this scheme. The application relating to the single house was lodged on 23 May 2023, determined on 11 July 2023 (D23B/0245). The application now under appeal was lodged on 15 June 2023 whilst the earlier one was still being assessed by the Planning Authority. The footprint of the new dwellings, particularly House No. 1 is on the footprint of part of the existing house for which removal has not yet been permitted. This presents a problem in determining the current appeal. Should the Board refuse that permission, the current proposal would not be implementable. I am raising this as an issue at

this stage. I will, however, write my assessment on the basis that planning permission for the earlier scheme is granted.

#### **4.0 Policy and Context**

#### **4.1 Development Plan**

4.2 The site is zoned A *‘To provide residential development and to improve residential amenity while protecting the existing residential amenities’* in the Dun Laoghaire-Rathdown Development Plan, 2022-2028. Residential development is *‘Permitted in Principle’* within this zone.

4.3 The following policies are relevant to this type of development:

*4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaptation. It is a Policy Objective to Conserve and Improve existing housing stock through supporting improvement and adaptation of homes consistent with NPO 34 of the NPF.*

*Densify existing built-up areas in the County through small scale infill development having regard to the amenities of existing established residential neighbourhoods.....*

##### *12.3.7.5 Corner/Side Garden Sites*

*Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas. In these cases, the Planning Authority will have regard to the following parameters (Refer also to Section 12.3.7.7):*

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*
- Impact on the amenities of neighbouring residents.*
- Accommodation standards for occupiers.*
- Development Plan standards for existing and proposed dwellings.*
- Building lines followed, where appropriate.*
- Car parking for existing and proposed dwellings provided on site.*

- *Side/gable and rear access/maintenance space.*
- *Adequate usable private open space for existing and proposed dwellings provided.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
- *Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.*
- *Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance. ....*

#### *12.3.7.7 Infill*

*In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early mid-20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).*

#### 4.4 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, January 2024

In January 2024, the Government issued the above Guidelines with a focus on sustainable residential development and the creation of compact settlements. A complementary non-statutory Design Manual detailing best practice examples of how policies and objectives of the Guidelines can be applied has yet to be published. One of the principles of the Guidelines is to support, alongside National Building Standards, new homes that provide a high standard of amenity whilst also achieving sustainable and low carbon development.

Figure 5.1 sets out the six key characteristics of low-rise compact forms of 'own door' housing:

- *'Narrow blocks, small plots and compact layouts.*
- *Varied forms of open space at multiple levels.*
- *Varied housing types.*
- *Narrow streets and small setbacks.*
- *Integrated parking solutions.*
- *Reduced separation and privacy measures.'*

## 5.0 National Heritage Designations

5.1 The appeal site is neither located in nor immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

## 6.0 Planning Authority Decision and Reports

### 6.1 Planner's Report

Having regard to the zoning and to the context of the site, the principle of corner garden site / infill development at this site is considered acceptable. Reports from other DLRC Internal Departments and other bodies were sought and considered. There were ten third party submissions and the issues raised were considered in detail in the Planning Officer's Report. A Further Information request was issued to clarify a number of issues.



## **6.2 Further Information Request**

Further Information was requested regarding the following:

- Compliance with development standards relating to living space (as per the requirements set out the document 'Quality Housing for Sustainable Communities – Best Practice Guidelines 2007').
- Quantum and location of private open space provision to be clarified.
- A revised design addressing the roof profile and bulkiness when viewed from the front.
- The Transportation Department required Additional Information in relation to a number of issues pertaining to the development, namely pedestrian access to the rear gardens and issues relating to new vehicular access and its compliance with visibility / sight lines.
- Similarly, the Drainage Department required Additional Information on a number of issues.
- Uisce Eireann (Irish Water) also had some additional questions, which were required to be addressed by Additional Information Request.

The Further Information Request was issued on 08.08.23 and the response was received on 27.09.23. Due to the nature of the information, Revised Site Notices and Advertising were required.

- The Transportation Department was satisfied with the Applicant's Response and recommended a grant of permission subject to Conditions.
- Drainage Planning Report recommended the same i.e. no objection, subject to Conditions.
- Uisce Eireann (Irish Water) recommended the same i.e. no objection, subject to Conditions.
- The Planning Office was satisfied that issues relating to internal design, open space and roof design were adequately addressed by the Applicant.

## **6.3 Planning Authority Decision**

The Planning Authority issued a decision to grant planning permission subject to 10 No. relatively standard Conditions.

## **7.0 Third Party Appeals**

Three Third Party Appeals were submitted as follows:

### **7.1 Appeal by Victoria and Anthony Whittam, 28 Abbey Park, Monkstown**

The grounds of appeal are summarised as follows:

- Both the original and the revised plans propose an excessively sized and cramped development, which will negatively impact on the residential amenity of the street.
- The established building line on both sides is breached, which will negatively affect the character of the street.
- The height of the dwellings and the incomplete gable ended roof design is incompatible with the surrounding dwellings. The roof design was changed in response to the Additional Information Request, including the introduction of a fake chimney; however, it remains too big and out of character.
- The development at this pivotal corner will have a negative visual impact.
- It is out of character generally, will lead to overlooking of No. 28 and be overbearing.
- Traffic concerns due to the large development blocking the view of oncoming traffic and lack of visitor parking.
- Proximity to site boundaries and precedent.
- Inconsistent with previous applications in Abbey Park, which provide for extensions and modernisations, but not two additional houses.

A list of objectors' names is attached.

### **7.2 Appeal by Daniel Hart, 23 Abbey Park, Monkstown**

This appeal is summarised as follows:

- Overdevelopment / congested and overbearing.
- Out of character with the area.

- Drainage / infrastructure issues – two additional houses will put a strain on the foul and storm drainage infrastructure.
- Issues relating to parking, sightlines, traffic, access and egress issues.

### **7.3 Appeal by Paul Kehoe and Jocelyn Stephens Kehoe, 5 Abbey Park**

This appeal is summarised as follows:

- Overdevelopment.
- Changes to the existing building line, roof height and gable ends result in the development being completely out of character.
- It is visually incongruous and unbalanced. All the new windows are less than 11 m from No. 5 and will result in overlooking.
- When viewed from No. 5, the proposed houses will appear to be three storey and will be very overbearing.
- A large tree (which neither exists nor is proposed) is shown on the drawings as obscuring the overbearing / overlooking of the proposed houses on the front of No. 5. This is not accurate.
- The soakways are too close to the foundations of No. 5.
- There will be an increase in noise levels arising from two new houses.
- There will be congestion arising from extra visitor parking etc, exacerbated by the position of the appeal site on the corner.
- There is concern regarding congestion during the construction phase and lack of space for the construction vehicles, possible damage of mature trees across the road from the appeal site.
- The revised drawings and response to the Request for Further Information do not address the visual impact issues arising from the proposed development.

## **8.0 Responses to Appeals**

### **8.1 Planning Authority Response**

The Planning Authority responded as follows:

*'In this regard the Board is referred to the previous Planner's Report.'*

*It is considered that the grounds of appeal do not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.'*

## **8.2 First Party Response submitted by the Applicants Architect, Studio DSQ**

- The principle of development of this corner garden site for two houses is appropriate and the applicant has worked with the Local Authority from the outset in formulating a design, which meets Development Plan standards and National Policy as set out in the *Report 'Quality Housing for Sustainable Communities – Best Practice Guidelines 2007'*.
- The design is contemporary and complements the existing urban grain.
- It is an innovative architectural solution to the site constraints.
- The local authority considers that the architectural considerations such as form, massing, symmetry have been addressed.
- High quality open space for the two new houses is provided.
- Both the two new houses and the original house will have rain-water attenuation tanks, and the hardstanding areas are designed in order to minimise water run-off.
- The application meets with Uisce Eireann (Irish Water) requirements, pedestrian access to rear garden standards, parking, access and sightline requirements.

## **9.0 EIA Screening**

Having regard to the limited nature and scale of 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.

## **10.0 AA Screening**

Having regard to the modest nature and scale of development, location in an urban 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.

## **11.0 Assessment**

I have read the documentation attached to this file including the Appeal, the report of the Planning Authority and further responses received. In addition, I have visited the site.

In my opinion, planning permission cannot be granted pending determination of the appeal (ABP317734-23). Providing that permission is granted, I consider the main issues in this appeal are as follows:

- The principle of the development, the zoning and policy provisions of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028.
- Suitability of the design, in terms of Residential Design Standards and residential amenity of the existing adjoining housing.

### **11.1 The principle of the development, the zoning and policy provisions of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028.**

11.2 The site is zoned A *'To provide residential development and improve residential amenity while protecting the existing residential amenities.* Accordingly, the provision of two new houses is acceptable in principle in land use zoning terms. Having regard to the size of the site and its location in a cul-de-sac of established low density semi-detached housing, I am satisfied with the type of housing proposed.

11.3 The Appellants have raised concern with the scale of the development, particularly in that it relates to the provision of two sizeable new houses and the effect of this on the established character of this residential cul-de-sac.

11.4 I visited the site and found that this corner site / existing garden is presently screened from the road by hedges and has no real visual impact on the

streetscape other than to contribute to its low rise established residential character. When the boundary planting is removed and two new houses are constructed, slightly higher than the existing adjoining housing, there will undoubtedly be a change to the character and appearance of this section of the road. However, I believe that the design is such that it will provide two high quality houses, which may in fact contribute to the character of this cul-de-sac. Over time adjoining houses may upgrade and extend resulting in a somewhat changed character to the cul-de-sac overall.

11.5 Well-designed extensions, alterations and infill can contribute enormously to the character of areas, albeit altering established character. This needs to be accepted as part of a changed suburban dynamic where there is a pressing need to densify areas in a sensitive way in order to provide much needed new housing.

11.6 The concern with this proposed development relates to the changed character of the corner site arising from the construction of two new houses. I believe this has been sensitively achieved. The building is stepped back, and only the entrance to the house is close to the footpath. Indeed, the widening out of the site at this section provides a greater separation distance between most of proposed 2/3 storey house and the footpath. On balance, I believe the proposed houses will bring a new level of life to this section of the cul-de-sac, and in so doing provide an added layer of passive surveillance to the area.

The detail of the suitability or otherwise of the proposed development for two houses is assessed below:

**11.11 Suitability of design in terms of Residential Design Standards and residential amenity of the existing adjoining housing.**

11.12 The Appellants are concerned with design of the two houses, in particular their height, bulk and location and the resultant effect on the visual amenity of the adjoining houses and the changed character of the cul-de-sac generally. Concern has also been raised regarding traffic safety and parking.

#### **11.14 Design - height and bulk of the proposed dwellings**

The Observers and the Planning Authority have raised the issue of height and bulk of the proposed dwellings relative to the adjoining housing.

#### **Design in terms of Height, Bulk and its effect on overlooking and injury to visual amenity.**

- 11.15 The proposed semi-detached houses provide three floors of accommodation, whereby the third floor is attic accommodation with a rear dormer window.

#### **The design of the North-West Elevation – the front of the houses**

- 11.16 There is a gable end on the remodelled neighbouring two storey property No. 4 Abbey Park. (Shown within the red line boundary of the current application / appeal site, however, concurrently under appeal to the Board (317734-23). The design for that house will accord with that of the two proposed in this application / appeal. Its design provides for a frontal two storey extension on its eastern (side garden) elevation. It is gable ended and has a similarly designed dormer windows as is proposed for the two new houses. Overall, therefore I consider that the proposed houses will not appear bulky relative to the adjoining housing when viewed from the front. The proposed new houses are slightly higher than surrounding houses, c. 0.4 m higher; however, given that they are located on a corner site, I believe this additional height can be accommodated.

#### **The design of the North-Eastern Elevation – the side of House No.2**

- 11.17 The corner of proposed House No. 2 extends close to the boundary with the road, and the entrance to this house is beside the footpath on its north-eastern elevation. The rest of the house is, however, set back from the boundary as the site widens on its north-eastern boundary. Along this section it is proposed to retain the boundary wall and provide boundary planting.

There will be a timber fence around the back garden, stepped in around the external parking provision to the rear of the house. The effectively 3 storey building is beside the boundary with the path. However, it is stepped back to a

two-storey building and as stated above the site widens and planting is provided. It is considered that the house design is such that there is appropriate transition between 2 and 3 storeys, planting and fencing so that the bulk and height of the building can be accommodated.

- 11.18 It is noted that the first-floor bedroom to the rear of House No. 2 has its main window overlooking the street on its north-eastern elevation. This will face the side garden and House, No. 28 Abbey Park. The proposed house will also have two stairwell windows on this elevation. Overall, although introducing new windows at this location, they face a high wall and trees and are not close enough to the side garden of No. 28 to be unacceptable (over 8 m at an oblique angle).

#### The design of the South-East Elevation – the back of the proposed houses

- 11.19 There is concern by the owners of No. 5 Abbey Park regarding overlooking of their front and back gardens from the back of the new houses, in particular the dormer windows at attic level. The proposed houses will have a study window and two new bedroom windows at first floor level and two dormer bedroom windows at attic level facing the side elevation of this house and its front garden. From the rear, these windows will face the side blank gable wall of the existing house and therefore not result in unacceptable overlooking. Further forwards, the back of House No. 2 will face the front garden of the existing house however there are no windows along this section of the proposed house. On the above basis, the new level of overlooking is considered acceptable.

#### **11.20 The Building Line**

An important issue when considering this proposed development is its effect on the building line.

From the front, the proposed houses will align with the extension to the existing house if permitted, in that they follow the new building line provided for in that application where it is proposed to extend the building forward on its eastern side by c. 2 metres at both ground and first floor.



From the back House No. 2 is c. 3.5 m forward of the building line and this will alter somewhat the outlook of Abbey Park on the approach to this corner.

The impact of this has been addressed somewhat by the design which incorporates a lower height at the back of House No. 2, albeit stepped forward to a higher building. This will reduce its impact when viewed from the neighbouring house, No. 5 and on the approach from the back of the cul-de-sac. It is separated from the boundary with the front garden of No. 5 Abbey Park by 5m, which is an adequate distance from the back of House No. 2.

#### **11.21 Access and Parking Provision**

The Appellants are concerned with the lack of provision for visitor parking and with the congestion arising from the additional traffic movements from the four new spaces provided. I note, however, that the provision of four parking spaces (two per house) is in compliance with the Development Plan standards and that the Transport Department is satisfied with the design of the spaces, sight lines provided etc. subject to Condition attaching to a permission.

I concur with this and note that while a number of cars were parked along the site boundary on the day of the site visit, the new houses will prevent boundary parking along this corner in the future so may in fact improve congestion at this location.

#### **11.22 Other Development Plan Standards**

The applicant has demonstrated that the proposed development accords with the minimum standards required, and the Planning Authority has assessed the development and agree that it meets the requirements.

#### **11.23 Conclusion**

11.24 As noted under 3.2 above, this scheme raises a number of concerns in terms of sequencing. At the time of writing this assessment the earlier appeal has not yet been determined by the Board (ABP317734-23). Accordingly, the following

conclusion is predicated on that application being granted. Otherwise in my opinion the Board is precluded from granting the proposal for the two houses as their footprint overlaps with part of the existing house for which partial demolition was granted by the Planning Authority but is now under appeal to the Board. The demolition elements are referenced in the statutory notices for that appeal.

- 11.25 Notwithstanding the above, I concur with the Planning Authority's decision that the development, which provides for two semi-detached houses in this corner site, has been designed so that it will provide high quality accommodation for the future occupants while at the same time not materially negatively impacting on the streetscape and the established residential amenity of the existing residents. On this basis, the application for two houses on this large corner site is in the best interests of the proper planning and sustainable development of the area.

## **12.0 Recommendation**

I recommend a grant of permission for the reasons and considerations and subject to the Conditions set out below.

## **13.0 Reasons and Considerations**

Having regard to the scale and nature of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development is compatible with the Dun Laoghaire-Rathdown Development Plan 2022-2028 A (Residential) Zoning and would be generally acceptable in terms of design, traffic safety and residential and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **14.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the significant

further information received by the planning authority on the 27th day of September 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.

For the avoidance of doubt this permission does not permit anything illustrated on the plans and particulars in respect of the existing house No. 4 Abbey Park that was not identified in the statutory notices for this scheme.

**Reason:** In the interest of clarity.

2. The external finishes of the proposed houses (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture unless otherwise indicated on the plans submitted.

**Reason:** In the interest of visual amenity.

3. Prior to commencement of development, the developer shall enter into a waste / or wastewater connection agreement with Uisce Eireann.

**Reason:** In the interest of public safety.

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

**Reason:** In the interests of public health and surface water management.

5. 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 practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

7. All service cables for the development, including electrical and telecommunications and communal television cables, shall be located underground. Ducting shall be provided by the developer to facilitates the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual amenity.

8. The four car parking spaces serving the residential units (2 No. per unit) shall be provided with functional electric connections to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

9. Any alteration to the public road or footpath shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the developers' expense.

**Reason:** In the interest of clarity, public safety and amenity.

10. 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed with the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

12. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me, and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Vanessa Langheld

Planning Inspector

28 February 2024