

An
Bord
Pleanála

Inspector's Report ABP319172-24

Development	Demolition of shed, construction of dwelling with all associated site works.
Location	Corner site of No. 173 Clonliffe Road and 2A Jones Road, Dublin 3.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4948/23.
Applicant(s)	Mr. Wayne Michael O'Leary Sheridan.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Mr. Wayne Michael O'Leary Sheridan.
Observer(s)	None.
Date of Site Inspection	17/06/2024
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 173 Clonliffe Road is a substantial double-fronted end-of terrace two-storey period red-brick house located on the south side of Clonliffe Road. No. 173 Clonliffe Road has a mature front garden and a walled rear garden.
- 1.2. No. 173 Clonliffe Road is located at the junction of Clonliffe Road and Jones Road. The development site comprises part of the rear garden of no.173 Clonliffe Road with frontage onto Jones Road. The development area presently accommodates a shed.
- 1.3. A rear gated access lane that runs behind the main building line on the south side of Clonliffe Road with access from Mable Street abuts the development site to the extreme south-west.
- 1.4. The curtilage of no. 173 Clonliffe Road has previously been subdivided. Immediately to the south of no. 173 Clonliffe Road is no. 2A Jones Road. An annexe two-storey structure abutting no. 173 Clonliffe Road with independent frontage onto Jones Road.
- 1.5. The total site area is given as 382.52 sqm.

2.0 Proposed Development

- 2.1. Demolition of shed, construction of dwelling with all associated site works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused planning permission for the following reason:

(1) The proposed development to construct a third residential dwelling in the rear garden of no. 173 Clonliffe Road would constitute a significant overdevelopment of the site, and by virtue of its location, scale and massing, would result in an overtly dominant structure resulting in unacceptable negative impacts on the residential amenity of the original dwelling in terms of

overbearing and overshadowing of its remaining garden. The proposal would therefore be incompatible with the Z2 zoning of the site which is to protect and/or improve the amenities of residential conservation areas. The proposal would be contrary to Policy BHA9, Sections 15.5.2, 15.11 and 15.15.2.2 of the Dublin City Development Plan 2022-2028, would set an undesirable precedent for similar such developments and would be contrary to the proper planning and sustainable development of the residential conservation area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

No object subject to condition.

4.0 Planning History

The following planning history is relevant:

Under register reference 4101/23 planning permission was granted *inter alia* for change of use at no. 2A Jones Road and no. 173 Clonliffe Road from change of use from ancillary granny flat at no. 2A Jones Road to an independent residential unit.

The grant of permission was subject to 4 standard conditions.

5.0 Policy and Context

5.1. Development Plan

The following policy objectives *inter alia* of the Dublin City Development Plan 2022-2028 are relevant:

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 (Map E) is Z2 (Residential Conservation): *To protect and/or improve the amenities of residential conservation areas.*

The proposed development is a permissible use.

- **Residential conservation area designation**

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. In this regard development standards in conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states:

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. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Chapter 11 (Archaeology & Built Heritage) Policy Objective BHA9 of the Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives..... Development within or affecting 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. Enhancement opportunities may include:

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*
- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- *The repair and retention of shop and pub fronts of architectural interest.*
- *Retention of buildings and features that contribute to the overall character and integrity.....*

- **Strategic Considerations**

Chapter 2 (Core Strategy) of the Dublin City Development Plan 2022-2028 details the projected population targets for Dublin City, which are vertically aligned with national population projections.

Section 2.2.2 (Population and Housing Targets) states:

The NPF identifies a minimum target population of 1,408,000 (minimum target population) for Dublin City and Suburbs (including all four Dublin local authority areas) by 2040, representing a 20-25% population growth range from 2016.

Furthermore, Chapter 2, Section 2.7.4 (Development Management) states:

Development management will play a leading role in the implementation of the development plan on a site by site basis, ensuring that development applications (planning application, Part 8, Section 5 etc.) are in substantial compliance with policies, objectives, and standards as set out in this development plan.

- **Urban Consolidation**

Chapter 5 (Quality Housing and Sustainable Neighbourhoods), is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development re-use / adaption of existing building stock, and use of upper floors and subject to the provision of good quality accommodation.

Policy QHSN10 (Urban Density) is relevant. The policy promotes residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

- **New House Development**

Chapter 15 (Development Standards), Section 15.5.2 (Infill Development) is relevant.

Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings.

As such Dublin City Council will require infill development:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials*

and detailing of existing buildings, where these contribute positively to the character and appearance of the area.

- *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*

Chapter 15, Section 15.11 (House Development) provides standards *inter alia* for floor area, Daylight / sunlight, private open space and separation distances between buildings.

In relation to Section 5.11.3 (Private Open Space) the following is relevant:

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces.....

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

5.2. EIA Screening

- 5.3. Having regard to the nature and scale of the proposed development for one infill dwelling house in an established urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, prepared by Raymond McGinley Architects on behalf of the appellant, are summarised below.

- The overall proposal for the site does not constitute overdevelopment. The plot ratio and site coverage generally considered to reflect whether a scheme constitutes over development are within the maxima cited in Appendix 3 of the Dublin City Development Plan 2022-2023. Appendix 3, Table 2 cites a plot ratio of between 2.5-3.0 and a site coverage of 60-90% for the central area of Dublin. The overall plot ratio is 0.64 and the overall site coverage is 45% for the existing main dwelling house and proposed mews house.
- Precedent for similar developments on Clonliffe Road is established. There are several recent rear garden developments granted planning permission. The subject site follows an orderly development pattern and is consistent with similar recent planning permissions granted by the planning authority.
- Appendix 1 of the appeal statement cites recent similar infill development. The recent permissions in the Clonliffe Road area consist of two-storey development with access provided to a flat roof that provides a screened open space. The appellant's scheme is identical to this form of development with the exception that a small room is provided at roof level, which technically constitutes a 'third floor'.

- No third party objections / observations were received by Dublin City Council. It would therefore be safe to assume that this is not a proposal that presents a problem to residents of the road and immediate neighbours.
- No internal departmental objection / negative observation to the proposed development from drainage / transport is recorded within the planning authority.
- There are no objections / negative observations from prescribed bodies.
- The proposed development complies with national policy, national design guidance and the Dublin City Development Plan including the following policy requirements: Project Ireland 2040; Sustainable Residential Development and compact Settlements Guidelines for Planning Authorities; Design Manual for quality Housing; Quality Housing for Sustainable Communities and; DCC Development Plan 2022-2028 (Chapter 5, section 5.5.2, specifically policy objectives QHSN6 (consolidation) and QHSN10 (density)).
- The general thrust of national planning advice to local authorities and other design guidelines in recent years has been the encouragement of densification of development, in order to increase the housing supply given the current housing crisis.
- The appellant first requests the Board to grant permission for the proposal as submitted to the planning authority. However, if this is not acceptable the appellant is willing to amend the development scheme.
- The principal reason for refusal appears to be height. The appellant is willing to make a concession and remove the top storey of the proposal. The appellant is also offering to further lower the building by removing the 3 no. steps at the entry level – lowering the entire building by 450mm.
- Furthermore, the brick screening at roof level presently designed at 1500mm high is proposed to be lowered to 1200mm in height. This would reduce the overall height of the front elevation by 750mm.
- A revised drawing No. 2306M.ABP.01 (A1 Size) is submitted with the appeal statement incorporating the above revisions.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

The planning authority request that the Board uphold their decision to refuse planning permission. The planning authority request that the following conditions be attached if permission is granted:

- A section 48 development contribution;
- A condition requiring the payment of a contribution in lieu of the open space requirement not being met if applicable;
- A naming and numbering condition.

6.4. Observations

None

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.

7.2. The relevant planning matters arising, including the grounds of appeal, are interrogated in my assessment under the following main headings below:

- Development proposal
- Zoning / principle of development
- Compact growth / urban consolidation
- The Sustainable Residential Development and Compact Settlement Guidelines (2024)
- Plot ratio & site coverage
- Infill development

- Residential standards, building design and open space
- Potential impact on adjoining properties including no. 173 Clonliffe Road
- Residential conservation area designation

7.3. Development proposal

The applicant proposes to subdivide the rear garden of no. 173 Clonliffe Road to provide an infill house. The proposed house would be located to the rear of the existing substantial period house fronting onto Clonliffe Road. It would be adjacent to the annexe structure abutting no.173 Clonliffe Road located at no. 2A Jones Road, which was previously granted planning permission as a separate dwelling unit within the historic curtilage of no. 173 Clonliffe Road. It is noted that the private amenity space for the no. 2A Jones Road is located at roof level.

- 7.4. The applicant proposes to demolish the existing garden shed and to construct a predominantly two-storey infill house. The proposed infill house would be located to the rear of the site aligned along an east-west axis with the front façade oriented toward Jones Road. The southern elevation and western elevations would be located on the property boundary with the adjoining neighbouring property to the south and the rear garden of no. 175 Clonliffe Road to the west (ground floor only). The blank north elevation would elevate onto the residual rear garden of no. 173 Clonliffe Road.
- 7.5. The front elevation would open into a courtyard space between the entrance threshold (defined by a canopy above the entrance) and the east boundary wall on Jones Road. The courtyard between the boundary frontage and the ground floor elevation of the house is modest in scale (approximately 5 sqm). A secondary entrance to the extreme south-west of the site would access the service laneway that runs behind the main building line on the south side of Clonliffe Road via Mable Street.
- 7.6. There would be a gap in the streetscape on Jones Road between the proposed infill house and no. 2A Jones Road. The width of the infill house on the Jones Road frontage measures 7100mm. The separation distance on Jones Road between no. 2A Jones Road and the infill house measures 5500mm. The separation distance is greater than the width of the frontage of no. 2A Jones Road, which measures

4750mm. A new access gate to the rear garden of no. 173 Clonliffe Road would be located within boundary wall between no 2A Jones Road and the infill house. No vehicular parking is proposed.

- 7.7. The dedicated amenity open space for residents of the new infill house would be located at roof level accessed by an internal stairwell that rises to second floor level. The house would exhibit a brick material finish and standard fenestration. The house would have a flat roof to accommodate the amenity second floor roof terrace with a metal clad mono-pitch roof to the second floor access stairs. A tall perforated parapet in brick (brick screen) with alternating panels of solid and void would enclose the roof terrace.

Refusal

- 7.8. The planning authority refused planning permission citing over development of the site noting that the rear garden of no. 173 Clonliffe Road has previously been subdivided to provide an independent residential unit at no. 2A Jones Road. The planning authority refusal cites the incompatibility of the development with the conservation area zoning objective given the location, scale and massing of the proposal, which would give rise to unacceptable negative impacts on the residential amenity of the original dwellinghouse in terms of overbearing and overshadowing of its remaining rear garden. The reason for refusal *inter alia* cites Policy BHA9 (protection of conservation areas) of the Dublin City Development Plan 2022-2028.

Revised plans

- 7.9. The appellant requests that the Board grant planning permission for the development as submitted to the planning authority. The appellant has also submitted revised drawings with the appeal statement on the 29th February, 2024 (drawing No. 2306M.ABP.01 (A1 Size)).
- 7.10. The revised drawings *inter alia* amend the roof plan to omit a proposed storage room / studio at 2nd floor level adjacent to the roof terrace access stairs. The omission of the storage room reduces massing at second floor level. The amended roof level plan and the overall reduction in height of the building by 450mm would reduce the maximum height of the house (7.89m) marginally below the eaves height of the main house (approximately 8m). The brick screen to the roof terrace at parapet level would be reduced from 1500mm to 1200mm. The front elevation overall would be

reduced in height by 750mm. The house would read as a two-storey dwelling from the street.

7.11. I advise the Board that I do not consider that the proposed revision is material to the development as advertised given that the scale, height (from 8.58m to 7.89m) and internal floor area of the development would be marginally reduced.

7.12. Zoning / principle of development

The site is zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028: *To protect and/or improve the amenities of residential conservation areas*. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives for the residential conservation zone.

7.13. The subject lands comprise the rear garden of a substantial dwellinghouse, previously subdivided, located within an established urban area where piped services are available. The development site is centrally located proximate to the Dublin city urban core. I consider the location appropriate for infill housing subject to satisfying the requirements for development within a residential conservation zone.

7.14. Compact Growth / Urban Consolidation

National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban areas and, as such, promotes the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.

7.15. The strategic objective of compact development is supported in principle by densification of urban sites in particular lands accessible by walking, cycling and public transport. The subject development site is located north of the city centre between the city core and the lower density northern suburbs. The site is highly accessible.

7.16. Urban consolidation and compact growth housing objectives based on target populations are incorporated into the Dublin City Development Plan 2022-2028, which *inter alia* through development management is required to provide sustainable

new homes targeting a 20-25% population growth range (for the four number Dublin local authorities) from 2016 to 2040.

7.17. The policy framework provided by the Dublin City Development Plan 2022-2028 supports the infill development of brownfield, vacant and underutilised sites. For example Policy QHSN6 (Urban Consolidation) promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development, re-use / adaption of the existing building stock and, the use of upper floors and subject to the provision of good quality accommodation.

7.18. The Sustainable Residential Development and Compact Settlement Guidelines

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement.

7.19. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards. The following assessment is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

7.20. Plot ratio and site coverage

The appellant claims that the overall proposal for the site does not constitute overdevelopment. The appellant states that the plot ratio and site coverage are within the maxima cited in Appendix 3 of the Dublin City Development Plan 2022-2023.

Appendix 3, Table 2 cites a plot ratio of between 2.5-3.0 and a site coverage of 60-90% for the central area of Dublin. I note that the proposed development is located within a residential conservation area. Table 2 provides an indicative plot ratio of between 1.5-2.0 and site coverage of 45-50% within a conservation zone.

7.21. The total site area comprising no.173 Clonliffe Road, no. 2A Jones Road and the development site is given as 382.52 sqm. The floor area of the buildings to be retained within the site is given as 147.24 sqm comprising the floor area of 2A Jones Road (47.58 sqm.) and the floor area of 173 Clonliffe Road (99.66 sqm.). The floor area of the infill house is given as 96.46 sqm. I calculate the plot ratio at 0.64. There would be approximately 50% site coverage.

7.22. The appellant cites central area development criteria in the calculation of plot ratio and site coverage. I consider that the proposed location of the development is within a transition area between the central urban core and the inner northern suburbs.

7.23. The application of basic plot ratio and site coverage criteria governing development in the inner city or for that matter within a conservation zone requires further calibration with reference to infill development criteria. I note the urban transition location and residential conservation area designation of the development site and the inner suburban pattern of development on Clonliffe Road.

7.24. Infill Development

Section 15.5.2 (Infill Development) provides criteria to guide infill development on potential development sites between or to the rear of existing buildings (i.e. gap sites) within existing established urban areas. The proposed development site would satisfy the definition of an infill site. I consider that the proposed development as amended by way of the appeal submission (drawing No. 2306M.ABP.01 - submitted on the 29th February, 2024) would in general satisfy infill development criteria, which are listed in the policy section of this report.

7.25. Residential standards, building design and open space

The proposed infill house would in general satisfy internal residential standards and open space standards.

7.26. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) requires 30sqm for a 2-bedroom dwellings. A south orientation roof terrace comprising approximately 31sqm. would be provided. The provision of a roof terrace is acceptable in the instance of the proposed development given the urban location and pattern of infill development in the area, including the roof terrace amenity provision to the existing infill house on site at no. 2A Jones Road.

7.27. The proposed infill house would exhibit a contemporary design solution and would have an acceptable elevation finish that responds to local context.

7.28. Potential impact on the adjoining properties including no. 173 Clonliffe Road

The reason for refusal cites the negative impacts on the residential amenity of the original dwellinghouse in terms of overbearing and overshadowing of its remaining rear garden. The development proposal would truncate the rear garden of no. 173 Clonliffe Road.

The proposed north elevation of the infill house would be approximately 10m from the main rear elevation of no. 173 Clonliffe Road. The truncated rear garden would be approximately 56 sqm. in area. There would be a dedicated side access pedestrian entrance from the garden to Jones Road.

7.29. The proposed infill house would have a blank north brick elevation onto the truncated rear garden of no. 173 Clonliffe Road. The overall development would reduce in height aligned with the proposed revisions submitted with the appeal.

7.30. The north elevation has been revised by the appellant to omit a second floor storage room restricting second floor massing to the upper volume of the internal access stairs to the roof terrace. I consider that the revision would provide greater modulation at roof level. The revisions at roof level to the north elevation would in part mitigate the visual impact of the expanse of blank brick when viewed from the main dwelling and residual garden of no. 173 Clonliffe Road.

7.31. I note there may be potential to overlook the rear garden of no.173 Clonliffe Road from the parapet voids of the revised roof terrace, which would now extend to the north elevation. This matter can be dealt with by way of condition if a positive recommendation is recorded.

7.32. It is considered that the south orientation of the rear elevation of no. 173 Clonliffe Road and the open aspect of the rear garden to the east and west would in part mitigate overshadowing impacts to the rear of the main dwelling house arising from the development of the southern section of the existing garden.

7.33. I do not consider that the proposal to construct an infill house in the rear garden of no. 173 Clonliffe Road would have a significant adverse impact on the residential amenities of this property given the size and urban location of the residual rear

garden, the dedicated access provided to the garden from Jones Road and, the reduction in the height and massing of the north elevation as proposed on appeal.

7.34. Finally, I do not consider that there would be significant impacts on the existing amenities of the other adjacent properties, subject to condition, including no. 175 Clonliffe Road and no. 2A Jones Road.

7.35. Residential conservation area designation

7.36. The reason for refusal cites a number of provisions including Policy BHA9 of the Dublin City Development Plan 2022-2028. Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 protects the special interest and character of all Dublin's conservation areas including *inter alia* requiring development within or affecting a residential conservation area to contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting.

7.37. I consider that the proposed contemporary infill house, set back from the streetscape behind a screen wall on Jones Road, exhibiting a flat roof profile, brick elevations and standard fenestration would respect the setting and character of the residential conservation area within which it would be located.

7.38. Conclusion

In conclusion, the proposed development as revised on appeal (Drawing No. 2306M.ABP.01), subject to condition, would align with strategic compact growth objectives for brownfield, vacant and underutilised serviced lands centrally located.

I conclude that the proposed development, as revised and subject to condition, would not have a significant adverse impact on adjoining residential properties, including the main dwelling house at no. 173 Clonliffe Road, would be consistent with the urban consolidation policies and objectives of the Dublin City Development Plan 2022-2028, including infill development criteria and the guidance on new development within conservation areas, as provided by Section 15.5.2 and Policy BHA9 of the plan, respectively.

7.39. **Appropriate Assessment Screening**

The proposed development comprises an infill dwelling house in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission for the reasons and the considerations set out below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the reason for refusal, the residential conservation zoning objective and the policy framework provided by the Dublin City Development Plan 202-2028, it is considered that the proposed infill 2-bedroom house, as revised on appeal (Drawing No. 2306M.ABP.01) and subject to condition, would not have a significant adverse impact on adjoining residential properties, including the main dwelling house at no. 173 Clonliffe Road, would be consistent with the urban consolidation policies and objectives of the Dublin City Development Plan 2022-2028, including Section 15.5.2 infill development criteria and Policy BHA9 guidance on new development within conservation areas of the Dublin City Development Plan 2022-2028, would be consistent with the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities (15 January, 2024) and, as such, would be consistent with the proper planning and sustainable development of the area.

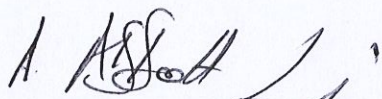
10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 29th day of February 2024, 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
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	<p>with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings providing for the following modifications:</p> <p>(i) The roof terrace (north elevation) shall be screened in order to restrict the line of vision from the roof terrace onto the residual rear garden of no.173 Clonliffe Road.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

7.	<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. 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>Reason: It is a requirement of the Planning and Development Act 2000 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>
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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.



Anthony Abbott King
Planning Inspector

25 June 2024