



An
Bord
Pleanála

Inspector's Report ABP320851-24

Development	A new two-storey detached 3 bedroom house, new boundary walls, new vehicular access, off street car parking and associated site works.
Location	1 Patrickswell Court, Finglas, Dublin 11, D11DT04.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3948/24.
Applicant(s)	JJMS Properties Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	JJMS Properties Ltd.
Observer	Shelia Kenny.
Date of Site Inspection	04/11/24.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. Patrickswell Court is a cul-de-sac of predominantly two-storey terraced houses accessed via Patrickswell Lane. There is a shared parking arrangement within the cul-de-sac. No. 1 Patrickswell Court is an end of streetscape property located at the south of Patrickswell Court.
- 1.2. The site comprises an infill development plot located between the side elevation of no. 1 Patrickswell Court and the rear boundary wall of houses on Wellmount Parade. No. 1 Patrickswell Court is located north-west of nos. 17 & 18 Wellmount Parade.
- 1.3. Wellmount Parade is a streetscape of two-storey semi-detached houses located to the south-east of Patrickswell Court. The rear gardens of Nos. 17, 18, 19 & 20 Wellmount Parade are proximate to the development site.
- 1.4. There is a laneway to the rear of Patrickswell Court known as Fergal's Lane. The boundary wall defining the rear of the site is visible from the lane.
- 1.5. The site area is given as 290 sqm.

2.0 Proposed Development

- 2.1. A new two-storey detached 3 bedroom house, new boundary walls, new vehicular access, off street car parking and associated site works

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

1. *Having regard to the height, depth, scale and massing of the proposed dwelling and its siting in unacceptably close proximity to No. 1 Patrickswell Court and the rear gardens of No's 17, 18 and 19 Wellmount Parade; the proposed development would likely result in an unacceptable and detrimental impact on the residential amenities of these properties due to its overbearing*

impacts, potential impacts on daylight and sunlight and diminution of their outlook / visual amenity. The proposed development is therefore considered to be contrary to Section 15.13.3 of the 2022-2028 Dublin City Development Plan insofar as it will seriously injure both the visual and residential amenities of properties located within its immediate vicinity in contravention of the Z1 zoning objective; would depreciate the value of property in the vicinity; and, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

3.2.2. Other Technical Reports

- Transport Planning Division no objection subject to condition.
- Engineering Department Drainage Division requests further information as it is not possible to state that satisfactory proposals for management of surface water can be provided for the development.

It is noted that the applicant by way of appeal has submitted a drainage scheme surface water compliance drawing (18/09/2024).

4.0 Planning History

The following recent planning history is relevant:

- Under Reg. Ref: 4465/23 planning permission was refused for a dwelling house having regard to the height, depth, scale and massing of the house and its siting in unacceptably close proximity to the rear gardens of nos. 17, 18,19 Wellmount Parade and no.1 Patrickswell Court.
- Under Reg. Ref: 2350/21 planning permission was refused for a dwelling house on the grounds of contravention of the Z9 open space zoning objective.

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 A) is Z1 (Sustainable Residential Neighbourhoods): *to protect, provide and improve residential amenities.*

Residential is a permissible use.

- **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.*

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

Section 15.13.3 (infill / side garden housing development) provides for the development of a dwelling house in the side garden of an existing house. The section sets out criteria for corner / side garden sites.

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites

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 O'Neill Town Planning Consultants, are summarised below:

- The site is a serviced zoned site within Dublin City. The proposed development is consistent with the National Planning Framework, the RSES, Ministerial Guidelines and the policies and objectives of the Dublin City development Plan 2022-2028.
- There are a number of refusals of planning permission on the subject site. The site was rezoned from Z9 (Open Space) to Z1(Residential) following refusal of permission under Reg. Ref: 2350/21.
- There will be no material impact on the residential amenity of adjoining properties. The infill house will not compromise the character and pattern of development in the area.
- The proposal by virtue of its type and design complies with development plan policy for infill development which seeks to encourage and promote the development of underutilised sites in existing residential areas subject to the character of the area and the protection of the receiving environment.
- The proposed development represents a modest well designed house on an infill site and is keeping with the proper planning and sustainable development of the area. It is recognised that the proposed house is longer and narrower than other immediate houses.
- The east-west orientation of the proposed house results in only the side elevation interfacing with nos. 17, 18 & 19 Wellmount Parade, which are between 15m-19m from the side elevation. The separation distances are

adequate due to the scale and height of the proposed development and the location of the living rooms to the front and rear of the ground floor.

- SPPR 1 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) refers to minimum separation distances between opposing windows serving habitable rooms at the rear or side of houses. No habitable room windows will oppose one another between Wellmount Parade and the proposed dwelling.
- There is only one window in the opposing elevation lighting the staircase and landing. The nearest house at no. 17 Wellmount Parade is 15m. A condition to use obscure glazing in the subject opening would remove any notion of overlooking.
- The house would have a floor area of 131 sqm. The open space provision is 219 sqm. One car parking space is provided. The proposed house would have a site area of 297 sqm.
- The development plan sets indicative requirements of 1.0-2.5 for plot ratio and 45-60 % for site coverage for outer employment and residential areas. The site coverage is 22% and the plot ratio is 0.45, which complies with the relevant standard.
- The standards for a 3 bedroom / 5 person house are generally satisfied. There are minor deviations in one of the bedrooms and the living room. However, the standards are exceeded in other areas.
- The house would exhibit an acceptable level of residential amenity in terms of internal floor area, open space, natural daylight and sunlight.
- The potential for the cumulative impact of overlooking, overbearing and overshadowing should be dismissed as the height, scale, design and location of the house conforms to the pattern of development in the area.
- The Transportation Planning Division so not object to the proposed car parking provision of 1 dedicated space provided to the front of the house with access from Patrickswell Court via a 2.8m wide vehicular opening.

6.2. Applicant Response

N/A

6.3. Planning Authority Response

The planning authority request the Board to uphold their decision to refuse permission. The attachment of a Section 48 development contribution, a contribution in lieu of open space and a numbering condition is requested if a positive decision is recorded.

6.4. Observations

An observation from Shelia Kenny, of no. 11 Patrickswell Court, on behalf of herself and other resident homeowners of Patrickswell Court, namely Michael Yeates of no. 15 Patrickswell Court and Ruth Colgan of no. 14 Patrickswell Court, is summarised below. The observer *inter alia* attaches photographs and map extracts appended to the observation.

- The applicant JJMS Properties Limited / John McSharry cannot own the site. The site would have been built upon previously if it had been viable building land. The site was a public thoroughfare known as Patrickswell Lane, Springmount or Church Road.
- The right of way of the subject lane was extinguished. The residents subsequently did works to improve the estate and created a safe green area for children to play. It is the only proper off-road green space in the estate. This green space is maintained by 'Redlough Landscapes' (2022-2025) and has won a community garden award.
- There is no historical physical attachment of the site to the garden of no. 1 Patrickswell Court. Rather the boundaries of No. 1 Patrickswell Court were revised over time to include the disputed territory appearing incorrectly for the purposes of a planning application to be a side garden of an existing house.
- The area adjacent to the site forming part of the public carriageway is designated as 2 "Free" car parking spaces. A map extract is included with the

submission showing the car parking layout from circa. 1999. The designated “free” car parking spaces are regularly used for parking.

- The observer claims that there was no public consultation in the matter of the zoning objective change in the current development plan from Z9 (open space) to Z1 (Residential).
- The impact of the proposal would have an adverse impact on the residents of Patrickswell Court in terms of removing the community garden / children’s safe play area, uprooting mature trees, reducing parking provision and hindering service truck / ambulance movements due to congestion.
- The proposed development is not in keeping with the design of the estate in particular in regard to dedicated parking provision, as the houses in Patrickswell Court have communal parking.

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 applicant proposes to build a detached 3-bedroom two-storey infill dwelling house principally within a residual open space / former public routeway (right of way extinguished). The house would be gabled fronted with a standard pitched roof. The site area is given as 290 sqm.
- 7.3. The floor area of the infill house is given as 131.6 sqm. The foot print would be in width 6m by a dept of 12.5m. The house would have an eaves height of approximately 5.5m and a ridge height of 7.5m. One dedicated car parking space would be created in the front curtilage with the provision of a vehicular opening 2.8m wide onto Patrickswell Court.
- 7.4. There is a history of refusal on the site. The site was originally zoned Z9 (*to preserve, provide and improve recreational space and open space and green networks*). The site is zoned Z1 (*to protect, provide and improve residential amenities*) in the Dublin City Development Plan 2022-2028. The most recent reason

for refusal relates to the design of the infill house rather than the principle of development.

7.5. The planning authority refused planning permission on the grounds that the proposed house would be contrary to Section 15.13.3 (infill / side garden housing development) of the Dublin City Development Plan 2022-2028 by reason of its height depth, scale and massing and its siting in an unacceptably close proximity to No. 1 Patrickswell Court and the rear gardens of nos. 17,18 and 19 Wellmount Parade.

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

- Zoning / principle of development
- Compact growth / urban consolidation
- The Sustainable Residential Development and Compact Settlement Guidelines (2024)
- Plot Ratio
- Infill development / side garden
- Residential standards, building design and open space
- Potential impact on adjoining properties
- Surface water drainage
- Property title and other matters

7.7. Zoning / principle of development

7.8. The site is zoned Z1 (Residential) in the Dublin City Development Plan 2022-2028: *to protect, provide and improve residential amenities*. 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 zone.

7.9. The development site is located proximate to Finglas Village in an accessible location on serviced land. I consider the location appropriate for infill housing subject to satisfying the requirements of the development plan, including the criteria governing infill development, and with the policies and objectives of the Sustainable Residential Development and Compact Settlement Guidelines (2024).

Compact Growth / Urban Consolidation

- 7.10. The appellant details the national, regional and local urban consolidation and compact growth context. I note that the 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, promote the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.
- 7.11. 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 proximate to Finglas Village within the inner northern suburbs. The site is accessible by walking and cycling to local services and by frequent public transport to the city core.
- 7.12. 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.
- 7.13. 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.
- 7.14. *Sustainable Residential Development and Compact Settlement Guidelines*
- 7.15. 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.
- 7.16. 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.

7.17. Plot ratio and site coverage

The appellant states that the plot ratio and site coverage are within the maxima as provided for in Appendix 3 of the Dublin City Development Plan 2022-2023.

- 7.18. Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City), Table 2 cites a plot ratio of between 1.0-2.5 and a site coverage of 45-60% for 'Outer Employment and Residential Areas'. The proposed development would be consistent with plot ratio and site coverage standards appropriate to the development plot location.

Infill development / side garden

- 7.19. Section 15.5.2 (Infill Development) of the Dublin City Development Plan 2022-2028 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.
- 7.20. The planning authority will favourably consider infill development on appropriate sites. However, a balance is required between the provision of additional residential units and the protection of the character and amenity of the established neighbourhood. I consider that the proposed development plot would satisfy the definition of an infill development site.
- 7.21. The planning authority recognises that the development of a dwelling or dwellings in the side garden of an existing house is an efficient use of serviced residential lands. In the instance of the proposed development the plot in part comprises the side garden of no.1 Patrickswell Parade.
- 7.22. Section 15.13.3 (Infill / Side Garden Housing Development) of the Dublin City Development Plan 2022-2028 provides criteria for the development of a dwelling house in the side garden of an existing house. The relevant infill development criteria are interrogated below.

Residential standards, building design and open space

- 7.23. The proposed infill house would in general satisfy internal residential standards and would provide a reasonable level of accommodation on site.
- 7.24. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) requires 40 sqm. of private open space for a 3-bedroom house. The proposed infill dwelling would have a total site area of 290 sqm and an open space provision of 219 sqm. (as given). The open space to the rear would comprise a south-west facing wedge shaped garden that would satisfy quantitative and qualitative standards.
- 7.25. I consider that the proposed infill house would exhibit a contemporary design represented by a two-storey pitched roof building that responds to local context. The material finish of the infill house can be dealt with by way of condition if a positive recommendation is recorded.
- 7.26. One dedicated car parking space would be provided, which is acceptable to the Transportation Planning Division of the planning authority including the 2.8m wide vehicular opening onto Patrickswell Court. I consider that the proposed car parking provision is acceptable.

Potential impact on adjoining properties

- 7.27. The planning authority concluded that the infill house by reason of its height, depth, scale, massing and siting would likely result in an unacceptable and detrimental impact on the residential amenities of no.1 Patrickswell Court (north west) and the rear gardens of nos. 17,18 and 19 Wellmount Parade (south east) due to overbearing impacts, potential impacts on daylight and sunlight and diminution of their outlook / visual amenity. I do not concur with the planning case officer.

Wellmount Parade

- 7.28. I do not consider that a refusal of planning permission is warranted on the grounds of overbearing and visual impacts on the gardens of the adjoining houses at Wellmount Parade. SPQR 1 of the Sustainable Residential Development and Compact Settlement Guidelines (2024) requires that when considering a planning application a separation distance of at least 16m between opposing windows serving habitable rooms above ground floor level at the rear and side of houses should be maintained.

- 7.29. In the instance of the proposed development a minimum separation distance of 15m would be provided between the side elevation of the infill house and the rear building line of the elevations of nos. 17, 18, 19 & 20 Wellmount Parade. There are no first floor windows in the proposed side elevation lighting habitable rooms. The one proposed first floor window opening lights a stairwell. The 16m standard is therefore not applicable.
- 7.30. There is a window opening at first floor level in the side elevation of the infill house that lights the stairwell and first floor landing. The window opening would have prospect toward the rear gardens of the adjoining houses at nos. 17, 18, 19 & 20 Wellmount Parade. The applicant originally proposes clear glazing in the opening.
- 7.31. I acknowledge that the nearest house is a 15m separation distance. However, given the proximity of the shared property boundary to the south east, I consider it is reasonable to provide for opaque glazing to the subject opening in order to address any perception of overlooking of the rear gardens of the houses on Wellmount Parade. This can be dealt with by way of condition.

Patrickswell Court

- 7.32. The appellant states that the design of the house is in keeping with the existing character and pattern of development in the area. The vicinity of the development plot is characterised by low rise, low density two-storey family housing. I note that the gable fronted two-storey house would be set back from the front building line on Patrickswell Court. I consider that the proposed infill house would respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
- 7.33. The infill house would be located on the shared property boundary with no. 1 Patrickswell Court. The site configuration and end of streetscape location of no. 1 Patrickswell Court provides for a side passage between the site boundary and the south-east elevation of no.1 Patrickswell Court (1325mm). It is noted that the finished floor level of the infill house would be below the existing grade of Patrickswell Court (500mm).
- 7.34. The side elevation of infill house would have an eaves height of approximately 5.5m onto the boundary and a ridge height of 7.5m. The change in level would marginally reduce the height of the side elevation as viewed from the rear garden of no.1

Patrickswell Court. The 2-storey side elevation would extend along the south-east boundary for approximately half the depth of the rear garden of no.1 Patrickswell Court (9m).

- 7.35. I consider that the physical relationship between Patrickswell Court and its former side curtilage would be significantly altered by the infill development to the immediate south east. It is considered that massing on the shared property boundary would be clearly discernible. However, I do not consider that the proposed infill dwelling house would have a determinantal impact on the amenities of no.1 Patrickswell Court in terms of the enjoyment of its rear amenity space.
- 7.36. I do not consider on balance that a refusal of planning permission is warranted on the grounds of overbearing impacts on the rear garden of no.1 Patrickswell Court or on the grounds of insufficient separation distance between the proposed house and the houses on Wellmount Parade.

Surface water drainage

- 7.37. The Drainage Division of the planning authority recommended further information in the matter of the management of surface water for the development, as no drainage information had been submitted with the application to the planning authority.
- 7.38. The applicant submitted by way of appeal a drainage scheme surface water compliance drawing (18/09/2024) clarifying surface water management on site. It is noted that foul and surface water are designed on an entirely separate system with strict separation of foul and surface water. This can be dealt with by way of condition.

Property title and other matters

- 7.39. The third party observer has questioned the property title of the applicant / appellant.
- 7.40. The planning authority acknowledges the matter of land title within the planning case officer assessment report. I note these matters are in part clarified. However, further investigation of title is flagged.
- 7.41. The Development Management Guidelines for Planning Authorities (2007) Section 5.13 (Issues relating to title to land) *inter alia* states that the planning system is not a mechanism for resolving disputes about title to land these are ultimately matters for resolution in the Courts. Furthermore, it should be noted that a person is not entitled

solely by reason of a permission to carry out development. I am satisfied with the bona fides of the applicant in the matter of title.

7.42. Finally, the other observations of the third party are noted including the matters of informal parking in front of the development site and the use of the development site as a green amenity space.

7.43. I note that the site was rezoned as part of the current development plan process from open space (Z9) to residential (Z1). The proposed development would appear a reasonable action arising from the change in zoning.

Conclusion

7.44. I consider that the proposed development would align with national, regional and local urban consolidation policy objectives promoting compact growth on accessible underutilised serviced lands.

7.45. I conclude that the proposal, subject to condition, for a two-storey, 3-bedroom dwelling house on an infill development plot with one dedicated car parking space, would provide a reasonable level of residential accommodation on site, would not have an adverse impact on the residential amenities of adjoining properties, including nos. 17, 18, 19 & 20 Wellmount Parade and no. 1 Patrickswell Court and, as such, would be consistent with the proper planning and sustainable development of the area.

7.46. 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 subject to condition for the reasons set out below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the reason for refusal, the residential zoning objective, the policy framework for residential development provided by the Dublin City Development plan 2022-2028, it is considered that the proposed development, subject to condition, comprising a two-storey, 3-bedroom dwelling house on an infill development plot with one dedicated car parking space, would provide a reasonable level of residential accommodation on site, would not have an adverse impact on the residential amenities of adjoining properties, including nos. 17, 18, 19 & 20 Wellmount Parade and no. 1 Patrickswell Court, would be consistent with Section 15.13.3 (Infill / Side Garden Housing Development) of the Dublin City Development Plan 2022-2028 and with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and, as such, would be consistent with the proper planning and sustainable development of the area.

10.0 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 received by An Bord Pleanála on the 18 day of September, 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 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 first-floor window opening in the south-east side elevation shall have opaque glazing.</p>

	Reason: In the interest of residential amenity.
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>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>

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

05 November 2024