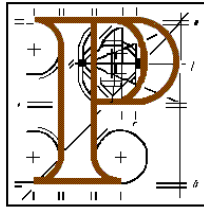


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Westmeath County

Planning Register Reference Number: 14/7144

An Bord Pleanála Reference Number: PL 25.244825

APPEAL by Joe Browne care of DK Engineering of Portlick, Glasson, County Westmeath against the decision made on the 9th day of April, 2015 by Westmeath County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a new four bedrooomed two-storey dwellinghouse, boundary wall, site access road, site entrance and the installation of a new wastewater treatment system at Baskin Low, Crush Bridge, Drumraney, County Westmeath.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions in the Westmeath County Development Plan 2014 - 2020 and the pattern of development in the area, and having regard to the Westmeath Rural Design Guidelines, 2005, and in particular the location of the proposed dwelling close to the cluster of existing farm buildings and the design and finishes of the proposed two-storey dwelling, and the specified screening planting along site boundaries and the revised road entrance layout combining existing entrances as received by the planning authority, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 26th day of March, 2015, 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.

Reason: In the interest of clarity.

2. The development shall be amended as follows:
 - (a) The main roof to the two-storey element shall be to a minimum pitch of 32.5 degrees.
 - (b) All windows shall be in timber painted, to the written agreement of the planning authority.
 - (c) The stone finish, other than the granite lintel, shall be removed from the front porch.
 - (d) The front door shall be a minimum 1,000 millimetres opening width.
 - (e) The dwelling shall be relocated along the line of the front shown, a distance of 10 metres to the north-east.

Revised drawings showing compliance 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 visual amenity.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 4. Details of the proposed new combined road entrance and closure of the existing road entrance to the adjacent dwelling to the west as submitted on the Revised Entrance Layout – Amended Site Boundary drawing received by the planning authority on the 26th day of March, 2015, shall be submitted to the planning authority for written agreement prior to commencement of development. The existing road entrance to the adjacent dwelling to the west shall be closed off to the satisfaction of the planning authority prior to occupation of the proposed dwelling.

Reason: In the interest of traffic safety and orderly development.

- 5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

6. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” - Environmental Protection Agency, 2009 including minimum distances between the proposed percolation area and the dwelling and site boundaries.

Reason: In the interest of public health.

7. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

8. The roof finishes to the proposed dwelling shall be natural slate as submitted. The external walls shall be finished in a neutral colour such as grey or off-white.

Reason: In the interest of visual amenity.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. Details of the proposed tree planting along site boundaries as indicated on the Amended Site Boundary Map received by the planning authority on the 26th day of March, 2015 shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2015.