

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Mayo County

**Planning Register Reference Number: P15/644**

An Bord Pleanála Reference Number: PL 16.246114

**APPEAL** by Anna Browne care of Waldron and Associates of The Square, Claremorris, County Mayo against the decision made on the 13<sup>th</sup> day of January, 2016 by Mayo County Council to grant subject to conditions a permission to Susan Carroll and Guillaume Vaidie care of Planning Workshop of Unit 204 NUI Galway, Business Innovation Centre, Upper Newcastle, Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of existing chalet dwelling, and construction of two number new two storey dwellinghouses, each with single storey garage, connection to existing public services and all other ancillary site development works including alterations to access and access road. This development is to take place within the curtilage of a protected structure Abbeywood House at Abbeywood House, Newport Road, Westport, County Mayo.

## 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 A3 Residential Phase 1 zoning of the subject site in the Westport Town and Environs Development Plan, to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential amenities of the area or negatively impact on the nearby Protected Structure 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not accept that the proposed development would interfere with or adversely affect the protected structure given the extent of the subject site and the design and disposition of the proposed new houses.

## 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 9<sup>th</sup> day of December, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the dwellinghouses.

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

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

7. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

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

8. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts and similar (wall/fence) shall be provided on the common boundary with Wood Cottage prior to first occupancy of the proposed dwellings and to the written approval of the planning authority.

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

9. Two number car parking spaces shall be provided within the curtilage of each site.

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

10. The developer shall consult with the planning authority and agree revised proposals showing greater visibility for school related traffic exiting the school at junction between the private access road and the school access road. The agreed proposals shall be submitted for the written agreement of the planning authority prior to commencement of works on site.

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

11. The proposed retaining wall to the access road shall be clad in natural stone with a minimum leaf of 150 millimetres with recessed pointing, laid in a random rubble manner in courses of 400 millimetres, details of same including capping shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of works on site.

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

12. The garage/shed shall be used only as a private domestic shed/garage and shall not at any time be used for agricultural, industrial or commercial purposes or converted for human habitation.

**Reason:** In the interests of residential amenity.

13. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping,
  - (ii) the measures to be put in place for the protection of these landscape features during the construction period,

- (iii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
  - (iv) details of screen planting which shall not include cupressocyparis x leylandii,
  - (v) details of roadside/street planting which shall not include prunus species, and
  - (vi) hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
  - (c) a timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

14. 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 noise management measures and off-site disposal of construction/demolition waste.

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

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

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

16. 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 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                    2016.**