



Planning and Development Acts 2000 to 2019

Planning Authority: Laois County Council

Planning Register Reference Number: 19/354.

Appeal by Martin and Bernadette Turley of “Bermar”, Station Road, Portarlinton, County Laois against the decision made on the 7th day of August, 2019 by Laois County Council to refuse an outline permission to the said Martin and Bernadette Turley for the proposed development.

Proposed Development: Outline permission for construction of private dwellinghouse and associated site works, all Cooltedery Townland, Station Road, Portarlinton, County Laois.

Decision

GRANT outline 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 zoning of the subject site in the Portarlington Joint Local Area Plan 2018 – 2024 as “Residential 1 – Existing residential”, and to the existing pattern of development in the vicinity, and having regard to the means of access to the site via an existing laneway/right-of-way that already has an established gated entrance onto Station Road, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of adjoining properties or the residential amenities of future occupants, would be acceptable in terms of pedestrian and traffic safety, would not be out of character with the established pattern of development in the area and would not represent haphazard or piecemeal development. 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 considered that, subject to conditions limiting the proposed development to a single storey house, and requiring a specified area of private garden space, the proposed development would not have adverse impacts on residential amenity. Furthermore, the Board considered that the proposed development, which can be accessed via the adjoining laneway/right-of-way (and which is in the applicants' ownership), would not create a precedent or represent haphazard development, in the light of the pattern of development in the vicinity.

Conditions

1. This outline permission relates solely to the principle of the development of a single residential dwelling on the site as outlined in red on the submitted drawings, with pedestrian and vehicular access via the existing right-of-way to Station Road.

Reason: In the interest of clarity.

2. The development to which the application for permission, consequent on this grant of outline permission, may be made shall be limited to a single storey dwelling, with no attic accommodation, and which has not less than 100 square metres of private open space behind the front (northern) building line.

Reason: In the interest of protecting the residential amenity of adjoining properties and the residential amenities of future occupants of the proposed dwelling.

3. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:-:
- (a) detailed plans and elevations of the proposed dwelling, which shall conform to the requirements of condition number 2 of this Order,
 - (b) a detailed landscaping plan for the entire site, and for the right-of-way/laneway access,
 - (c) boundary treatment with the retained dwelling to the east, which shall be so located that there is no mutual overlooking between the proposed dwelling and that existing dwelling.
 - (d) Provision of a new gateway to Station Road, to replace the existing agricultural style gate. Such new gate shall not be capable of being opened outwards onto the existing footpath along Station Road,
 - (e) proposals for public lighting for the access laneway,
 - (f) details of surface water attenuation, so as to ensure that no surface water from the site and the laneway discharges onto the public road or adjoining properties, and
 - (g) provisions to ensure the protection of all existing services that are located on the existing laneway/right-of-way.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

4. 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 amount of the contribution to be paid and the arrangements for payment shall be determined as part of the planning permission consequent on this grant of outline permission 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.

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

Dated this day of 2020.