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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 19/355**

**Appeal** by Joan Earls of 28 Woodlawn Park, Borris, County Carlow against the decision made on the 6<sup>th</sup> day of December, 2019 by Carlow County Council to grant subject to conditions a permission to Frank Conroy care of Byrne and McCabe Design of Upper Main Street, Graiguenamanagh, County Kilkenny in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of existing structure to the rear of dwelling for use as a games/recreational room and all associated site works at 29 Woodlawn Park, Borris, County Carlow.

**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 of the Carlow Development Plan 2015 – 2021, to the location of the site in an established residential area and to the nature, form, scale and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13<sup>th</sup> day November, 2019, 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 and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development shall be used solely for a purpose that is incidental to the enjoyment of the dwelling on the site and shall not be used as a self-contained dwelling unit, or for any business, trade, commercial activity or other non-domestic use.

**Reason:** To regulate the use of the building and to protect residential amenities in the interest of the proper planning and sustainable development of the area.

3. 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.

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 contribution shall be paid within two months of the date of this Order 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.

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**Paul Hyde**

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

**Dated this            day of            2020.**