



An  
Bord  
Pleanála

**Board Direction**  
**PL06F.248280**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on June 13<sup>th</sup> 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature and scale of the subject development and to the pattern of development in the vicinity, 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 amenities of the area or of property in the vicinity, and would, therefore, not be contrary to the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of February 2017, except as may otherwise be required in order to comply with the following conditions.

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

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to use as a private art studio that is incidental to the enjoyment of the neighbouring dwelling house as such, and shall not be used as a commercial art studio to which the public would have any access, unless otherwise authorised by a prior and separate grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity, and in order to limit the use of the subject development to that applied for.

3. The development shall not be used for human habitation of any kind whatsoever, and in particular shall not be used for sleeping accommodation for any persons, whether part of the family occupying the neighbouring dwelling, or otherwise. The building hereby permitted shall not be used for any form of tourist accommodation, and shall not be sold, let or otherwise transferred or conveyed, save as part of the overall dwelling plot.

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

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house.

**Reason:** In the interest of protecting the amenities of the area.

5. 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. The drainage works indicated on the plans and particulars submitted on the 14<sup>th</sup> day of February 2017 shall be completed within 3 months of the date of this order, unless otherwise agreed in writing with the planning authority.

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

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no advertisement signage or structure of any kind shall be erected on any part of the overall site. Any existing such signage or advertisement structure shall be permanently removed within three months of the date of this order.

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

7. 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 three 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.

**Board Member**

**Date:** 13<sup>th</sup> June 2017

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Philip Jones