



An
Bord
Pleanála

Board Direction
BD-000975-18
ABP-301366-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/08/2018.

The Board decided to make a split decision, to

(1) grant permission, for the following reasons and considerations and subject to the following conditions for the renovation of the existing structure subject to conditions.

and

(2) refuse permission for outline permission for the two-storey house.

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

(a) Grant of Permission for the renovation of existing building.

Having regard to the poor physical condition of the existing structure and prominent location of the proposed site in The Square, the need for rejuvenation of this site, and the physical improvements arising from the proposed renovation of the existing structure, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety by way of traffic hazard, and would otherwise be in accordance with the provisions of the current Rathkeale Local Area

Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

(b) Refusal of Outline Permission for the construction of a two–storey house

It is considered that the proposed development of an additional house on this site would constitute overdevelopment of a restricted site, would be substandard in terms of residential amenity, and would seriously injure the amenity of properties in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Conditions

1. This permission relates to the renovation of the existing building to a dwelling house only, and the demolition of the structures to the rear of the overall site. The remainder of the overall site, following the demolition of the existing structures to the rear shall be used solely as a rear garden to serve the renovated building.

A wall 1.8metres in height shall be provided around this garden area, bounding the laneway, with only one vehicular access gate.

Reason: In the interest of clarity.

2. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

3. Replace the proposed external door on western elevation with a further window.

Reason: In the interest of pedestrian and traffic safety.

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

Reason: In the interest of visual amenity

5. Water supply and drainage arrangements, including the 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.

6. 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.

Board Member:

Date: 22/08/2018

Michelle Fagan