



An
Bord
Pleanála

Board Direction
BD-002467-19
ABP-302805-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2019.

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 location of the site, the pattern of development in the area and the nature and extent of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 29th day of August 2018, 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. This grant of permission is for a dwelling and vehicular access from Rossdara housing estate, only. It does not refer to the proposed future access road as delineated on the site layout plan received by the planning authority on the 29th of August 2018.

Reason: In the interest of clarity.

3.
 - (a) The proposed access shall be reduced in width and shall be repositioned 2 metres to the east of its location as delineated on the site layout plan received by the planning authority on the 29th of August 2018.
 - (b) The proposed driveway serving the dwelling shall not be wider than 5 metres.

A revised site layout plan providing for these modifications shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development and traffic safety.

4.
 - (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act,

2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs in the interest of the proper planning and sustainable development of the area.

5. (a) The use of the proposed dwelling shall be as a primary permanent all year round private residence.

(b) The proposed dwelling shall not be used as a holiday home or second home.

Reason: In the interest of the proper planning and sustainable development of the area.

6. 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.

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

Reason: In the interest of visual amenity.

8. Construction works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays inclusive and between 0800 to 1400 on Saturdays. No construction work shall place on Sundays or public holidays.

Reason: To protect the amenities of adjacent properties and in the interest of orderly development.

9. 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: 28/02/2019

Maria FitzGerald