



An
Bord
Pleanála

Board Direction
BD-003004-19
ABP-303519-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 8th 2019.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, for the Reasons and Considerations set out below, that the planning authority be directed to amend conditions 1 and 5, so that they would be worded as follows:-

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted on the 3rd day of December 2018, with the exception that the proposed entrance and turning arrangements for access to the existing bungalow, using the former industrial unit, shall be in accordance with the plans and particular as lodged with the application, and not those as submitted on the 3rd day of December 2018, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

5. The “commercial / industrial unit” as indicated on the submitted details shall be used solely for purposes incidental to the enjoyment of the extended dwelling, and for the purpose of accessing and egressing from the site of the extended dwelling and for parking cars associated with this dwelling, and shall not be used for habitable purposes, housing or animals or any commercial or industrial purpose.

Reason: In the interest of clarity and to delimit the use of this structure to that for which application was made.

In not accepting the Inspector's recommendation that the planning authority be directed to attach these conditions unaltered, the Board was satisfied that the sightlines at the location of the originally proposed access are superior to those at the existing residential entrance to the west, accepted the applicant's argument that the previous light industrial and commercial uses of the subject premises would have generated significantly greater traffic movements onto and from the public road than the solely residential-related use now proposed, and was satisfied that the applicant's original proposal to use a turntable within the former light industrial / commercial building was appropriate and permitted the bulk of the building to be used for household-related storage, as proposed, and would not endanger public safety by reason of traffic hazard.

Reasons and Considerations

Having regard to the existing pattern of development, including the industrial/commercial uses of the existing building (which uses would have generated significantly greater traffic than the proposed use), and the superior sightlines at the location of the proposed access, as compared to those at the existing residential access to the west, it is considered that the imposition of these conditions, as set out in the planning authority's decision, was not appropriate or reasonable in the circumstances, and that the conditions should therefore be amended to permit the original access proposal by the applicant.

Board Member

Date: 10th May 2019

Philip Jones