



An
Bord
Pleanála

Board Direction
BD-007687-21
ABP-308795-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2021.

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 Cork City Development Plan 2015-2021 it is considered that the extension proposed for retention would comply with the zoning objective for the site and would be compatible with the visual and residential amenities of the area and the subject to the conditions as set out would not impact unduly on the residential amenities of adjacent properties. No appropriate assessment issues would arise. The development proposed for retention would thus accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and lodged with the application as amended by further information submitted on 9th day of October 2020 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. The development shall be amended as follows:

The high-level window horizontal window to the eastern elevation of the rear extension shall be non-openable. Works to comply with this condition shall be carried out within one month of the grant of permission. Written confirmation shall be submitted to the planning authority within 6 weeks to demonstrate compliance with this condition.

Reason: To prevent overlooking of the adjoining residential property.

3. Landscaping measures shall be implemented on the rear patio area to mitigate overlooking of the adjacent dwelling to the east. Details shall be submitted to the planning authority for written agreement within one month of the date of planning permission.

Reason: In the interest of residential amenity.

4. 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.

5. 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 be erected within the rear garden area, without a prior grant of planning permission.

Reason: In the interests of the amenities of the area.

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.

Note: In not accepting the Inspectors recommendation to obscure the high level window the Board was satisfied that the high level window would not give rise to any negative impact on the residential amenity of the adjoining property.

Board Member

Date: 11/03/2021

Paul Hyde