

An
Bord
Pleanála

Board Direction
BD-010210-22
ABP-309315-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/03/2022.

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 within an existing developed area, to the pattern of development in the area, to the condition and architectural significance of the existing house on the site and to the design and scale of the replacement dwelling, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience. 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 to the planning authority on the 6th day of October, 2020 and the 20th day of November 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 proposed development shall be amended as follows:

(a) The two storey rear element shall be reduced in scale so as to result in a reduction in the roof ridge height of 1.3 metres and the eaves height of 0.5 metres relative to the heights illustrated in the clarification of further information received by the Planning Authority on 20th November, 2020.

(b) No access shall be available from the first floor living accommodation to the roof of the single storey rear element to the permitted dwelling and this roof shall not be used as a terrace or amenity space.

Reason: In the interests of visual and residential amenity.

3. The shed proposed for the north west end of the site shall only be used as a garden store or other purpose incidental to the enjoyment of the dwelling house.

Reason: In the interests of residential amenity.

4. 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.

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.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreements with Irish Water.

Reason: In the interest of public health.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. EV Charging

9. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) Existing trees and hedgerows on site specifying which are proposed for retention as features of the site landscaping,
- (ii) The measures to be put in place for the protection of these landscape features during the construction period,

- (iii) The species, variety, number, size and locations of all proposed trees and shrubs,
 - (iv) Details of screen planting to the site boundaries and also to the main external patio areas.
- (b) Details of all boundary fencing and / or walling including materials and heights,
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

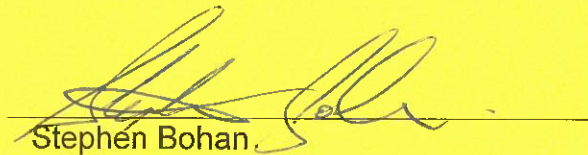
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

Note: The Board noted a number of the amendments suggested by the Inspector but, having regard to the submissions made in the application and appeal, the location of the storage shed and decking to the rear of the garden, its use as garden storage, its distance from neighbouring properties and the significant landscaping proposed, and the reduced scale of the two storey rear element by condition, all of which sufficiently mitigates the impacts on neighbouring properties, the Board agreed with the PA that the proposed development would be acceptable.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member


Stephen Bohan.

Date: 10/03/2022

