



An
Bord
Pleanála

Board Direction
BD-015205-24
ABP-314902-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/01/2024.

The Board decided to make a split decision, generally in accordance with the inspectors recommendation to

(1) **grant** permission, for the reasons and considerations (**Schedule 1**) below and subject to the following conditions for the retention of the glass house, garden room and workshop/hobbies and storage building,

and

(2) **refuse** permission for the demolition of the existing storage building and its replacement with a new garden/sunroom, hobbies/music studio and utility building including a reduction in the size of existing workshop/hobbies and storage building and associated works for the reasons and considerations (**Schedule 2**) below.

Reasons and Considerations (Schedule 1)

Having regard to the established use of the site for residential purposes, it is considered that the retention of the glass house, garden room and workshop, having regard to their location and position relative to Scart House would not detract from the character or setting of the Protected Structure and would not, therefore, be contrary to 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 received by An Bord Pleanála on the 24th day of October 2022, 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. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

3. Any external lighting shall be suitably cowled to prevent spillage outside the site.

Reason: In order to control light pollution in the rural environment.

4. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Reasons and Considerations (Schedule 2)

It is considered that the demolition of the existing storage building and its replacement with a new garden/sunroom, hobbies/ music studio and utility building including a reduction in the size of the existing workshop/hobbies and storage building would, by reason of its overall scale and design, and the level of intervention proposed, which would result in the loss of the original outbuilding and its relationship with Scart House (a Protected Structure), would adversely impact on the character and setting of the Protected Structure and would be contrary to Objectives KCDP 8-40 and KCDP 8-42 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member: Patricia Calleary **Date:** 25/01/2024
Patricia Calleary