



An
Bord
Pleanála

Board Direction
BD-015860-24
ABP-317613-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/02/2024.

The Board, in a majority decision (2:1) decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for retention of first floor extension over a pre existing ground floor kitchen to the rear of the dwelling house together with associated site development works

Having regard to the provisions of the Laois County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the alterations to the dwelling would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would 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 on 30 th day of March 2023, as amended by the further plans and particulars submitted on the 22 nd day of June 2023, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>a) The attic area shall be used solely for storage purposes associated with the main residential accommodation.</p> <p>b) The existing obscure glazing shall be retained in all first-floor level and second-floor level opes to both side elevations of the dwelling.</p> <p>Reason: In the interest of the protection of the residential amenities.</p>
3.	<p>The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling.</p> <p>Reason: In the interest of the residential amenities of the area, clarity and the proper planning and sustainable development of the area.</p>
4.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
5.	<p>Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.</p> <p>Reason: In the interests of traffic safety and residential amenity.</p>
6.	<p>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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

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.

and

- (2) refuse permission for retention of the garage for the following reasons and considerations:

The garage, by virtue of its scale, height and design would be out of character with the pattern of development in the vicinity, would constitute an unduly obtrusive feature within the Quakers residential development and would detract from the visual amenities of the area. As such, the garage contravenes the relevant policies and objectives as set out in the Laois County Development Plan 2021-2027 and would seriously injure the visual amenities of the area and lead to undesirable precedent for similar developments in urban residential areas contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant retention for the garage structure the Board did not share the Inspectors view that given the internal layout, size and design and the size of the second opening on the northern side of the garage that the development could be controlled by condition.

Board Member:



Liam Bergin

Date: 19/03/2024