



An
Bord
Pleanála

Board Direction
BD-016508-24
ABP-319246-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/06/2024.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below / set out on the attached copy of the Inspector's report, that the planning authority be directed, as follows:

Attach:

Condition number 1
Condition number 3 (a) and (b),
Condition number 4 and 5
Condition number 7
Condition number 9

Reasons and Considerations for retaining condition 1

Condition 1 required to define development approved and the Board noted in particular "save as hereunder otherwise required"

Amend:

Condition number 2 as follows:

2. The proposed development shall be revised as follows:

2(a) The proposed layout of Apartment No. 1 at ground floor level shall be revised so the unit becomes a 1 Bed unit rather than a 2 Bed unit. The proposed partition wall

between Bedroom 1 and Bedroom 2 shall be omitted from the scheme to facilitate this requirement.

Revised plans detailing the above amendments shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of the development.

Reason: In the interest of the residential amenity of future occupiers of the proposed development.

2(b) Retain Condition 2(b) as per PA grant

Reasons and Considerations for amending Condition (2):

The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2024) allow for flexibility in relation to the provision of private and communal amenity space in refurbishment schemes, subject to the overall quality of the scheme being sufficient. The Board considered the overall quality of the scheme to be sufficient, subject to proposed Apartment No. 1 being amended. As such, it is considered reasonable to retain Apartment Nos. 1 and No. 2 within the scheme. In relation to proposed Apartment No.1, at ground floor level, the Board considered that this unit is undersized, having regard to the requirements of SPPR 3 of the Apartment Guidelines, and therefore a requirement to amend same to become a 1 bed unit is justified having regard to the Board's obligations to apply the provisions of SPPR 3.

Reasons and Considerations for retaining Condition (3 a and b) inclusive

Contrary to the Planning Inspector, the Board considered:

In relation to 3 (a): That the condition was required to provide for the satisfactory future maintenance of this development in the interest of residential amenity.

In relation to 3 (b) That the application specified that the intended use was for letting and that use for purposes other than letting such as Short-Term Rental would therefore require a new application to and assessment by, the Planning Authority.

Retain Condition 4 and 5

Reasons and Considerations for retaining Condition (4) and (5) inclusive

The Board considered that the residential amenity of both the proposed development and the residential amenity of the surrounding properties is better protected through the retention of these conditions.

Retain Condition 7 (a) and 7 (b)

Reasons and Considerations for retaining Condition (7) (a) and retaining Condition (7)(b)

In the absence of sufficient information Condition 7 (a) should be retained as the heating system requiring an oil tank may be in use upon completion of the development

And in relation to retaining Condition (7)(b) In the absence of sufficient information on file Condition 7 (b) should be retained as if the heating system is amended in the future the removal of the oil tank is required if no longer in use.

Should the existing oil tank be no longer required, it shall be removed prior to first occupation of any apartment herein permitted.

Reason: In the interests of public safety.

Retain Condition (9) (a) to (d) inclusive

Reasons and Considerations for retaining Condition 9 (c) contrary to the inspectors recommendation

The Board, in not agreeing with the Inspector, in relation to the removal of condition number 9(c) considered that in the absence of any alternative information to allow access to the agricultural shed structure that it was not appropriate to facilitate development at this location.

Board Member:


Liam Bergin

Date: 06/06/2024