



An
Bord
Pleanála

Board Direction
BD-017799-24
ABP-319790-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/10/2024.

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 provisions of the Offaly County Development Plan 2021-2027, in particular Policies DMS-11 (Corner Site Development), DMS-12 (Daylight, Sunlight and Overshadowing), and DMS-55 (Extensions), the nature and scale of the development proposed to be retained and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area, would be in accordance with the relevant provisions of the development plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may be otherwise required by the following conditions.

Reason: In the interest of clarity.

2. The existing dwelling and the subject extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interest of sustainable drainage.

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, as amended. The contribution shall be paid within six months from the date of this order 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 that applications for retention do not enjoy exemptions or reductions from the requirements to pay development contributions under the Offaly County Council Development Contribution Scheme 2021-2025 and therefore

attached Condition 4 in relation to the requirement for the payment of a financial contribution.

Board Member

Mary Junie
Mary Gurrie

Date: 09/10/2024