

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Laois County

Planning Register Reference Number: 15/186

An Bord Pleanála Reference Number: PL 11.245301

APPEAL by Michael and Eamon Fogarty care of Terry Brennan Consulting Engineers of The Square, Castlecomer, County Kilkenny against the decision made on the 15th day of July, 2015 by Laois County Council in relation to an application for permission for development comprising the modification of approved planning register reference number 02/319, with reference to condition number 16 attaching to the plan, and for the retention of the existing single storey dwelling in the north eastern portion of the site, to close one number entrance from public road and for internal modifications to accommodate sharing of existing splayed entrance. Retention is sought for the existing splayed entrance located circa 14 metres to the South East of the original approved plan location and for two number metal clad shed structures to the rear of the site at Newtown, Cullohill, County Laois in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission to (a) close one number entrance from public road and for internal modifications to accommodate sharing of existing splayed entrance, (b) retain existing splayed entrance located circa 14 metres to the southeast of the original approved plan location and (c) retain two number metal clad shed structures to the rear of the site and to refuse permission to modify approved planning register reference number 02/319 with reference to condition number 16 attaching to the plan, and for the retention of the existing single storey dwelling in the north eastern portion of the site).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the pattern of development in the area, to the planning history of the overall holding and to the modifications to the development as proposed in the applicant's response to the Board, it is considered that, subject to compliance with the conditions set out below, the proposed development, and the development for which retention is sought would not seriously injure the amenities of the area, would not be contrary to the provisions of the current Development Plan for the area and would not be prejudicial to public health. The proposed development, and the development for which retention is sought, would not, therefore, be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, and carried out and completed, in accordance with the plans and particulars lodged with the application, as modified by the plans and particulars submitted to An Bord Pleanála on the 2nd day of February 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The existing septic tank and percolation area that serves the existing cottage shall be removed, and the cottage shall be connected to the wastewater treatment system serving the adjoining bungalow. The percolation area serving the latter shall be upgraded by the provision of a new percolation area, all as indicated on plans and particulars submitted to An Bord Pleanála on the 2nd day of February, 2016. All of this work shall be carried out and completed within six months of the date of this Order.

Reason: In the interests of public health, and as the existing cottage and its curtilage is of insufficient size to safely accommodate a separate wastewater treatment system without leading to conditions that would be prejudicial to public health.

3. The overall lands, consisting of the site of the existing cottage and the site of the existing bungalow, all as outlined in red on the drawings submitted with the application, shall be retained in a single ownership, and the site of the cottage (as shaded in grey on drawing number 151-017-600 on Site Layout and Details Plan submitted to the planning authority on the 27th day of May, 2015) shall not be sold, let or otherwise transferred or conveyed separate from the overall lands as outlined in red.

Reason: In the interest of orderly development, having regard to the submission made by the applicant as part of the appeal, and because the retention of the cottage cannot be justified as a separate site, having regard to its inadequate size, and the fact that it will not be serviced by any separate wastewater treatment system.

4. The two number metal shed structures on site shall be solely used for purposes incidental to the enjoyment of the adjoining dwellings and for no other reason. No business, trade or commercial activity shall take place from the proposed development without a prior and separate grant of planning permission.

Reason: In the interest of orderly development.

5. Water supply and drainage arrangements, including the 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.