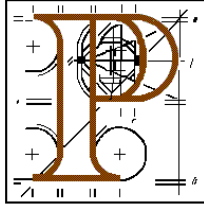


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Offaly County

Planning Register Reference Number: 15/139

An Bord Pleanála Reference Number: PL 19.245539

APPEAL by Jackie Reidy and Rory Tierney care of Hoctor Smyth Architecture and Engineering of Design House, Emmet Street, Birr, County Offaly against the decision made on the 28th day of August, 2015 by Offaly County Council to refuse permission.

PROPOSED DEVELOPMENT: Construction of a proposed two-storey dwelling, car port and domestic garage, a proposed wastewater treatment system and a raised soil polishing filter and associated site works, including a proposed site entrance at Frankfort Townland, Dunkerrin, County Offaly.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. The proposed site is within a highly sensitive area, an Aquifer Protection Zone for the Dunkerrin public water supply, and the provisions of Policy SSP 19 of the Offaly County Development Plan 2014-2020 apply. The Board considered, based on the submissions made in connection with the planning application and the further information, that the ground conditions at the site are unsuitable for the development of a proprietary domestic wastewater treatment system in view of the unfavourable percolation results recorded and the sensitivity of the location. The proposed development would contravene Policy SSP 19 of the said development plan, would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of housing in the immediate area and the rural character of the locality, to the height, scale and design of the proposed development and its location on a prominent and exposed site, it is considered that the proposed development would fail to integrate into the rural landscape and would represent a visually incongruous and obtrusive feature which would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted and agreed with the Inspector's comments that the overall visual impact of the proposed development was likely to be significant but disagreed that this impact would be acceptable in this location. The Board further noted and shared the Inspector's critical comments relating to the quality of the site assessment submitted and considered that the proposed development was inappropriate due to the sensitivity of the location from the perspective of protecting public health and the public water supply.

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

Dated this day of 2016.