

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: T.P. 15/36490

An Bord Pleanála Reference Number: PL 28.245583

APPEAL by Christine Daly of 2 Palmgrove, Ashdale Park, South Douglas Road, Cork against the decision made on the 10th day of September, 2015 by Cork City Council to grant subject to conditions a permission to Sinéad Finnegan and Peter Finnegan of Randall, Well Road, Douglas, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: 1. A two-storey extension to the rear of the existing house and a one storey extension to the side of the house. 2. Replacement of windows and exterior doors. Also the garage door to be replaced. 3. Widening of front gate entrance. 4. Rebuilding of wall to side of house, which will include a door on this wall, all at Loreto House, Loreto Park, South Douglas Road, Cork.

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 provisions of the current Cork City Development Plan, to the existing established residential use and to the pattern of existing and permitted development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of adjoining properties and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:-
- (a) The first floor window of bedroom 1 (room number 12 on drawing number A103) on the southern elevation shall be reduced in width by the omission of the eastern-most bay of the proposed window.
 - (b) The first floor windows of the bathroom, storage room and ensuite bathroom (rooms numbers 9, 10 and 11 on drawing number A103) shall be fitted permanently with frosted glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the residential amenities of adjoining property.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those Regulations shall be erected on the site/within the garden area, without a prior grant of planning permission.

Reason: In the interest of protecting the residential amenities of adjoining property.

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be 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.

6. The developer shall, prior to commencement of development, submit to and agree in writing with the planning authority, details of the proposed entrance pillars and gates. Gates shall be so designed as not to be capable of opening outwards on the public footpath.

Reason: In the interests of pedestrian safety and of visual amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. Water supply and drainage arrangements, including the attenuation and 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.

9. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the provision of work which will be carried out by the authority to provide/modify/reconstruct/repave the public footway or roadway or provide a crossover, being public infrastructure and facilities that will benefit the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2016.