

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/828

An Bord Pleanála Reference Number: PL 27.245960

APPEAL by Roderick O'Mahony and Margaret Price of Quilla, Kilmolin, Enniskerry, County Wicklow against the decision made on the 1st day of December, 2015 by Wicklow County Council to grant subject to conditions a permission to Trish Morrissey care of BBA Architecture of Suite 3 Eden Gate Centre, Delgany, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Sub-division of existing dwelling site at 'Carpathia' with decommissioning and removal of existing septic tank and connection to public foul sewer; new four number bedroom single storey dwelling with connection to public foul sewer and access via existing entrance to 'Carpathia', together with associated site works necessary to complete this development, all at 'Carpathia', Parknasilloge, Enniskerry, County Wicklow.

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 RE (Existing Residential) zoning objective for the subject site, as set out in the Enniskerry Local Area Plan 2009 - 2016, to the design and scale of the proposed development, the pattern of development in the area, and the planning history in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. 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, as amended by the further plans and particulars submitted on the 11th day of November, 2015, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least one year thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. On completion of the laying of the floor slab, a certificate shall be issued by a suitably qualified person with professional indemnity insurance to confirm that the finished floor level for the development is in accordance with the details shown on the site layout plan, drawing number M-125-PL03 submitted to the planning authority on the 11th day of November, 2015.

Reason: In the interest of clarity and visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Prior to commencement of development, the works shall be carried out and completed on the revised vehicular entrance as shown on the site layout plan, drawing number M-125-PL03, submitted to the planning authority on the 11th day of November, 2015.

Reason: In the interests of amenity and of traffic safety.

6. The roof colour of the proposed house shall be blue-black or dark-grey slate. The external walls shall be in a cement render with napp plaster or painted finish in a white or off-white colour range, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the visual amenities of the area.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. 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 prior to commencement of development or in such phased payments as the planning authority may facilitate 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.

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

Dated this day of 2016.