

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Laois County

Planning Register Reference Number: 15/496

An Bord Pleanála Reference Number: PL 11.246169

APPEAL by John Bartley of New Road/Well Road, Portlaoise, County Laois against the decision made on the 27th day of January, 2016 by Laois County Council to grant subject to conditions a permission to Pat Lonigan care of Designdraftechniques of 37 Ashgrove Park, Naas, County Kildare.

PROPOSED DEVELOPMENT: Retention of smoking shelter constructed in rear yard at 106 Main Street (a protected structure), Portlaoise, County Laois.

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

Having regard to the use of the smoking shelter proposed to be retained, and to its location in close proximity to neighbouring dwellings, it is considered that the development would seriously injure the residential amenities of neighbouring property, by reason of the noise and general disturbance associated with its use, and the late night hours involved. It is considered that inadequate consideration has been given to alternative proposals. The development proposed to be retained 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 considered that the town centre zoning for the area would not be sufficient to justify the effects on the amenity of neighbouring dwellings, particularly given the late night hours. The Board did not consider that the previous use of the yard for storage would have been comparable to its use as a smoking area in terms of the effects on residential amenity, and it was noted that no evidence was available on file of permission for a previous smoking area.

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

Dated this day of 2016.