

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Monaghan County

Planning Register Reference Number: 15/449

An Bord Pleanála Reference Number: PL 18.246193

APPEAL by Pat and Terry O'Leary care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 27th day of January, 2016 by Monaghan County Council to grant subject to conditions a permission to Martin and Patricia Mee care of Cunningham Design Associates of Thornford Lodge, Broomfield, Castleblayney, County Monaghan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: 1. Permission for retention of a partially completed greenhouse structure, security fencing to front boundary, retaining walls to perimeter of site, concrete yard area, and (2) permission for the conversion of existing concrete yard area into recreation area comprising of basketball court and tennis court ancillary to the use of the applicants' dwellinghouse, completion of greenhouse structure, mounded planting, additional landscaping to site and all associated site development works, at Cavanageeragh, Carrickmacross, County Monaghan.

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, and to the planning history of the site, and having regard to the nature and extent of the proposed development, in particular the proposed recreational facilities for domestic use associated with the adjacent dwelling, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, and the proposed development, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with 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, 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. All storage containers on site shall be permanently removed from the site within one month of the date of this grant of permission and no storage containers shall be deposited on these lands at any time in the future.

Reason: In the interest of residential and visual amenity.

3. The existing green palisade gate along the roadside site boundary shall be permanently removed within two months of the date of this grant of permission and shall be replaced with planting as specified in the submitted Landscaping Plan received by the planning authority.

Reason: In the interest of visual amenity.

4. The 'Existing Storage Building' structure indicated on the submitted Site Layout Plan and specified as 'Car Garage' on the submitted Landscape Plan, scale 1:200 and the adjoining Existing Concrete Yard – which are located within the curtilage of the applicants' dwelling to the south – shall be used solely for domestic use associated with the existing dwelling and shall not be used for commercial purposes.

Reason: In the interest of residential amenity.

5. Landscaping shall be undertaken fully in accordance with the specifications in the submitted Landscaping Plan. Landscaping shall be implemented in the first planting season following the date of this grant of permission and permanently retained and protected from damage at all times. Any plants which fail shall be replaced in the following planting season.

In addition to the proposed landscaping works, proposals for effective screening vegetation to reduce the visual impact of the gable of the Existing Storage Building as viewed from the public road at the entrance to the subject site, shall be submitted to the planning authority for written agreement within three months of the date of this grant of permission and implemented in full within the following planting season with replacement of any failures in the following planting season.

Reason: In the interest of visual amenity.

6. The proposed tennis and basketball courts hereby permitted shall be for domestic use associated with the adjoining dwelling to the south and shall not be used for any other purpose. The greenhouse shall not be used for any commercial or business purposes.

Reason: In the interest of the protection of residential amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional fencing (other than that shown on submitted documentation), and no floodlighting of any kind, shall be erected within or bounding the site.

Reason: In the interest of protecting residential 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 within three months of the date of this permission 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.