

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Carlow County**

**Planning Register Reference Number: 15/359**

An Bord Pleanála Reference Number: PL 01.246211

**APPEAL** by Tony Heffernan of Tomard, Milford, County Carlow against the decision made on the 2<sup>nd</sup> day of February, 2016 by Carlow County Council to grant subject to conditions a permission to John Joe Heffernan care of Dean Design of The Mill House, Dunleckney, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of dormer window as constructed to the front of existing dwelling house, retention of domestic garage as constructed and all ancillary site works and services at Tomard, Milford, County Carlow.

## **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 planning history of the site, the pattern of development in the area and the design and location of the dormer window and the garage proposed to be retained and their locations relative to the other properties, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual amenities of the area or the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Drainage arrangements, including the 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.

3. The garage to be retained shall be used as a private domestic garage, solely for purposes incidental to the enjoyment of the dwellinghouse, and shall not be used for commercial, trade or industrial purposes or for human habitation.

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

4. 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.**