

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Waterford City and County

**Planning Register Reference Number: 15/747**

An Bord Pleanála Reference Number: PL 93.246286

**APPEAL** by Sinead Mulcahy care of Bernard Harte of “Ornica”, Ballinakill Avenue, Ballinakill, Waterford against the decision made on the 16<sup>th</sup> day of February, 2016 by Waterford City and County Council to grant subject to conditions a permission to Fiona Mulcahy care of George Taylor of Knock, Clonea, Dungarvan, County Waterford in accordance with the plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of a detached garage, the conversion of a garage attached to the dwelling to living accommodation, the provision of a dormer window and a “velux” type window to the rear roof plane of the dwelling, alterations to the fenestration to the rear of the dwelling, the extension and alterations to a detached store and all ancillary works at Ballyknock Lower, Kilgobinet, Dungarvan, County Waterford.

## 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, the planning history of the site and the design and nature of the works to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to issue a split decision and to refuse permission for the retention of the extensions to the store, the Board concurred with the planning authority that, having regard to the nature and extent of the store permitted under planning authority reference number 03/860, there is not a significant adverse impact on the visual amenity of the area or the receiving landscape. The Board further concurred with the planning authority regarding the need for a condition to ensure that the store is not used for commercial purposes or disposed of separately to the dwelling on site and attached an appropriate condition for this purpose.

## CONDITIONS

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

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

2. (a) The detached store (as indicated on submitted plans) shall be used for storage purposes only and shall not be used for any commercial activity, habitable purposes or housing of animals without a prior grant of planning permission. Furthermore, the store shall not be sold or disposed of separately from the existing dwellinghouse on site.

- (b) Within six months of the date of this order, the vehicular gateways shall be amended so that the existing separate gates serving the house and store shall be removed and a single gate shall be erected to serve both the house and store. The new gate shall be erected between the piers at the splayed, and set back, road entrance.

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

3. The garage shall be used for purposes ancillary to the enjoyment of the dwellinghouse.

**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 within three months of the date of this order 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.

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

**Dated this            day of            2016.**