

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Westmeath County

Planning Register Reference Number: 16/6077

An Bord Pleanála Reference Number: PL 25M.246642

APPEAL by Sean Feeney of Rathganny, Multyfarnham, County Westmeath against the decision made on the 11th day of May, 2016 by Westmeath County Council to grant subject to conditions a permission to David Kelly care of John Madden and Associates of Blackhall Street, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a storey-half type dwelling with a bungalow element, garage, mini treatment system and associated polishing filter. Permission is also sought to demolish existing garage and to relocate existing family member's entrance onto public road. This new entrance will serve both existing and proposed dwellings. Also proposal to remove a separate existing gateway onto public road and all associated site works, all at Rathganny, Multyfarnham, County Westmeath.

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 provisions of the current Development Plan for the area (including the provisions in relation to housing in the rural countryside), and having regard to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties, would not be visually obtrusive, would not be prejudicial to public health and would conform to the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITONS

1. The development shall be 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. (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 seven years 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. 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.
- (c) 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. (a) 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.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

- 4. The two number first floor windows (en-suite and bedroom) on the north eastern elevation shall be permanently glazed with obscure glass.

Reason: In the interest of residential amenity.

- 5. The proposed garage shall be used solely for purposes incidental to the enjoyment of the dwelling house as such, and shall not be used for any commercial, workshop or business purpose.

Reason: In the interest of orderly development.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 18th day of March, 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. The existing hedge along the north eastern site boundary shall be retained, and in the first planting season following occupation of the house, the site shall be planted in accordance with the landscaping scheme shown on Drawing Number 2016-02, as submitted to the planning authority on the 18th day of March, 2016.

Reason: In the interest of visual amenity.

8. (a) The external wall finishes of the proposed dwelling and garage shall be nap plaster, dry dash and/or natural stone, unless otherwise agreed in writing with the planning authority.
- (b) The roof of the dwelling and of the garage shall be of a blue/black, black or dark grey colour (including ridge tiles).

Reason: In the interest of visual amenity.

9. All service cables associated with the proposed development (such as electrical, television and telecommunications) shall be run underground within the site. The existing public service utility poles along the site frontage, and within the sightlines from the proposed entrance, shall be removed, and the associated cables undergrounded across the site frontage, as part of the site development works.

Reason: In the interest of visual amenity and of traffic safety.

10. 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 the 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 the Board 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.