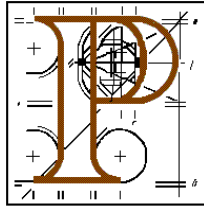


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/93

An Bord Pleanála Reference Number: PL 88.246881

APPEAL by John Hunt of Fairhazel, Maryborough Hill, Douglas, Cork against the decision made on the 13th day of June, 2016 by Cork County Council to grant subject to conditions a permission to Conor and Deirdre O'Callaghan care of Bennett and Company Design Consultants Limited of 8 Lady's Cross, Cloheen, Clonakilty, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Substitute plans for a domestic garage (granted permission under planning register 12/00661) with a granny flat ancillary to main dwelling house (also granted permission under planning register 12/00661), at Downeen, Rosscarbery, County Cork, as revised by the further public notices received by the planning authority on the 26th day of May, 2016.

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 scale, nature and design of the proposed development, to the pattern of development in the vicinity and to the nature and extent of the development, as permitted under planning reference number 12/0661, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity by reason of overlooking or loss of privacy, and would be in accordance with the provisions for ancillary family accommodation in granny flats, as set out in the Cork County Development Plan, 2014. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of May, 2016 and in accordance with the terms and conditions of planning register reference number 12/0661, 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. The proposed granny flat shall be used for purposes ancillary to the main dwelling only. It shall be occupied solely by a member of the immediate family of the occupier of the main dwelling. It shall not be sold or let independently of the main house and, when no longer required for use as a granny flat, shall revert to use for purposes incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of clarity and residential amenity.

3. The external finishes of the dwelling including roof tiles and slates shall be the same as those of the dwelling permitted under planning reference number 12/0661 in respect of colour and texture.

Reason: In the interest of visual amenity.

4. (a) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, nor of the overall site, without a prior grant of planning permission.

(b) No rooflight(s) shall be inserted in any part of the roof of the proposed development, and the loft space of the proposed building shall be used for domestic storage only, precluding its use for human habitation or for sleeping quarters, unless such use is the subject of a separate planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling and in order to limit the use of the proposed development to use as an ancillary dwellinghouse, as applied for.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. 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.