

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/04991

An Bord Pleanála Reference Number: PL 04.246955

APPEAL by Michael Byrne of 24 Westbury Heights, Annabella, Mallow, County Cork against the decision made on the 23rd day of June, 2016 by Cork County Council to grant subject to conditions a permission to Barbara Lehane care of Engineering Management Consultants of Navigation Road, Mallow, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of existing dwellinghouse built as instructed by Mallow Town Council, retention of garden shed, walls, driveway, landscaping and associated site works at 25 Westbury Heights, Annabella, Mallow, County Cork.

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 nature and extent of the development for which retention is sought, its location within the Westbury Heights housing estate, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the residential amenities of the area or of property in the vicinity. The development for which retention is sought would, therefore, not be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. (a) The development shall be retained 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.

(b) The development to which this permission for retention relates is limited to the plans and details accompanying the application only, and does not refer to any other structure or works outside the site that is outlined in red on submitted drawings.

Reason: In the interest of clarity.

2. The garden shed to be retained shall be used for storage purposes incidental to the enjoyment of the dwellinghouse hereby permitted, and shall not be used for any commercial, trade or industrial purposes, nor for human habitation.

Reason: In the interest of residential amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwellinghouse to be retained without a prior grant of planning permission.

Reason: In order to allow the planning authority to assess the impact of any such development on neighbouring residential property through the statutory planning process.

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 one month 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.

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

Dated this day of 2016.