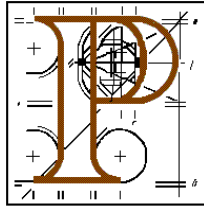


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 16/05065**

An Bord Pleanála Reference Number: PL 04.246971

**APPEAL** by Tom and Colette O'Leary and Tony Cournane of Abbot's Way, Fort View, Kinsale, County Cork and by others against the decision made on the 28<sup>th</sup> day of June, 2016 by Cork County Council to grant subject to conditions a permission to Hilda O'Shea care of Richard Rainey Architects of 71 Lower O'Connell Street, Kinsale, County Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of existing garage and construction of a 'granny flat' and associated site works at 'Casino', Ardbrack, Kinsale, 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 pattern of development in the area including the level of development along the Ardbrack Road, to the overall site area, to the planning history of the site and to the nature and scale of the proposal which was considerably reduced from that refused by the Board under appeal reference number PL04.244647, the Board considered that, subject to compliance with the conditions set out below, which inter alia require a further reduction in the height of the proposal, the proposal would not seriously injure the residential amenities or the scenic amenities of the area, would be acceptable in terms of traffic safety and convenience 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 refuse permission, the Board considered that the area of the proposal was already substantially developed and that the proposal as amended by conditions would meet the Board's previous reasons for refusal.

## CONDITIONS

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. The proposal shall be amended as follows:
  - (a) The height of the proposal shall be reduced by 500 millimetres over its entire length.
  - (b) A 1.8 metre high opaque screen shall be installed along the south east side of the ground floor balcony which adjoins the living dining/room and along 2 metre length of the south western side of that balcony starting at the South Eastern corner.

Details shall be submitted for the written agreement of the planning authority prior commencement of development.

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

3. 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.

4. The granny flat shall be jointly occupied as a single residential unit and it shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) screen planting along the eastern boundary.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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

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

**Dated this            day of            2016.**