

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/05047

An Bord Pleanála Reference Number: PL 04.247258

APPEAL by Mary Goggin of 18 South Cross Road, Youghal, County Cork against the decision made on the 26th day of August, 2016 by Cork County Council to grant permission to Tom McGrath care of Survey and Design Services of Windmill Hill, Youghal, County Cork for development comprising retention of rear patio doors, patio area and site boundary walls to holiday home at Hayman's Hill, Youghal, County Cork in accordance with the plans and particulars lodged with the said Council.

DECISION

GRANT permission for the said retention of the patio area and site boundary walls in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the said retention of the rear patio doors based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the provisions of the Youghal Town Development Plan 2015-2021, the presence of an existing dwelling on the site and the existing established use of the lands immediately adjacent to the subject site and the pattern of existing and permitted development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity. The development proposed for retention would, therefore, be in accordance with 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 and with the particulars received by the planning authority on the 3rd day of August, 2016, 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 retained in accordance with the agreed particulars.

(b) This permission relates only to those items outlined in red on the application drawings received by the planning authority on the 4th day of May, 2016.

Reason: In the interest of clarity.

2. The north-eastern boundary of the site shall be finished in opaque glazing or a solid timber fence only to a minimum height of 1.5 metres. The current use of clear glazing, or railings as constructed, is not permitted. Details in this regard shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: To prevent overlooking of adjacent properties in the interest of residential amenity.

3. Surface water shall be disposed of wholly within the site boundaries in accordance with the details submitted to the planning authority on the 3rd day of August, 2016. The works shall be certified by an appropriately qualified person as having been completed within three months of the date of this order. No surface water from the site shall enter adjacent properties or flow onto public roads.

Reason: In the interest of protecting adjacent properties and to prevent pollution.

REASONS AND CONSIDERATIONS (2)

Having regard to the limited size of the site and the varying site levels, it is considered that the retention of the patio doors, associated with the bedroom of the property, would result in an unacceptable level of overlooking of existing residential properties to the north-east which are at a significantly lower level. The development proposed for retention would seriously injure the existing residential amenities of the existing property and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.