

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kilkenny County

Planning Register Reference Number: 16/259

An Bord Pleanála Reference Number: PL 10.247647

APPEAL by Sean O'Grady care of Peter Thomson Planning Solutions of Suite 1, Burchall House, Parnell Street, Waterford against the decision made on the 3rd day of November, 2016 by Kilkenny County Council to grant subject to conditions a permission to Aimee and Nigel Treacy care of Peter Bolger Consulting of Newtown House, Bachelors Walk, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a two storey dwelling, domestic garage, onsite wastewater treatment system, splayed entrance, bored well and all associated site development works at Pollagh, Skeoughvosteen, County Kilkenny.

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 of the proposed development, its location within a rural area, the provisions of the current Kilkenny County Development Plan 2014-2020 and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, 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.

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 10th day of October 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests 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. Prior to commencement of development, 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.

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. The proposal shall be amended as follows:
 - (a) The front projecting bay shall be omitted from the first floor and shall be single storey only.
 - (b) Upper level windows shall be omitted from the proposed garage.
 - (c) Stone finish shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4.
 - (a) The carriageway of the public road shall not be raised, lowered or otherwise altered at its junction with the access driveway to the proposed dwelling.
 - (b) The gradient of the access driveway shall not exceed 3% for the first seven metres adjacent to the carriageway of the public road.

Reason: In the interest of traffic safety.

5. The existing boundary finishes shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

6. The roof colour of the proposed house shall be blue-black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

7. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

10. 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) the establishment of a hedgerow along all side and rear boundaries of the site, and

- (b) planting of trees at five metre intervals along the boundaries of the site.

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.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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 2017.