

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork City

Planning Register Reference Number: T.P. 16/37055

An Bord Pleanála Reference Number: PL 28.247890

APPEAL by Michael and Helen Murphy and others care of Michael Wall of 31 Pembroke Lane, Ballsbridge, Dublin against the decision made on the 20th day of December, 2016 by Cork City Council to grant subject to conditions a permission to John and Sandra Kennedy care of OC Architects and Design Limited of Plus 10 Offices, 30 South Main Street, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Permission for retention of single storey extensions to the existing dwelling. Permission is sought for the demolition of a single storey extension to the rear of the existing dwelling, the subdivision of the site into two with gated entrance and the construction of a new two-storey dwelling with rooflights, to the rear of the site, two number parking spaces to the front of the proposed dwelling and the widening of the existing vehicle entrance to the front of the site, including all associated site works at “The Grove” (formerly known as “The Medical Centre”, Model Farm Road, 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 land-use zoning of the site, the existing pattern of development on the site and in the vicinity, and the nature, scale and design of the proposed new dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development and that to be retained would be acceptable in terms of traffic safety and convenience of road users, would not seriously injure the visual amenity of the area or seriously injure the residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, 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 23rd day of November 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 interest of clarity.

2. The existing dwelling and the new dwelling permitted by way of this grant of planning permission shall each be used solely as single residential dwelling units only.

Reason: In the interest of residential amenity.

3. (a) The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass.
- (b) The hall/landing first floor window on the eastern elevation of the proposed dwelling shall be permanently fitted and maintained with obscure or stained glass.

Reason: In the interests of residential amenity.

4. 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.

5. Proposed boundary walls shall be capped and finished in materials matching the existing wall along the front of the existing dwelling.

Reason: In the interests of residential and visual amenity.

6. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interests of public safety and residential amenity.

7. 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 2017.