



An
Bord
Pleanála

Board Order PL 19.247953

Planning and Development Acts 2000 to 2016

Planning Authority: Offaly County Council

Planning Register Reference Number: PL 2/16/279

Appeal by Breda Murray of Derrylahan, Blueball, Tullamore, County Offaly against the decision made on the 12th day of January, 2017 by Offaly County Council to grant subject to conditions a permission to Andriejus Loginovas care of Murray Architectural Services of Pallas Park, Blueball, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of extension to first floor living accommodation over shop and store extension on ground floor at The Village Shop, Gortacur and Rathkeeragan, Mountbolus, County Offaly.

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 scale of the development, its location and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the retention of the proposed development would not seriously injure the amenities of the area or of property in the vicinity and the development as constructed and proposed would not be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th of December 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed balcony shall be omitted. There shall be no access onto the flat roof above the shed to be retained except for maintenance purposes. The proposed French door shall be replaced by a window to match the style and dimensions of the immediately adjacent window on the same first floor elevation. The proposed wall at first floor level alongside the proposed balcony area shall be omitted.

Reason: In the interest of the protection of residential amenities.

3. 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 three months 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 2017