



An
Bord
Pleanála

Board Order
PL 04.248697

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 16/07168

Appeal by Mary and Jeremy Martin care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 18th day of May, 2017 by Cork County Council to grant subject to conditions a permission to Celine and Michael Walsh care of JK Design of Currahoo, Ballinspittle, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of dwellinghouse, detached domestic garage, new entrance, wastewater treatment plant and associated site works at Shanagarry South, Midleton, 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 zoning provisions of the Cork County Development Plan 2014 - 2020 and the East Cork Municipal District Local Area Plan, 2017, to the location of the site within the settlement boundary of Shanagarry, to the pattern of development in the area and to the nature, scale and design of the proposed development, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not interfere with the character of the adjacent Protected Structure Kilmahon House (RPS 01478) and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board agreed with the Appropriate Assessment Screening carried out by the Inspector and noted and adopted her report in this regard.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the concerns of the Inspector with regard to the sightlines, however, it concurred with the planning authority that the sightlines were acceptable given the site's location within the development boundary. Furthermore, the Board considered that the proposed development would represent an appropriate location for housing within the settlement boundary and would be in accordance with National Policy and Ministerial Guidelines to direct the development of housing to rural villages and settlements 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 24th day of April, 2017, 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. Prior to commencement of development, revised drawings showing the following alterations shall be submitted to, and agreed in writing with, the planning authority.
 - (a) The proposed door shall be located centrally on the front elevation.
 - (b) A symmetrical and proportionate fenestration pattern shall be applied. An even number of windows shall be located at either side of the front door. Windows shall all be of the same size and shall be evenly located within the front elevation.
 - (c) Roof lights to the front elevation shall mimic the symmetry requested.

Reason: In the interest of clarity.

- 3 The projecting single storey element to the west elevation shall be omitted (plant room area). Prior to commencement of development, a revised drawing indicating same shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The entrance shall be recessed a minimum of 4.5 metres from the front boundary fence and side walls shall be splayed at an angle of 45 degrees and walls and piers shall not exceed a height of one metre over the level of the adjoining public road.

Reason: To provide proper sight distance for emerging traffic in the interest of traffic safety.

6. Surface water shall not be permitted to flow onto the public road from the site.

Reason: In the interest of traffic safety.

7. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

Reason: In the interest of public health.

