



An  
Bord  
Pleanála

**Board Order**

**PL 19.249152**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: PL2/17/206**

**Appeal** by Liam Holton of 27A The Lodge, Ashley Court, Tullamore, County Offaly against the decision made on the 31<sup>st</sup> day of July, 2017 by Offaly County Council to grant subject to conditions a permission to James Spollen Limited care of LMP Architects of Ennell Studios, Lilliput, Lough Ennell, County Westmeath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a two-storey detached dwelling, connection to public sewer and ancillary services at 31 Ashley Court, Tullamore, 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 urban infill nature of the proposed site on lands zoned for residential purposes, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the existing character and pattern of development in the immediate area, would not seriously injure the existing residential amenities of the area, would be acceptable in terms of traffic safety and convenience, would provide an adequate standard of residential amenity, would not be prejudicial to public health 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, 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 construction of the house, details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of orderly development and the visual amenities of the area.

3. (i) The rear garden shall be bounded by block walls, 1.8 metres in height, capped and rendered on both sides to the written satisfaction of the planning authority.  
(ii) The boundary wall forward of the front building line shall consist of a block wall, capped and rendered to match the height of the existing wall forward of the adjoining dwelling site to the west.

**Reason:** In the interest of residential and visual amenity.

4. The road works associated with the proposed development, including the setting out of an entrance, shall comply with the requirements of the planning authority.

**Reason:** In the interest of traffic safety and orderly development.

5. The upper floor windows and rooflights to the side elevation shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

7. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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 interest of residential amenity and orderly development.

9. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

11. 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 the 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.

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

**Dated this          day of                                  2017**