



An
Bord
Pleanála

Board Order

PL 16.249212

Planning and Development Acts 2000 to 2017

Planning Authority: Mayo County Council

Planning Register Reference Number: P16/1022

Appeal by Padraic and Geraldine Frazer of Kinnadoohy, Louisborough, County Mayo against the decision made on the 16th day of August, 2017 by Mayo County Council to grant subject to conditions a permission to Enda and Norah White care of Gillespie Architectural and Surveying Services of Toorgarve, Fahy, Westport, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of dwelling house, domestic shed, effluent treatment system and associated site works at Kinnadoohy, Louisborough, County Mayo.

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 location of the site in an area designated as 'structurally weak' in the Sustainable Rural Housing Guidelines for Planning authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, and to the rural housing policies of the Mayo County Development Plan 2014-2020,
- the applicants' connection with the area and with the landholding,
- the pattern of development in the area, and
- to the scale and design of the proposed dwelling,

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience of road users. The proposed development 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 28th day of July 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. Access to the site shall be in the location shown on the site layout plan submitted to the planning authority as further information on the 28th day of July, 2017. The existing boundary hedge and wall along the western and north-western boundary of the site shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interests of visual amenity and traffic safety.

3. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

4. 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.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. The external finish of the house shall be nap plaster or wet dash with no colour component. No brick shall be used and any stone shall be natural stone local to the area. The front door shall be simple design in sheeted or panelled wood, painted or varnished.

Reason: In the interests of visual amenity.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity.

9. 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.

