

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Cavan County Council

Planning Register Reference Number: 17/458

An Bord Pleanála Reference Number: ABP-300629-18

APPEAL by Geraldine and John Flood of Kilnacrott, Ballyjamesduff, County Cavan against the decision made on the 11th day of December, 2017 by Cavan County Council to grant subject to conditions a permission to Gerard McCabe of Kilnacrott, Ballyjamesduff, County Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a new entrance walls, piers and all associated site works at Kilnacrott, Ballyjamesduff, County Cavan.

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 minor road upon which the appeal site is situated, the availability of the required sightlines at the proposed entrance and the absence of any intensification of use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not compromise the efficiency or safety of the public road 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. (a) Surface water from the site shall not be permitted to drain onto the adjoining public road.
- (b) The existing entrance through the north-western boundary of the subject site shall be permanently closed within one month of the opening of the new entrance. Prior to commencement of development, details of the proposed boundary treatment at this location, and along the entire length of the north-western boundary between the subject site and the site of the adjacent dwelling to the north-west, shall be submitted to, and agreed in writing with, the planning authority.
- (c) Prior to commencement of development, details of treatment of the area between the new entrance and new boundary and the public road shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development, residential amenity, traffic safety, and to prevent flooding.

3. No trees shall be removed from within the site, except for what is required for the direct construction of the driveway.

Within six months of the completion of the proposed development, the site shall be landscaped in accordance with the Site Layout Plan received by the planning authority on the 24th day of October, 2017. The hedgerow to be provided along the frontage of the site shall comprise indigenous hedging species.

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 order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

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

Dated this day of 2018.