



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/00432

Appeal by John and Ann Cadogan care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork against the decision made on the 5th day of February, 2018 by Cork County Council to grant subject to conditions a permission to Shane and Deirdre Murphy care of CroCon Engineers Limited of 4 Main Street, Bantry, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of dwelling, realignment of existing entrance to provide shared entrance and all associated site works at Chapel Lane, Townlands, Rosscarbery, 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 location of the site within the settlement boundary of Rosscarbery, to the pattern of development and character of the general area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity and would respect the existing character of the Architectural Conservation Area. 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 11th day of August, 2017, the 9th day of October, 2017, the 4th day of December, 2017 and the 11th day of January, 2018, 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. The front building line of the dwelling shall be set back two metres from that as delineated on the site layout plan submitted to the planning authority on the 4th day of December, 2017 and shall align with the front building line of the dwelling to the north-east. A revised site layout plan with the alterations delineated thereon, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The dwelling shall be constructed in accordance with the floor plans and elevation drawings received by the planning authority on the 11th day of January, 2018, subject to the following amendments:
- (a) The dormer windows shall be repositioned in the south elevation so as to be evenly spaced in the roof.
 - (b) The reduction in the window opening in the north-eastern corner of the south elevation shall match the other four number window openings proposed on this elevation.
 - (c) The omission of the first floor window serving the master bedroom and the ground floor window serving the sitting room in the east elevation and their replacement with alternative openings with a vertical emphasis that match the other openings proposed in the east elevation.
 - (d) The windows serving the first floor wardrobe and ensuite rooms on the south elevation shall be permanently fitted with opaque glazing. Openings sections, if required, shall be restricted to top hung pivot.

Revised drawings showing compliance with these amendments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the visual amenities of the area and to protect the residential amenities of the adjoining property.

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 protecting the residential amenity of surrounding properties.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the proposed house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

6. Site development and building works shall be carried only out between the hours of 0800 and 1900 hours Mondays to Fridays inclusive, between the hours of 0800 and 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 order to safeguard the residential amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, measures to prevent pollution to local watercourses, and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

Reason: In the interests of visual and residential amenity.

9. Water supply and drainage arrangements, including the attenuation and 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.

10. The leylandii hedge along the south-western boundary of the site shall be retained and maintained and shall be protected from damage during construction works. Within a period of six months following the occupation of the proposed development, any planting which is damaged or dies shall be replaced with other of similar size and species.

Reason: In the interests of visual amenity and protection of amenities of adjoining property.

11. The existing farm gate along the site frontage shall be removed and the resultant gap shall be infilled with a stone wall and hedging to match the existing front boundary.

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

12. One common entrance recess shall be formed to serve both sites and this entrance shall be recessed a minimum of 4.5 metres from front boundary, the side walls shall be splayed at an angle of 45 degrees, and walls and piers shall not be greater than one metre in height over the level of the adjoining public road.

Reason: In the interests of road safety and to provide proper sight distances.

13. 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.

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.

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

Dated this day of 2018.