



Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 17/07179

Appeal by Jerome and Nuala O'Reilly care of Anthony Hayes of 7 Pearse Street, Kinsale, County Cork against the decision made on the 7th day of February, 2018 by Cork County Council in relation to the application by the said Jerome and Nuala O'Reilly for permission for development comprising (a) retention of a domestic garage/workshop/garden store building and associated site works. This existing building is 125 square metres floor area; (b) permission for change of use of part of the same building and the construction of an extension to the same building for use as a garden study (ancillary domestic accommodation to the main house) with a tea station, toilet room and associated site works; the remainder of the existing structure is to remain as a domestic garage; (c) all associated elevational and plan alterations to the same building and associated site works, all Castlelands, Kinsale, County Cork in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of a domestic garage/workshop/garden store building and associated site works. This existing building is 125 square metres floor area and to refuse permission for (b) permission for change of use of part of the same building and the construction of an extension to the same building for use as a garden study (ancillary domestic accommodation to the main house)

with a tea station, toilet room and associated site works. The remainder of the existing structure is to remain as a domestic garage; and (c) all associated elevational and plan alterations to the same building and associated site works).

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 Cork County Development Plan 2014 – 2020, and to the limited scale of the development (including the extension of 17 square metres), it is considered that, subject to compliance with the conditions set out below, the proposal for a garden study would be an appropriate development within the context of the existing residential site and the proposed conversion and extension would not seriously injure the visual amenities of the 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed extension and altered rear elevation of the existing garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

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

5. The garden study shall not be used other than as a use incidental to the enjoyment of the dwellinghouse as such, on the site, unless authorised by a prior grant of planning permission, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: In the interest of clarity and orderly development.

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

Dated this day of 2018.