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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 17/493**

**Appeal** by Bernadette Smith care of Joseph O'Doherty of The Strand Field, Bellurgan, Dundalk, County Louth against the decision made on the 6<sup>th</sup> day of March, 2018 by Cavan County Council to grant subject to conditions a permission to Michael and Maria McPhillips care of Niall Smith Architects of Hall Street, Kingscourt, County Cavan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of alterations to existing two-storey detached dwelling consisting of a change of use from attached garage to living accommodation, alterations to internal layout and elevations, single storey extension to front and side of existing dwelling, retention of single storey shed at rear of property, boundaries and associated site works at Lisdrumskea, Shercock, 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 provisions of the Cavan County Development Plan 2014-2020, and to the nature and scale of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 9<sup>th</sup> day of February 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall comply with the terms and conditions of the planning permission granted by the planning authority under planning register reference number 97/471, except as amended by this permission or as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

3. The shed shall be used solely for non-habitable ancillary domestic and private purposes only and not for any commercial, industrial, business or trade purposes.

**Reason:** In the interest of clarity, traffic safety and residential amenity.

4. 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 and to ensure a proper standard of development.

5. 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 within three months of the date of this order 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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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**