



Planning and Development Acts 2000 to 2018

Planning Authority: Cavan County Council

Planning Register Reference Number: 18/216

Appeal by Jack Meehan care of Michael Hetheron of Unit 3, Cavan Street, Oldcastle, County Meath against the decision made on the 12th day of July, 2018 by Cavan County Council in relation to an application by the said Jack Meehan for permission for development, comprising retention of (1) three-storey split-level domestic garage, (2) three number outbuildings, (3) amendments and alterations to site layout (previous planning register reference number 07/2442) and permission for completion of three-storey split-level domestic garage and all ancillary site works, in accordance with the plans and particulars lodged with the said Council (which decision was to grant, subject to conditions, permission for retention of (2) three number outbuildings, (3) amendments and alterations to site layout and all ancillary site works and to refuse permission for (1) retention of three-storey split-level domestic garage, and completion of three-storey split-level domestic garage); all at Knockatemple, Virginia, County Cavan.

Decision

GRANT permission for retention of (2) three number outbuildings, (3) amendments and alterations to site layout (previous planning register reference number 07/2442) and all ancillary site works in accordance with the said plans and particulars based on the reasons and

considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for (1) retention of three-storey split-level domestic garage, and completion of three-storey split-level domestic garage, based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the location and configuration of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity and would 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, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The shipping container and roofed external area adjacent to the outbuilding referred to as Shed 1 on Drawing Number 02_A1, as

submitted with the planning application, shall be removed within three months of the date of this Order, and the resultant area reinstated.

Reason: In the interests of orderly development and visual and residential amenity.

3. The three outbuildings referred to as Sheds 1, 2 and 3 on Drawing Number 02_A1, as submitted with the planning application, shall be used solely for non-habitable uses ancillary to the main dwellinghouse and shall not be used for the carrying out of any trade or business, or sold, let or otherwise transferred or conveyed, save as part of the dwelling and its overall site (as outlined in red in the submitted application).

Reason: In the interest of clarity and residential amenity.

4. 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

Reasons and Considerations (2)

Having regard to the scale, height and three-storey design of the domestic garage, the topography of the site and surrounding area, the extensive hardstanding and additional driveway area adjacent to the garage, and the number of outbuildings currently on site, it is considered that the development proposed to be retained and completed would represent an excessive level of development of this kind on site, would seriously injure the visual amenities of the area, would be out of character with the pattern of development in the area, and would be contrary to Objective DM09 of the planning authority as set out in the Cavan County Development Plan 2014-2020. The development proposed to be retained and completed would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh

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

Dated this day of 2018.