



Planning and Development Acts 2000 to 2018

Planning Authority: Westmeath County Council

Planning Register Reference Number: 18/7114

Appeal by Dermot O'Meara care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 21st day of August, 2018 by Westmeath County Council to refuse permission to the said Dermot O'Meara for development comprising construction of one number three bedroom detached house and one number three-bedroom house with attached two car garage at Bonavally, Athlone, County Westmeath. The existing dwellinghouse on site will be retained and a small non-habitable shed to the rear will be demolished, retention of existing site entrance and the existing mains sewer connection, all additional sewer connection to be within the curtilage of the site; the application will also include other minor site works and drainage in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for construction of one number three bedroom detached house and associated site and development 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 one number three-bedroom house with attached two car garage and demolition of a small non-habitable shed to the rear 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 existing pattern of development in the vicinity, including the variations in front building lines along this street, and having regard to the “Existing Residential” zoning of the site in the Athlone Town Development Plan 2014 – 2020, and to national policy that encourages increased residential density in existing built-up areas, it is considered that, subject to compliance with the conditions set out below, the proposed development of this individual house to the front of the existing house on site, and utilising an existing vehicular entrance, would not seriously injure the residential amenities of that house or of adjoining properties, would not seriously injure the visual amenities of the area or be incompatible with the existing pattern of development in the vicinity and would be acceptable in terms of pedestrian and traffic safety. 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. The proposed house at the rear of the site (House B), together with the demolition of the existing shed and associated site and development works, shall be omitted and shall not be carried out.

Reason: The proposed second house, to the rear of the existing dwelling on site, is unacceptable for the reasons and considerations set out in the accompanying refusal order.

3. The development hereby permitted shall be used as a single dwelling unit only, and shall not be used for multiple occupation or for any commercial purpose.

Reason: In the interest of residential amenity and to define the scope of the use hereby permitted.

4. Details of the external finishes of the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof shall be blue/black or slate grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

5. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing overhead cables bounding or crossing the site shall be underground at the developer's expense.

Reason: In the interest of visual and residential amenity.

7. The existing mature trees and hedging along the frontage of the site shall be retained, and shall be protected against damage during construction in accordance with measures to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

8. The rear garden of the proposed house shall be bounded by concrete block walls, which shall be rendered on both sides and capped, or by concrete post and concrete panel fences, in either case two metres in height. Timber fences shall not be used.

Reason: In the interest of residential amenity and to ensure the provision of durable boundary treatment.

9. 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 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.

10. 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.

Reasons and Considerations (2)

Having regard to the location of the proposed development, to the rear of the site, close to the boundaries with adjoining land to the east and west, and to the lack of linkages between this site and these adjoining lands, which are considered suitable for infill residential development, it is considered that the proposed development would constitute ad-hoc, piecemeal and backland development which could prejudice the co-ordinated and sustainable development of such adjoining lands for residential purposes, would, therefore, be contrary to the policies of the Athlone Town Development Plan 2014 – 2020 (and in particular policies P-SR2, P-RD2 and Development Management Standard 12.9.3), and would set an undesirable precedent for further such piecemeal uncoordinated and backland development in the rear gardens of similar properties in the area. Furthermore, by reason of its scale and location, it is considered that the proposed house would seriously injure the residential amenities of adjoining property, and in particular of the residential property to the east, by reason of overlooking of its private open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the entire development, the Board noted the varied front building lines at this location and considered that, because of its location and design, the development of House A would not be visually unacceptable or contrary to the existing pattern of development in the area, and would not lead to an unacceptable impact on the residential amenities of the existing house on the site, nor on the residential amenities of adjoining properties. However, the Board concurred with the view of the Inspector, that the erection of House B, to the rear of the existing house, would represent ad-hoc and piecemeal development, and could prejudice the comprehensive development of adjoining lands, particularly to the west, which are zoned for residential development and in respect of which a co-ordinated approach would be more appropriate. Furthermore, the Board was not satisfied that the proposed house at this location, even if modified to a further House Type A design, would not have deleterious impacts on the residential amenities of the existing dwelling, and its rear garden, to the west of the subject site.

Philip Jones

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

Dated this day of 2019.