



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/06695

Appeal by Frank and Claire Sweeney Architectural and Planning care of Flor McCarthy of Ballea, Carrigaline, County Cork against the decision made on the 12th day of February, 2019 by Cork County Council to grant subject to conditions a permission to Thomas Healy as Executor in the Estate of Joan Healy care of O’Keeffe O’Connell Architects Limited of Annabella, Mallow, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for retention of as-built existing bungalow type dwelling and extensions and as built existing detached store and permission for an advanced treatment system and polishing filter and all associated site works at Lavally Upper, Mallow, County Cork.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 3 and to AMEND condition number 5 so that it shall be as follows for the reasons set out.

5. The store shall be incidental to the enjoyment of the dwelling house only. Details of the external finish of the northern elevation of the store shall be agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

Reasons and Considerations

Having regard to: -

- (a) the provisions of the Cork County Development Plan 2014,
- (b) the nature, scale and orientation of the development to be retained,
and
- (c) the pattern of development in the area,

the Board considered that the inclusion of those amendments required in condition number 5 are necessary for the protection of the residential amenities of the neighbouring properties and the proper planning and sustainable development of the area.

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.

Dave Walsh

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

Dated this day of 2019.