



Planning and Development Acts 2000 to 2019

Planning Authority: Laois County Council

Planning Register Reference Number: 19/23

Appeal by Colin Mahon of Clonabeg, Clonaslee, County Laois against the decision made on the 8th day of March, 2019 by Laois County Council in relation to an application for permission for retention of existing front boundary walls, associated tarmac to the road edge and bollards and chains all at Clonbeg, Clonaslee, County Laois in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of existing front boundary walls and associated tarmac to road edge and to refuse permission for retention of bollards and chains).

Decision

GRANT permission for retention of existing front boundary walls and associated tarmac to road edge 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 retention of bollards and chains 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 of the site on a narrow local road that is not a through road and which is characterised by low volumes of traffic in the area, to the design of the boundary wall proposed for retention, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the retention of this element of the development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The retention of this element of the development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All surface water runoff from the entrance and roadside area shall be collected and disposed of within the curtilage of the site and no such surface water shall be allowed to drain onto the public road.

Reason: In the interest of traffic safety and to prevent the flooding of the public road.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) Proposals for the planting of all new site boundaries created by the construction of the dwelling on the site, including proposals for the back planting of the roadside boundary where the retention of the boundary wall is permitted.
 - (ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season

with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

Reasons and Considerations (2)

Having regard to the narrow width of the public road, to the design of the bollards and chains proposed for retention and, in particular, the proximity of the bollards to the public carriageway, and the lack of distinction between the public road surface and the verge area between the boundary wall of the dwelling and the public road, it is considered that the retention of these elements would result in an unprotected hazard for road users. The proposed retention of bollards and chains would, therefore, result in the creation of a traffic hazard and obstruction of road users at this location and would be contrary to the proper planning and sustainable development of the area.

Maria FitzGerald

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

Dated this day of 2019.