



Planning and Development Acts 2000 to 2019

Planning Authority: Cavan County Council

Planning Register Reference Number: 19/78

Appeal by Damien and Amanda Smith care of Ger Fahy Planning of Annaghdown, Pagestown, Kilcloon, County Meath against the decision made on the 16th day of April, 2019 by Cavan County Council in relation to the application by Damien and Amanda Smith for permission for development comprising the demolition of portion of rear section of existing garage, retention and completion of remainder of existing garage/boat shed, retention of back yard and use of same as recreation area for family children and creation of astro turf playing area to the rear of same and all associated site works at Dennbane, Carrickaboy, County Cavan in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for demolition of portion of rear section of existing garage, retention of back yard and use of same as recreation area for family children and creation of astro turf playing area to the rear of same, and to refuse permission for retention and completion of remainder of existing garage/boat shed).

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 pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and completion would not seriously injure the amenities of the area or of property in the vicinity and would not significantly conflict with the provisions of the current Cavan County Development Plan in respect of the provision of domestic garages in a rural context. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the retention and completion of remainder of existing garage/boat shed, the Board considered that the overall development to be retained and completed was not significantly out of scale, design or character with the wider rural setting, would not seriously impact on the visual amenities or residential amenities of properties adjacent to the development and would be unlikely to establish a precedent for other similar developments in the area.

Conditions

1. 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. (a) The astro turf area and basketball court hereby permitted shall be for domestic use associated with the adjoining dwelling and shall not be used for any other purpose.

(b) The astro turf area and basketball court shall not be artificially lit, save without a prior grant of planning permission.

Reason: In the interest of the protection of residential amenity.

3. The drainage arrangements, including the disposal of surface water and grey water, shall comply with the requirements of the planning authority for such works. Details in this regard shall be submitted to the planning authority for agreement within three months of the date of this Order. The works shall be carried out and completed to satisfaction of the planning authority within three months of the date of agreement.

Reason: To ensure adequate servicing of the development and to prevent pollution.

4. (a) Surface water from the site shall not be permitted to drain onto the adjoining public road or onto adjoining properties.
- (b) Only clean, uncontaminated storm water shall be discharges to the surface water drainage systems and/or soakpits on site.

Reason: In the interest of traffic safety and of orderly development.

Dave Walsh

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

Dated this day of 2019.