



Planning and Development Acts 2000 to 2019

Planning Authority: Laois County Council

Planning Register Reference Number: 19/54

APPEAL by David and Gemma O'Shaughnessy care of Liam Ryan Architectural Services of Abbeyleix, County Laois against the decision made on the 9th day of May, 2019 by Laois County Council to grant subject to conditions a permission to Chris Finnegan and Edel O'Gorman care of Daniel P. Keane of 20 Church Street, Portlaoise, County Laois.

Proposed Development: Construction of a proposed new dwellinghouse, domestic garage, new site entrance and all associated site works at Derevald, Durrow Townparks, Durrow, County Laois.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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 location of the site within the development boundary of Durrow, to the size of the site, to the zoning objective which applies to the site, which is 'Residential 2 – to provide for new residential development, residential services and community facilities' and the development management standard DM03 (density of residential development) which states that the number of dwellings to be provided on a site should be determined with reference to the document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009', as recorded in the Laois County Development Plan 2017-2023, to the availability of supporting infrastructure, and to the pattern of existing residential development in the environs of the site, it is considered that the proposed development of a single dwelling would not constitute efficient use of zoned and serviced residential land, given the location of the site within the town of Durrow and considering the density range for edge of small towns and villages, as recommended in the Ministerial Guidelines, 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009' published by the Department of Environment, Heritage and Local Government. The proposed development would be contrary to these Ministerial Guidelines and to the relevant provisions of the Laois County Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the commentary of Laois County Council, in its request for further information, which refers to the large size of the site, its zoning as Residential 2 land and the availability of supporting infrastructure. In this regard, the Board considered that the issues of zoning, site location and availability of services, as expressed in the application file by the County Council, are fundamental to a determination of the proper planning and sustainable development of this site and to the specific assessment of this application for a single dwelling.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.