



Planning and Development Acts 2000 to 2019

Planning Authority: Westmeath County Council

Planning Register Reference Number: 19/7087

Appeal by John Campbell of Monkstown, Mount Temple, Moate, County Westmeath against the decision made on the 6th day of June, 2019 by Westmeath County Council to grant subject to conditions a permission to Ailbhe Wright McNamara care of Brendan McGettigan and Associates Limited of 2 Garden Vale, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new house including domestic garage, domestic sewage treatment system and soil percolation filter together with associated site works, landscaping and site entrance/driveway at Monkstown, Mount Temple, Moate, County Westmeath.

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

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the additional information submitted by the applicants in their response to the Board's Section 137 Notice, and considered, in the light of the new information submitted as part of this submission (part of which had not been included with the documentation and particulars submitted with the application to the planning authority), that one of the applicants had established a demonstrable economic need to reside at this location.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as modified and expanded in the submission to An Bord Pleanála received on the 6th day of November, 2019, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The dwelling hereby permitted shall be finished in napped plaster or wet dash render and blue/black slates. The ridge tile shall match the colour of the roof. All rainwater goods, bargeboards, fascias and soffits where used shall blend with the roof, all soffits shall be raking. All cill faces shall be 100 millimetres. Details of any alternative materials to those specified above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and the development shall thereafter be carried out and maintained in accordance with the agreed details.

Reason: In the interest of the visual amenities of the area.

4. (a) Prior to commencement of development, a detailed landscape plan and planting schedule shall be submitted to, and agreed in writing with, the planning authority illustrating the following:
- maintenance of all trees and hedged boundaries to the site, except for those required to be removed to provide access and visibility splays, and
 - all boundaries shall be demarcated by an indigenous hedge and tree line.
- (b) The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the dwelling, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within five years shall be replaced within the following planting season by plants of a similar size and species.

Reason: In the interest of the visual amenities of the area.

5. The garage shall be used solely for purposes incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of orderly development.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. (a) The entrance gradient shall not exceed 1 in 50 for a distance of seven metres from the metalled edge of the roadway.

(b) Surfaced off-street parking space for two cars shall be provided on site prior to the completion of development. The parking area shall be graded at 3% to fall away from the carriageway edge.

(c) Driveways shall have a minimum width of three metres and a maximum gradient of 10%.

Reason: In the interest of traffic safety.

8. All uncontaminated surface water, including roof water, shall be separately collected and discharged to drain or to on-site soakaway, and shall not in any circumstances be allowed discharge to the septic tank or proprietary foul sewage treatment system. All soakaways shall be designed and constructed to BRE Digest 365 CIRIA 156.

Reason: In the interest orderly development.

9. The Wastewater Treatment System shall be installed, operated and maintained in accordance with the “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) as published by the Environmental Protection Agency, 2009.

Prior to occupation of the development, the developer shall submit to the planning authority written certification from a suitably-qualified person with professional indemnity insurance that the on-site wastewater treatment system has been installed correctly in accordance with the provisions of the Environmental Protection Agency document complete with dated photos taken during the installation.

Reason: In the interest of public health.

10. The water supply, a well, shall be provided of adequate capacity to serve the dwellinghouse and shall comply with the standards set out in the European Communities (Drinking Water) (NO. 2) Regulations 2007 (S.I. No. 278 of 2007), as amended.

Reason: In the interest of public health.

11. 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 the 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.

12. The developer shall pay the sum of €1,500 (one thousand, five hundred euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended in respect of improvements to the L-14373. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.