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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P19/115**

**Appeal** by Annette Moran care of Lally Chartered Engineers of Údarás Business park, Tourmakeady, County Mayo against the decision made on the 15<sup>th</sup> day of July, 2019 by Mayo County Council to grant subject to conditions a permission to Philip and Deirdre Prendergast of 28 The Oaks, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single storey extension (granny flat) attached to existing dwelling, new boundary treatments, and all associated site works and landscaping at 28 The Oaks, Castlebar, County Mayo.

**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 scale and nature of the proposed development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would be in accordance with the provisions for ancillary family accommodation in granny flats, as set out in the Castlebar and Environs Development Plan 2008-2014 as varied and extended. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20<sup>th</sup> day of June 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. The proposed development shall be amended as follows:
  - (a) The proposed extension, including all of its foundations, shall be constructed inside the existing common boundary wall with number 27 The Oaks to the west.
  - (b) No part of the existing common boundary wall with number 27 The Oaks to the west shall be removed, and the wall shall be retained and protected against damage during construction works.

Revised drawings and particulars showing compliance with these requirements, including the method for protection of the wall, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of protecting the residential amenity of adjoining property, and to prevent interference with the existing boundary wall.

3. The proposed granny flat shall be used for purposes ancillary to the main dwellinghouse only. It shall be occupied solely by a member(s) of the immediate family of the occupier of the main dwellinghouse. It shall not be sold, let or otherwise transferred or conveyed independently of the main dwellinghouse and, when no longer required for use as a granny flat, shall revert to use for purposes incidental to the enjoyment of the main dwellinghouse.

**Reason:** In the interests of clarity and residential amenity.

4. The proposed development shall not be used for short term letting nor for tourist accommodation, and the proposed home office within the development shall not be used for commercial purposes.

**Reason:** In the interests of clarity and residential amenity.

5. The external finishes of the proposed development shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

6. There shall be no subdivision of the private amenity space.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this            day of            2019**