



Planning and Development Acts 2000 to 2019

Planning Authority: Carlow County Council

Planning Register Reference Number: 19/133

Appeal by Liam and Lily Quigley care of DCM Developments of Unit 1, Ardnehue Farm, Bennekerry, County Carlow against the decision made on the 30th day of July, 2019 by Carlow County Council to grant subject to conditions a permission to Eamon O'Reilly care of Planning and Design Solutions of Lismard House, Tullow Street, Carlow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission to construct a single storey extension to the side and rear of existing dormer style dwelling, new dormer window at first floor level, upgrade existing percolation area, new garage and stable block to rear of site and widening of existing entrance. Retention planning permission is sought for a dormer style extension to the rear of original cottage and all associated site works at Kilcoole, Rathoe, County Carlow, as amended by the revised public notice received by the planning authority on the 4th day of July, 2019 which relates to the proposed garage and stable block with a 3,000 litre holding tank.

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 nature, extent and design of the proposed development and the development for which retention permission is sought, which entail extensions to an existing dwelling and the provision of a garage/stables incidental to the existing dwelling, to the established pattern of development in the area and to the relevant provisions of the Carlow County Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention permission is sought, would not seriously injure the rural, residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 24th 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. (a) The existing dwelling and proposed/retained extensions shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.
- (b) The garage/stable block shall be used for domestic purposes only, shall not be used for human habitation, shall accommodate a maximum of two horses and shall not be sold, rented or leased independently of the house on site.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The external finishes of the proposed extensions and the stable/ garage block (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

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

5.
 - (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
 - (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

6.
 - (a) The septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

- (b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (c) Within three months from the date of this Order, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 7. (a) Sightlines at the entrance to the public road shall be provided in accordance with the details indicated on the 'Proposed Site Layout Plan' (drawing number PL 003-EOR-15) received by the planning authority on the 8th day of April, 2019.
- (b) The roadside verge shall be permanently kept free from obstruction and shall be maintained so as not to impede lines of sight at the entrance.
- (c) Any road opening works on the public road necessary to facilitate the development, shall be subject to a Road Opening Licence in accordance with '*Guidelines for Managing Openings in Public Roads (2007)*'. The Road Opening Licence shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including details of the driveway surfaces within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and
- (d) any gates shall be inwards opening only.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

9. 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.

10. 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 within three months of the date of this Order 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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.