



Planning and Development Acts 2000 to 2019

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.19/142

Appeal by Joachim Schaefer of Lecarrow, Spencer Harbour, Drumkeeran, County Leitrim and by Saskia de Jong of Lecarrow or Strandhill, Drumkeeran, County Leitrim against the decision made on the 23rd day of September, 2019 by Leitrim County Council to grant subject to conditions a permission to Matt Fisher and Maria Carey care of Davitt Plan and Design Limited of Main Street, Drumkeeran, County Leitrim in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Construction of a two-storey domestic extension to the north of the existing domestic dwelling, (b) raising of the ridge profile of the existing domestic dwelling by 0.85 metres and the amending of the existing elevations of the building, (c) demolition of the existing agricultural building, (d) upgrading of the existing wastewater treatment facility to an on-site wastewater treatment facility which complies with the current Environmental Protection Agency Code of Practice and all ancillary works and (e) construction of a domestic garage. Retention of a domestic fuel storage shed. All at Drummans Lower, Drumkeeran, County Leitrim.

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 existing development on site, the nature and scale of the proposed development, including the development for which retention is sought, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention is sought would not be out of character with development in the area, would not seriously injure the visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, and carried out and completed (as applicable) in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th day of August, 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. This permission relates solely to the development as outlined in the submitted notices, and shall not be construed as giving assent to any other development on the subject site, or on the remainder of the applicants' landholding, as outlined in blue on submitted drawings.

Reason: In the interest of clarity.

3. Only the existing house and the extension to the house shall be used for human habitation. All of the other buildings and structures on site shall be used for the purposes as set out in the application and shall not be used for human habitation or for any business or commercial purpose, notwithstanding the exempted development provisions of the Planning and Development Act, 2000, as amended and of the Planning and Development Regulations, 2001, as amended.

Reason: In order to delimit the uses on site to those for which application has been specifically made.

4. The garages, fuel sheds and outbuildings shall not be let, sold or otherwise transferred or conveyed, except as part of the existing and extended dwelling, and the ownership and use of all of the structures shall remain together within the one legal title.

Reason: In the interest of clarity and to delimit the extent of ownership and usage of the development hereby permitted.

5. Details of the materials, colours and textures of all the external finishes to the proposed extensions and outbuildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

6. A 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 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 tree protection measures, and
- (d) details of proposed boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme as part of the site development works, and shall be completed prior to the first occupation of the proposed extension.

Reason: In the interests of visual and residential amenity.

7. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency', 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the proposed extension and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (c) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (d) Prior to the first occupation of the proposed extension, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

8. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

9. 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.

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

Dated this day of 2020.