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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 19/196**

**Appeal** by John Quinn of 9801 South Keeler Avenue, Suite A, Oak Lawn, Illinois, United States of America against the decision made on the 23<sup>rd</sup> day of October, 2019 by Laois County Council to grant subject to conditions a permission to Sean McCrohan care of Seamus Tutty of Silverhills, Ballymore Eustace, Naas, County Kildare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of a split level detached domestic garage and storage outbuilding with lofted storage space at Capparogan, Clonaslee, County Laois. The proposed development was revised by further public notices received by the planning authority on the 7th day of October, 2019.

**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 pattern of development in the area, to the provisions of the Laois County Development Plan 2017, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the residential or visual amenities of adjoining properties and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of September, 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 and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to domestic garage and storage outbuilding with lofted storage space (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity.

3. The domestic garage/shed shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling.

**Reason:** To restrict the use of the garage/shed in the interest of residential amenity.

4. All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site on soakpits, drains or adjacent watercourses. In particular, no surface water run-off shall be allowed to flow onto the public roadway or adjacent properties.

**Reason:** To prevent flooding of the public road, and in the interest of public health and traffic safety.

5. 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 with 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.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**