



An
Bord
Pleanála

Board Order
ABP-306920-20

Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/06861

Appeal by David and Angela Doyle care of EM Consulting of 103 Oliver Plunkett Street, Cork against the decision made on the 28th day of February, 2020 by Cork County Council to grant subject to conditions a permission to Seamus and Sharon Palmer care of J.E. Keating and Associates of Office 4, Holbar House, Douglas, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Partial demolition of existing dwelling including rear balcony, the refurbishment and alteration to existing elevations and construction of a new rear extension to the dwelling, new retaining wall to boundaries, upgrading vehicular entrance and all associated site works at Mini Manor, The Ramparts, Kinsale, County Cork.

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 relevant Kinsale Town Development Plan 2009–2015, to the planning history of the site, the pattern of existing development in the area and the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the visual and residential amenities of the area, would not seriously injure the amenities of property in the vicinity, would constitute an acceptable design and layout at the subject site and would be acceptable in terms of pedestrian and traffic safety. 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 7th day of February 2020, 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:

The 'louvred wall' along the northern site boundary shall be amended as follows.

- (a) Along the sections of existing boundary wall where the existing wall heights are recorded as 19.81 and 20.87 on the drawing 'Proposed North Elevation' P.32 received by the planning authority on the 29th day of November 2019, the louvred wall addition shall ensure an overall boundary height (including existing wall) of two metres above the adjoining garden level within the subject site.
- (b) The 2.4 metre louvred wall element positioned to the front of the large upper floor window, shall be constructed as per the drawing 'Proposed North Elevation' P.32, received by the planning authority on the 29th day of November 2019.

- (c) No other element of louvred wall shall be erected along the northern boundary.
- (d) The large upper floor window and the two high level windows on the northern elevation of the proposed development shall be permanently provided in obscure glass.

Revised plans showing compliance with these amendments shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of visual and residential amenity.

- 3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements including the attenuation and 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.

6. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. The on-curtilage parking space shall be provided with an electric connection to the exterior of the house to allow for the future provision of an electric vehicle charging point. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of sustainable transportation.

8. 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.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise and dust management measures, access arrangements for construction vehicles, specifications and locations of any security lighting, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. The developer shall pay to the planning authority a financial contribution of 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 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.

Chris McGarry

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

Dated this day of 2020