



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: RA/191025

Appeal by Cormac and Kathleen O'Reilly care of James Shanley and Associates of Coolfore Road, Ardbraccan, Navan, County Meath against the decision made on the 29th day of April, 2020 by Meath County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention permission for revisions to development from that granted planning permission under P74/279 including existing revised location and orientation of dwelling, revised house design including first floor habitable area, ground floor internal remodelling/layout, revised attached domestic garage, revised external windows, and planning permission to install and relocate a replacement wastewater treatment tank and polishing filter from existing wastewater treatment system, including all ancillary site works at Batterjohn, Kiltale, Dunsany, County Meath.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 1 and to REMOVE condition number 5 so that they shall be as follows for the reasons set out.

Reasons and Considerations

The wording of condition number 1 should remain unchanged by reason that the proposed development and development proposed for retention was assessed in accordance with the plans and particulars lodged with the planning authority on the 2nd day of August, 2019 and the 16th day of March, 2020.

Having regard to the nature and scale of the proposed development and development proposed for retention, it is considered that the removal of condition number 5 would be in accordance with Section 7.8 of the Development Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in June, 2007 which states that it is inappropriate in development management to attach planning permission conditions which are the subject of more specific controls under other legislation or are directly regulated by other statutes, unless there are particular circumstances e.g. the matters are relevant to proper planning and sustainable development and there is good reason to believe that they cannot be dealt with effectively by other means. Condition number 5 requires that the first floor of the dwelling be used for storage, in the

interest of Building Control. It is considered inappropriate, in this instance, to attach a condition relating to matters regulated by the Building Regulations. The proposed development and development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and, therefore, would be in accordance with the proper planning and sustainable development of the area. The onus is on the applicant to ensure that the development proposed for retention complies with the Building Regulations.

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.

Dave Walsh

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

Dated this day of 2020.