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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 20/334**

**Appeal** by Michael and Patsy Dollard and Charlie and Elizabeth O'Neill care of BCF Architects of Cloncannon Lower, Mountmellick, County Laois against the decision made on the 11<sup>th</sup> day of August, 2020 by Laois County Council to grant subject to conditions a permission to Paul Ryan care of Frank Casey of Rathmore, Stradbally, County Laois in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of a fuel shed and stone garden structure at Clahane House, 3 Dromadoon, Mountrath Road, Portlaoise, County Laois.

**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 and scale of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the retention of the development would not seriously injure the visual amenities of the area. The retention of the development 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, 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. Revised elevation drawings of the fuel shed, showing the flue, shall be submitted to, and agreed in writing with, the planning authority within eight weeks of the date of this Order.

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

3. The shed shall be used solely for uses incidental to the residential enjoyment of the house on site and shall not be used for habitable purposes or any commercial purpose.

**Reason:** In the interest of the amenity of property in the vicinity and the proper planning and sustainable development of the area.

4. 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.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 eight weeks 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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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2020.**