



Planning and Development Acts 2000 to 2020

Planning Authority: Offaly County Council

Planning Register Reference Number: PL2/20/307

Appeal by Fiona Bagnall care of Cross Chartered Building Surveyor of 11 An Crois, Allenwood Cross, Allenwood, Naas, County Kildare against the decision made on the 11th day of September, 2020 by Offaly County Council to refuse a permission for the proposed development.

Proposed Development: (a) Retention of an existing single storey apartment to the rear (north-west elevation) of the existing dwelling house at Number 4 Saint Mary's Street, Edenderry; (b) planning permission for internal alterations to change the existing two-bed apartment into a one-bed apartment with room floor areas in accordance with national planning guidelines for apartments, (c) planning permission for insertion of one number means of escape window in the existing bedroom to comply with Part B of the Building Regulations, (d) planning permission for new vehicular parking, bin store and all associated site works, all at number 4A Saint Mary's Street, Edenderry. County Offaly.

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 provisions of the Offaly County Development Plan 2014-2020, the Edenderry Local Area Plan 2017-2023 and the 'Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities' issued by the Department of the Environment, Heritage and Local Government (2007), and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and the proposed development would be acceptable in terms of pedestrian and traffic safety and would not seriously injure the amenities of the area. The development proposed for retention and the proposed development 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 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 prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Residents of both dwellings shall have full access to all communal facilities.

Reason: In the interests of clarity, residential amenity and the proper planning and sustainable development of the area.

3. The following works shall be carried out within twelve months from the date of this Order, unless otherwise agreed in writing with the planning authority:
 - (a) internal alterations to convert the existing residential unit to the rear to a one bedroom unit,
 - (b) insertion of escape window,
 - (c) painting of the exterior of the residential unit to be retained,

- (d) site works to provide for vehicular access, car parking and communal open space.

Photographic evidence and written confirmation of compliance with these requirements shall be submitted to the planning authority within one month of completion of the works.

Reason: In the interests of residential and visual amenity 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. Within three months from the date of this Order, the applicant or developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

- 6. 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.

7. 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 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.

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

Dated this day of 2021