

Planning and Development Acts 2000 to 2020

Planning Authority: Westmeath County Council

Planning Register Reference Number: 20/6278

Appeal by Donna Jackson and Andrew McCabe care of Woods Architecture and Project Management of 94 Ardcollum Avenue, Artane, Dublin against the decision made on the 15th day of February, 2021 by Westmeath County Council to refuse permission for the proposed development.

Proposed Development: (1) The retention of the main dwelling as relocated, modified, and extended from that granted under application references 02/237 and 02/1096. (2) The garage structure as relocated and modified from that granted under application reference 05/4016. (3) The retention of the wastewater treatment system as relocated from that granted under application reference 02/1096. (4) The retention of the gated vehicular access and front boundary wall as relocated from that granted under application reference 02/1096. (5) The retention of the block build boundary wall to the northwestern corner of the site. (6) The retention of any site works associated with the above mentioned works, all at Adamstown, Castletown Geoghegan, Mullingar, County Westmeath, as amended by the further public notice received by the planning authority on the 20th day of January, 2021.

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 Westmeath County Development Plan 2011-2017 and to the nature and scale of the development for which retention permission is sought, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention, would not seriously injure the visual amenities of the area, would be in accordance with the provisions of the development plan and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted and shared the view expressed by the Inspector, that the impact of the house could be reduced somewhat by the implementation of comprehensive landscaping. In this regard, the Board determined that the addition of a planning condition to a decision to grant retention permission, requiring for such a comprehensive landscaping plan, would be an acceptable and implementable mechanism for reducing the visual impact of the house and that in such a context, the development for which retention permission was sought would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 8th day of January, 2021, 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. (a) A scheme indicating boundary treatments shall be submitted to the planning authority within six months of the date of this Order, and shall be agreed in writing with the planning authority. This boundary treatment scheme shall provide a screen along the west, north and east boundaries consistently predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the agreement of the planting scheme
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

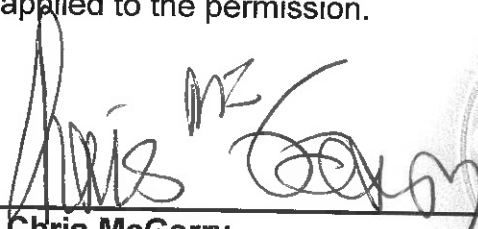
Reason: In order to screen the development, in the interest of visual amenity.

3. The garage for which retention permission is sought shall not be used for human habitation or the keeping of pigs, poultry, pigeons, ponies or horses, or for any purpose other than for a purpose incidental to the enjoyment of the main house.

Reason: In the interest of residential amenity.

4. 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 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 15th day of September 2021.
