

Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: 21/468

Appeal by Noel Reynolds care of McCutcheon Halley Chartered Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin against the decision made on the 5th day of May, 2021 by Meath County Council to grant subject to conditions a permission to Kate Dwyer care of McMahon McBennet of Barleyhill, Kingscourt, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: A new two-storey dwelling, associated detached double garage, opening of a new vehicular entrance to site and wastewater treatment system and percolation area together with all associated site development works at Butlerstown, Dunboyne, County Meath.

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 Meath County Development Plan 2021-2027, the design, scale and form of the proposed development and its landscape context and setting, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not endanger public safety by reason of traffic hazard or be prejudicial to public health or pose an unacceptable risk of environmental pollution and would not be inconsistent with rural housing policy at national or statutory development plan level. 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, 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) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.


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Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The vehicular access, including visibility splays, setbacks and landscaping, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of traffic and road safety.

4. The proposed materials and finishes of the dwelling shall be as shown on the submitted drawings, unless otherwise agreed with the planning authority.

Reason: In the interest of visual amenity.

5. Water supply and surface water drainage arrangements, including the disposal of surface water which shall incorporate SuDS measures, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

6. The proposed wastewater treatment system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" –Environmental Protection Agency, 2009.

Reason: In the interest of public health.

7. The garage shall not be used as habitable accommodation.

Reason: In the interest of residential amenity.

8. (a) Existing hedgerows, trees and shrubs on site shall be retained, except where it is necessary to accommodate the entrance to the site and sightlines.
- (b) Proposals for replacement planting identified on the Proposed Site Plan drawing number PL02 shall be submitted for the written agreement of the planning authority, prior to the commencement of development.
- (c) Planting shall commence no later than the first planting season following commencement of development on site. 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.

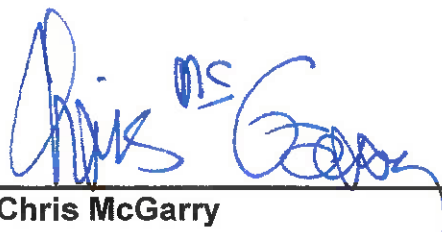
Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0900 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.

10. 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.

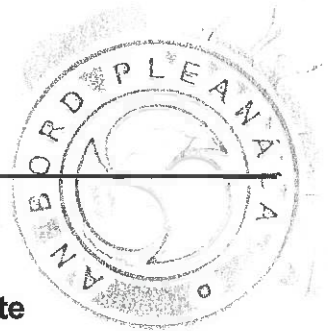


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 27th day of November 2021.