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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/4657**

**Appeal** by Pat and Carmel Cullen of Cairn Lodge, Cork Road, Fermoy, County Cork against the decision made on the 9<sup>th</sup> day of June, 2021 by Cork County Council to grant subject to conditions a permission to Michael and Joan Ennis care of Breeda O'Leary of All Aspects of Design, Bridestown, Kildinan, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a single storey dwellinghouse, a domestic garage, new entrance, to connect to existing services and all associated site development works at Duntahane, Fermoy, County Cork.

**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 location of the site within the existing built up area of Fermoy as delineated in the Fermoy Municipal District Local Area Plan, 2017, to the design and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and 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, as amended by the further plans and particular submitted on the 20<sup>th</sup> day of May, 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. The proposed garage shall be amended as follows:
  - (a) It shall have a width of no greater than seven metres.
  - (b) It shall have a setback of not less than four metres from the eastern site boundary.
  - (c) The high-level windows in the eastern elevation shall be omitted.

Revised plans showing compliance with this condition shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of the amenities of adjoining property.

3. Details of the materials, colours and textures of all external finishes to the proposed dwelling and boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

5. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

7. 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.

8. The footpath at the entrance shall be dished to the satisfaction of the planning authority.

**Reason:** To ensure satisfactory access to the site.

9. Any utility poles currently within the roadside boundary set back required by other conditions of this permission shall be repositioned behind the new boundary, and any surface chambers or manholes within it shall be repositioned in a location or at a level to be agreed in writing with the planning authority. The developer shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers, for obtaining any necessary licenses, and for notifying the planning authority of the revised locations of such utilities, prior to commencement of development, unless otherwise agreed in writing with the planning authority.

**Reason:** To protect existing utility infrastructure.

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.



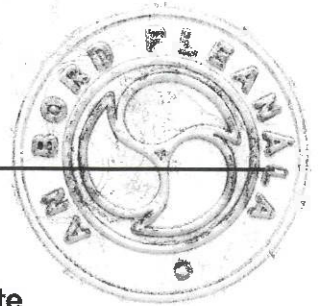
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*Terry Ó Niadh*

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board



Dated this *23rd* day of *November*, 2021