



An
Bord
Pleanála

Board Order
ABP-311951-21

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/06351

Appeal by Jacek and Aneta Iwinska care of Simon Kelly Solicitors of 1-2 Anglesea Street, Cork against the decision made on the 18th day of October, 2021 by Cork County Council to grant subject to conditions a permission to Louise Keniry care of Kenneally, Rochford and Associates Limited of Main Street, Killeagh, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: The retention of existing single storey dwelling, garden shed, internal retaining wall, site entrance and all associated site works as constructed at Dromdihy, Killeagh, 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 provisions of the Cork County Development Plan 2014, the established residential use and the planning history of the site, the pattern of development in the vicinity and the scale of the development as proposed, it is considered that the works proposed for retention, and subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be retained 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The height of the retaining wall shall be reduced by one metre, amounting to the above ground wall as constructed along the rear and eastern boundary of the subject site. The wall shall be replaced by a natural hedge and the works shall be carried out within three months from the date of this Order.

Reason: In the interests of visual and residential amenity and to minimise the overbearing nature of the retaining wall.

3. Within three months from the date of this Order, a full structural report shall be submitted to the planning authority, prepared by a suitably qualified person, who shall certify that the retaining wall, reduced in height, is constructed as such and is fit for purpose. The report shall include the relevant engineering drawings and sections of the wall.

Reason: In the interests of proper planning and sustainable development.

4. The garden shed hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house.

Reason: To restrict the use of the shed in the interest of residential amenity.

5. All relevant conditions attached to previous grant of permission under planning register reference number 17/6432 for the development at the site shall be strictly adhered to.

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

6. Within three months from the date of this Order, the developer shall submit to the planning authority full details of the surface water disposal measures within the site. No surface water shall be permitted to flow onto public roads or adjacent private properties.

Reason: In the interests of orderly development and to prevent flooding of public roads or private property.

7. 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.



Paul Hyde

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

Dated this 31st day of March 2022