



Planning and Development Acts 2000 to 2021

Planning Authority: Laois County Council

Planning Register Reference Number: 21/168

APPEAL by Marc Hussey care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 19th day of October, 2021 by Laois County Council to grant subject to conditions a permission to Ciaran Booth and Michelle Guinan care of Dan Keane Architectural Technologist of 20 Church Street, Portlaoise, County Laois.

Proposed Development: Permission for a dwelling house, domestic garage, septic tank treatment system and all associated site works at Heath Lodge, The Heath, Portlaoise, County Laois.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. It is considered that the proposed development by reason of its siting, design, massing and scale, including the requirement to remove elements of the historic boundary wall to facilitate a vehicular access, would seriously detract from the architectural character of the curtilage, attendant grounds and setting of the Protected Structure, Heath House. The proposed development would, therefore, be contrary to Policy BH 5 of the Laois County Development Plan 2017-2023, which seeks to “Safeguard Protected Structures from works that would adversely affect or erode their special character....”, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within an Area under Strong Urban Influence as set out in the Laois County Development Plan 2017-2023 for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in Appendix 7 of the current Laois Rural Design Guidelines, which Guidelines are considered to be reasonable. In addition, the site adjoins and overlooks, the Great Heath a proposed Natural Heritage Area, a valuable and unique landscape resource. Having regard to the topography of the site, the exposed positioning of the proposed development, together with the depth and scale of the proposed dwelling, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

DR. Maria Fitzgerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *17th* day of *June* 2022.

