



An  
Bord  
Pleanála

Board Order  
ABP-312498-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P21/472**

**Appeal** by Joe Varley of Dowage West, Cross, County Mayo against the decision made on the 13<sup>th</sup> day of December, 2021 by Mayo County Council to grant subject to conditions a permission to David Morrin and Sinéad Monaghan care of David Lally, Lally Chartered Engineers of Údarás Business Park, Tourmakeady, County Mayo in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing non-habitable cottage and construction of a detached dwelling house, proprietary treatment system and all associated site works at Dowagh West, Cross, County Mayo.

### **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.**

## Reasons and Considerations

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the site's location in an area designated 'Category 2: Remaining rural areas' in the Mayo County Development Plan, 2022-2028, and which encourages housing in these areas. Further it was considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with policies RHP1-RHP8 of the Mayo County Development Plan and would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. 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 as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of November 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) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The external materials and finishes to the garage shall match the proposed dwelling house.

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

3. The use of the garage shall be restricted to private domestic use only and shall not be used for commercial, habitation or agricultural uses.

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

4. The front boundary shall be set back a minimum of three metres from the road edge of the public carriage way for the full length of the front boundary. Any new walls should be a maximum of 1.2 metres in height. The new wall shall be a dry-stone wall construction, reusing stone from the wall to be removed. The new hard stand area between the road and the new front boundary shall be excavated, filled with suitable stone/drainage and sealed with a bound surface. A suitable sealed construction joint is to be provided between the hard stand and road edge in order to maintain the integrity of the public road. The finished surface level shall tie into the level of the existing carriage way.

**Reason:** In the interests of proper planning and traffic safety.

5. (a) Existing tree and hedgerow planting on and along the boundaries of the site shall be retained and maintained as currently in situ except where altered or amended by conditions of this permission.
- (b) The applicant shall plant a minimum of 10 native deciduous semi mature trees, minimum 30 centimetres girth in the front or side garden and shall plant native hedging on site boundaries including behind the new front wall save at the entrance where adequate site visibility shall be retained.
- (c) The new planting the subject of part (b) of this condition shall comprise indigenous species, shall be carried out and completed within the first available planting season following the completion of construction works on the site, and shall be replaced where failure occurs.

**Reason:** In the interest of the rural character and visual amenity of the area.

6. All overhead lines at the front of the proposed development shall be placed underground. The cost of this will be borne by the applicant.

**Reason:** In the interest of safety and visual immunity.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

8. (a) The proposed septic tank drainage 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, 2021.
- (b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided 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, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.
- (d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

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

9. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties and shall be collected and diverted to discharge to existing watercourses or to drains or soakpits.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent pollution.

10. The water main on site shall be diverted as per the diversion agreement and in consultation with Uisce Éireann, as per the documentation submitted to Mayo County Council on the 18<sup>th</sup> of November 2021.

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

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, 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.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 the 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.

  
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**Stephen Brophy**

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

Dated this 21<sup>st</sup> day of September 2023