

An
Bord
Pleanála

Board Order
ABP-313646-22

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/06047

Appeal by Daniel Feeney of Inchinleamy, Ballyduff, County Waterford against the decision made on the 5th day of May, 2022 by Cork County Council to grant subject to conditions a permission to Thomas Lysaght care of Keystone Planning Consultancy of Rossbrin, Frankfield View, Old Youghal Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the demolition of two stone outhouses, and retention and completion of a partially constructed granny flat, together with permission to construct a domestic tool shed, a domestic art studio, (incorporating existing ruin of former outhouse), and a domestic gym and sauna at Ballynalacken, Leitrim, Kilworth, County Cork as amended by the revised public notices received by the planning authority on the 19th day of April 2022 which include the following: the retention of demolition of two stone outhouses, and retention and completion of partially constructed granny flat, together with permission to construct a domestic tool shed, a domestic art studio, (incorporating existing ruin of former outhouse), a domestic gym and sauna and new waste water treatment plant.

EJK

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

Having regard to the provisions of the Cork County Development Plan 2022-2028, 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 retention works and proposed development works, 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, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The demolition and development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received on the 14th day of March, 2022 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, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

EJK

2. The existing dwelling and granny flat for retention shall be jointly occupied as a single residential unit and occupied by a member of the immediate family of the occupier of the main house. The granny flat shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

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

3. The proposed tool shed, artist studio and gym shall be used solely ancillary to the enjoyment of the primary residential use of the site and shall not be used for commercial purposes, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the proposed works in the interest of the proper planning and sustainable development of the area.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of development control and the amenities of the area.

5. The external finishes of the proposed buildings (including roof tiles/slates) shall be finished in accordance with the requirements of the planning authority. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

ESK

- 6 (a) The proposed waste water 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 waste water 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 from the date of this Order, 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.

Reason: In the interest of public health.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the 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.

8. The mobile home on the site shall be removed within one month of the completion of the proposed development, or immediately after the expiration of this permission, whichever occurs sooner.

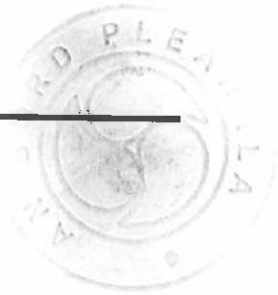
Reason: In the interest of orderly development.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *28th* day of *June* 2023