



An
Bord
Pleanála

Board Order
ABP-314852-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/04163

Appeal by Jean Hegarty care of Gerard Hynes of White Cottage, Doon, Strokestown, County Roscommon against the decision made on the 26th day of September, 2022 by Cork County Council to grant subject to conditions a permission to Bill and Margaret Dingwell care of Patrick Robertson of 2 Beausite Terrace, Rushbrooke, Cobh, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: A new split level detached dwelling along with site and ancillary works at Mariners Lodge, Fairy Hill, Monkstown, 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.

Reasons and Considerations

Having regard to the location of the site within a residential area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board were mindful of the totality of the information on file and that concerns raised by the Planning Inspector could be effectively dealt with by condition.

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 received by the planning authority on the 3rd day of March, 2022 and the 29th day of August, 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Roof covering shall be slate or flat tile coloured dark grey or black to the satisfaction of the planning authority.

Reason: In the interest of visual amenity.

3. The external finish of the proposed dwelling shall be as per the further plans and particulars submitted to the planning authority on the 29th day of August, 2022.

Reason: In the interest of visual amenity.

4. The design of the proposed dwelling shall be amended as follows:

- (a) the first-floor window on the southern elevation serving bedroom labelled 17 shall be omitted, and
- (b) a high level window with lower cill a minimum of 1.8 metres above the internal floor area shall be installed in lieu of same.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent overlooking of adjoining properties.

5. Gates shall open inwards.

Reason: In the interest of road safety.

6. Vegetation or any structure shall not exceed one metre in height within the sight distance triangle.

Reason: To provide proper sight distance for emerging traffic in the interest of road safety.

7. Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto the public road.
Reason: To prevent flooding off the public road.
8. Foul sewage shall only be discharged to the foul sewer.
Reason: To prevent overloading of the public sewer.
9. Surface water shall not be permitted to enter into the foul sewer.
Reason: To prevent overloading of the sewer.
10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.
Reason: In the interest of public health.
11. Faces of cuttings and embankments shall be landscaped to the satisfaction of the planning authority.
Reason: In the interest of visual amenity.
12. The developer shall provide and lay a concrete pipe drain of not less than 400 millimetres internal diameter under the entrance from the public road to the satisfaction of the planning authority.
Reason: To maintain proper roadside drainage and to prevent flooding of the public road.
13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays, unless otherwise agreed in writing with the planning authority. Construction traffic shall not park on public roads.
Reason: In order to safeguard the residential amenities of the area.

14. 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.

15. Before development works begin, a construction method statement that sufficiently demonstrates adequate details of the method of the proposed excavation and extraction, shall be agreed with the planning authority.

Reason: In the interest of orderly development.


Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 22nd day of June 2024.

