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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 21/519**

**Appeal** by Sudhir Srinivasan and Sujana Sudhir care of Equator Architects Ireland Limited 23 Fitzwilliam Square South, Dublin against the decision made on the 20<sup>th</sup> day of October, 2022 by Carlow County Council to grant subject to conditions a permission to Paul O'Brien care of Martin Larkin of 62 Lower John Street, Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** To revise the layout of houses (formerly a Pharmacy) to provide two number apartments and one number townhouse further to planning register reference 20/217. The changes are to include retention of 41.56 square metres of ground and first floor works carried out to the rear of the houses to include two bedrooms and an en-suite bathroom forming a new ground floor apartment and two bedrooms and an en-suite on the first floor apartment to form a two-storey first and second floor apartment and to make changes to the front and rear elevations, relocate boundary between the house and the apartments and all ancillary site works. This is further to planning permission register 20/217 at Governey Square, Carlow, County Carlow.

## 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 land use zoning of the site in the Carlow County Development Plan 2022-2028, to the nature and scale of the development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual 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 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 23<sup>rd</sup> day of September 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 within one month of the date of this permission and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development shall comply with the conditions of the parent permission (PL20/217) unless the conditions set out herein specify otherwise.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed development shall be amended as follows:
- (a) The internal arrangement of the town house (number 18) shall be amended to ensure any windows at first or second floor level in the rear elevation are bathroom/wc only and shall be in manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of the glass is not acceptable.
  - (b) The amenity area for the first floor flat (number 19) shall be screened and shall be 1.8 metres high and shall be in opaque or frosted glass.
  - (c) Revised drawings of the first floor rear extension to include a pitched roof.

Revised drawings including full plan and elevations showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this permission and the development shall be carried out and completed in accordance with the agreed particulars.

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

4. Details of the material, colours and textures to all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this permission and the development shall be carried out and completed in accordance with the agreed particulars.

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

5. No additional development shall take place above roof level, including lift enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential and visual amenities of the area.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

7. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

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

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 amenities of property in the vicinity.

9. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. The applicant shall also consult with Waterways Ireland on any potential impact on the navigation of the river prior to completing this plan.

**Reason:** In the interests of public safety, residential amenity and orderly development.

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



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**Joe Boland**

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

Dated this *20<sup>th</sup>* day of *March* 2024.