

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 22/339

Appeal by Michael Dunne of Mullagh, County Cavan against the decision made on the 16th day of February, 2023 by Cavan County Council to grant subject to conditions a permission to Dariusz Drewa and Agnieszka Malinowska care of Barbara Grim of 20 Boyne View, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Remodel, partial replacement and extension of a private residence, including the demolition of an existing shed and construction of a domestic garage, together with connection to existing services and including all ancillary site works, all at Cornakill, Mullagh, County Cavan, as revised by the further public notices received by the planning authority on the 27th day of January, 2023.

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.

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Reasons and Considerations

It is considered that the proposed development, which involves the renovation and completion of an existing structure on site, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars received by the planning authority on the 20th day of January, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension, including roof tiles/slates, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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3. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 20th day of January, 2023 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (p.e.≤ 10) – Environmental Protection Agency 2021.
- (b) 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 proprietary wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. The developer shall decommission the existing wastewater treatment system in line with the EPA guidelines. All existing septic tank wastewater (liquid and sludge) shall be pumped out completely by a licensed contractor and shall be disposed/recovered at an appropriately permitted facility.

Reason: In the interest of public health and environmental sustainability.

5. Details of the surface water and drainage arrangements relating to the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

6. The proposed entrance serving the dwelling shall incorporate the following:-
- (a) no part of the entrance (gates, piers, fencing, walls) shall exceed 850 millimetres in height,
 - (b) details of any gates being installed at the entrance shall be the subject of written agreement with the planning authority prior to commencement of development, and
 - (c) details of the finishes at the proposed entrance shall be the subject of written agreement with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and traffic safety.

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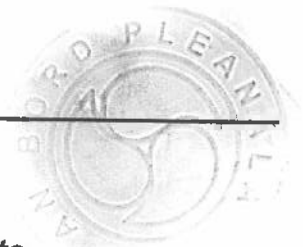
7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 the Board 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.



Peter Mullan

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



Dated this *11th* day of *July* 2023.