

An
Bord
Pleanála

Board Order
ABP-316020-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20221674.

Appeal by John and Christina Buckley care of Kiaran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin against the decision made on the 15th day of February, 2023 by Wexford County Council to refuse permission for the proposed development.

Proposed Development: Retention of a single storey one-bedroom apartment unit (circa 47.65 square metres) at the side of existing two-storey dwelling and permission for a new roof to the apartment unit, two number bin stores at the front to each dwelling unit, and ancillary site development works, all at 1 and 1A Riverchapel Downs, Ballinatray Upper, Ardamine, County Wexford.

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 pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to its design, would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be completed and retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Development described in Classes 1 or 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of either the proposed residential unit the subject of retention or the existing residential unit without a prior grant of planning permission.

Reason: In the interest of residential amenity.

3. 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.

4. The works permitted to both the existing house, 1 Riverchapel Downs, and to the single storey one-bedroom apartment unit shall be completed prior to;

(a) the occupation of the one-bedroom apartment unit, and/ or

(b) the separation of 1 Riverchapel Downs from the one-bedroom apartment unit by either sale or letting.

Reason: In the interest of orderly development.

5. One car parking space to the front of the house shall be provided to serve the residential unit it is proposed to retain, in accordance with drawing reference number 22/1453/06.

Reason: In the interest of clarity.

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 agreements with Uisce Éireann, within three months of the date of this order.


Reason: In the interests of clarity and 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 0800 hours 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.

9. 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 within three months of the date of this order 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.



Mary Henchy

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

Dated this *28th* day of *March* 2024.