



Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 22/423

Appeal by Paul Burke and Olivia Smith of 'Teachin Cluthar', 6 Drumelis, Cavan against the decision made on the 1st day of March, 2023 by Cavan County Council in relation to an application for permission to close existing site entrance and form site entrance in new location, decommission existing septic tank and install EN Certified Septic Tank in new location, erect single storey extensions to front and side of existing dwelling and all ancillary site works. Retention permission for existing Soil Polishing Filter and Puraflo Modules as constructed at 6 Drumelis Cottages, Drumelis, Cavan, County Cavan in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for decommission existing septic tank and install EN Certified Septic Tank in new location, erect single storey extensions to front and side of existing dwelling and all ancillary site works. Retention permission for existing Soil Polishing Filter and Puraflo Modules as constructed and to refuse permission to close existing site entrance and form site entrance in new location.

Decision

GRANT permission for the front porch, side extension and changes to the on-site wastewater treatment plant in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the proposed vehicular access based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the Cavan County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed front porch and side extension to the cottage and the changes to the wastewater treatment arrangements for the site, would be compatible with the visual amenities of the area and consistent with ensuring that water quality is safeguarded. These elements of the proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 submitted on the 2nd day of February 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 development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, a site layout plan shall be submitted to, and agreed in writing with, the planning authority. This site layout plan shall show the omission of the proposed new vehicular access to the site.

Reason: In the interest of clarity.

3. The proposed septic tank 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.

Reason: In the interest of public health.

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. The application of any indexation required by this condition 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.

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.

Reasons and Considerations (2)

Having regard to Appendix 4 of the Cavan County Development Plan and the levels of the front garden to the site in relation to the adjoining L1513-0, it is considered that the applicant has failed to demonstrate that a new vehicular access would be capable of being provided within the front garden to the requisite gradients that would ensure its safe use. Furthermore, insofar as the applicants do not control the hedgerow to the north of the proposed access point, and the hedgerow that they do control to the south is of limited length, the sightlines that would be available in either direction would be sub-standard. While it is recognised that the existing communal access to Drumelis Cottages from the L1513-0 is unsatisfactory, the proposed access would be an unnecessary additional one, which, in the absence of a significant improvement in overall road safety, would be contrary to good traffic management and road safety. The proposed access would, therefore be contrary to the proper planning and sustainable development of the area.



Joe Boland

Member of An Bord Pleanála

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

Dated this *1st* day of *March* 2024.