



An
Bord
Pleanála

Board Order ABP-316089-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/40900

Appeal by Roddy Hogan of 21 Tirol Avenue, Douglas, Cork against the decision made on the 23rd day of February, 2023 by Cork County Council to refuse outline permission to Ann Murphy care of Simply Architecture of 6 The Fairways, Maryborough Hill, Douglas, Cork.

Proposed Development: Construction of a new detached two-storey dwelling, connection to public foul and storm drainage systems and all associated site works, all at 1 Maryborough Downs, Maryborough Hill, Douglas, Cork.

Decision

GRANT outline permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the residential zoning for the site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, 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.

The Board considered that issues of access, overlooking and overbearance should be addressed in detail at permission consequent stage.

Conditions

1. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of October, 2022 and the 27th day of January, 2023, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of permission consequent on this grant of outline permission is received.

Reason: In the interest of clarity.



2. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:

- (i) A detailed landscaping plan for the site.
- (ii) Proposals for the retention of existing boundary treatment to the north.
- (iii) Proposals to protect the privacy and amenity of existing adjoining property to the east.
- (iv) Design proposals which have regard to the design and character of the built environment in the vicinity.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. At permission consequent stage, drainage arrangements, including the attenuation and 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.

4. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

5. At permission consequent stage, the developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.



Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 20th day of March 2024.