

An
Bord
Pleanála

Board Order

ABP-316186-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2260587

Appeal by Ann MacPhail of 71 Iniscealtra, Ballina, County Tipperary and by Others against the decision made on the 9th day of March, 2023 by Tipperary County Council to grant permission subject to conditions to Eimear Purcell care of Paul Conroy of Ballymalone More, Ballina, Killaloe, County Tipperary in accordance with plans and particulars lodged with the said Council.

Proposed Development: Two-storey dwelling house, a garage, entrance and all ancillary site works at 53 Lakelands, Cullenagh, Ballina, County Tipperary.

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 zoning, nature and location of the development and 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 amenities of residential 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 21st 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 with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Access to the roof of the single-storey rear extension shall be for maintenance purposes only. This area shall not be used as a balcony.

Reason: In the interest of residential amenity.

3. Prior to commencement of the development a revised landscaping scheme shall be submitted to and agreed in writing with the planning authority. The scheme shall include the following:

(a) A plan to scale of not less than 1:500:

- (i) The species variety, number, size and locations of all trees and shrubs (which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, holly, hazel, beech or alder).
- (ii) Details of screen planting shall not include cupresocyprais or leylandii.
- (iii) A timescale for planting including phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. Surface water runoff shall not be allowed to discharge onto the public road or adjoining properties.

Reason: To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.

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

Reason: In the interests of public health and for the wellbeing of the occupants of the development.

6. The vehicular access shall be recessed five metres from the existing roadside edge and shall have a minimum width of three metres at the inside piers increasing via splay walls as per details submitted. At the entrance, a drainage kerb/cattle grid or approved equivalent surface water cut-off drain shall be set back a minimum distance of three metres behind the roadside boundary and it shall discharge to a stone filled sump located within the site. The wing wall and associated pier shall not exceed 1.8 metres in height.

Reason: In the interest of traffic safety and to prevent flooding of the public roadway.

7. External finishes of the proposed dwelling and garage shall be in accordance with those indicated on the submitted plans.
 - (a) The colour of the roof slates shall be dark in colour.
 - (b) Facing material shall be neutral in colour and texture and render finishes shall be painted or pigmented prior to occupation of the dwelling.

Reason: In the interest of visual amenity.

8. All service cables associated with the proposed development (such as electrical, broadband, television and telephone cables) shall be run in underground ducts.

Reason: To preserve the visual amenities of the area.

9.
 - (a) The developer shall ensure that all demolition/construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.
 - (b) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a



clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developers expense, to the satisfaction of the Local Authority.

- (c) No construction or demolition activity giving rise to noise audible from the nearest habitable dwelling shall be carried out on Sundays, Bank Holidays or Public Holidays.
- (d) From Monday to Friday, all construction and demolition activity giving rise to noise audible from the nearest habitable dwelling shall be restricted to the hours between 0800 to 1800 (inclusive) and to the hours between 0800 to 1400 (inclusive) on Saturdays (excluding Bank/Public Holidays).

Reason: To prevent a noise nuisance or traffic hazard arising from the implementation of the permission.

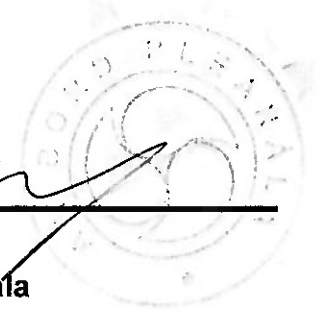
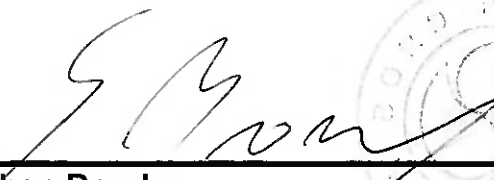
- 10. The proposed garage shall be used solely for purposes incidental to the enjoyment of the dwelling house and shall not be used for any residential, commercial or industrial purpose.

Reason: In the interest of protecting the residential amenity of the area.

- 11. 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. 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 *4th* day of *April* 2024