



An
Bord
Pleanála

Board Order ABP-317004-23

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 22/60020

Appeal by Caoimhe Duncan and Jonathan Doran of Wattstown, Slanemore, Mullingar, County Westmeath against the decision made on the 13th day of April, 2023 by Westmeath County Council to grant subject to conditions a permission to Timothy Murphy and Sarah Jane Foster care of David Marshall of 5 Coolalawn, Kilbeggan, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Renovate and extend existing cottage, alter existing entrance onto road, new wastewater treatment system and percolation area and all associated site works, all at Wattstown, Portloman, Mullingar, County Westmeath.

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

The Board considered the matters raised by the appellant and observer; the Board decided that the existing structure would be in accordance with development plan policy with regard to vacant buildings as the building on site does not require to have been inhabited to comply with the policy. The policy provides for the reuse of both vacant traditional farm buildings that are no longer suitable for modern farming practices and derelict houses. From the information on file, the Board determined that the structure on site is in poor condition but that it is intact. The Board noted that the area engineer had no objection, and that the planning authority raised no issue with the wastewater treatment proposed. The Board considered that the design of the structure was appropriate to its setting and that the proposed form of the extensions reduced the mass of the building. The siting is not considered to detract from the National Monument. The Board considered that the distance between the proposed development and the appellants' house protected the residential amenity of both the existing property and proposed residence; the Board considered that the planting proposed by the applicant, as per the response to the further information request, would address any perception of overlooking.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Westmeath County Development Plan 2021-2027 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board disagreed with the Inspector and shared the opinion of the planning authority that the renovation and extension of the cottage would be in accordance with Section 9.9 (Refurbishment and Extensions of Existing Structures) of the Westmeath County Development Plan 2021-2027. The Board noted that Policy Objective CPO 9.25 did not require local housing need to be established.

Conditions

1. The proposed 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 March, 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. All materials to be used in the external surfaces of the development hereby permitted shall match the plans and particulars submitted. All rainwater goods, bargeboards, fascia's and soffits, where used, shall blend with the roof, all soffits shall be raking. All new cill faces shall be 100 millimetres. Any alternative materials to those specified above, and illustrated on plans submitted, shall be submitted to the planning authority for written agreement prior to commencement of development and the development shall thereafter be carried out and maintained in accordance with the agreed details.

Reason: In the interest of visual amenity.

3. (a) The landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the dwelling, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within five years shall be replaced within the following planting season by plants of a similar size and species.

- (b) Any required hedgerow and tree removal to facilitate the proposed development or hedgerow maintenance shall not take place during the breeding season between 1st March and 31st August. Developed road sightlines shall take account of the extent of summer hedgerow vegetation.
- (c) A new hedgerow of equal length shall be established in close proximity to any hedge lines removed to comply with required road sightlines and along the site boundary. It shall be comprised of native species, including at least five of the following: blackthorn (*Prunus spinosa*), whitethorn (*Crataegus monogyna*), ash (*Fraxinus excelsior*), crab apple (*Malus sylvestris*), downy birch (*Betula pubescens*), guelder rose (*Viburnum opulus*), hazel (*Corylus avellana*), holly (*Ilex aquifolium*), pendunculate oak (*Quercus robur*), rowan (*Sorbus aucuparia*), spindle (*Euonymus europaeus*), whitebeam (*Sorbus aria*), wild cherry (*Prunus avium*), elm (*Ulmus glabra*). Please note that beech, field maple, Laurel and Leylandii are not native/indigenous species.

Reason: In the interest of the amenities of the area.

- 4. Prior to the first occupation of the dwelling, the new entrance shall be constructed as stipulated in the submitted drawings subject to the following requirements:
 - (a) Sightlines of 2.4 metres by 60 metres shall be achieved and maintained at all times from the proposed access point. These shall remain unobstructed, and nothing shall be planted, sown, constructed or erected forward of the sightlines. Any pole or column materially affecting visibility shall also be moved.

- (b) The new entrance shall be recessed four metres from the new fence line. The existing road drainage shall not be impaired, and the roadside parking area shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off.
- (c) The developer shall provide a concrete, tarmacadam or alternative paved surface apron, minimum 100 millimetres thickness, between the metalled edge of the existing road and the proposed entrance gate.
- (d) The driveways shall have a minimum width of three metres and a maximum gradient of 10%.
- (e) Surface water from the site shall not flow onto the public road. A linear drainage channel or road gullies shall be placed at the entrance to the development, connected back to an additional dedicated soakaway to prevent surface water run-off from the development onto the public road.

Reason: To preserve the rural amenities of the area and in the interest of road and traffic safety.

- 5. All uncontaminated surface water, including roof water, shall be separately collected and discharged to drain or to on-site soakaway, and shall not in any circumstances be allowed discharge to the septic tank or proprietary foul sewage treatment system. All soakaways shall be designed and constructed and maintained to BRE Digest 365 or CIRIA 156.

Reason: In the interest of public health and orderly development.

6. The wastewater treatment system shall be installed, operated and maintained in accordance with the Code of Practice: Domestic Wastewater Treatment Systems (p.e. ≤ 10) as published by the EPA (Environmental Protection Agency) 2021. Prior to occupation of the development, the developer shall submit to the planning authority written certification from a suitably qualified competent person with professional indemnity insurance that the on-site wastewater treatment system has been installed correctly in accordance with the provisions of the EPA Code of Practice: Domestic Wastewater Treatment Systems (p.e. ≤ 10) as published by the EPA (Environmental Protection Agency) 2021 complete with dated photos taken during the installation.

Reason: In the interest of public health, environmental protection and orderly development.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

8. 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.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 5th **day of** September **2024.**