

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: P22/1015

Appeal by Chris and Fidelma McGuirk and Others care of Eoghan Carr Architects Limited of 14 Peter Street, Westport, County Mayo against the decision made on the 20th day of June, 2023 by Mayo County Council to grant subject to conditions a permission to Declan Keane and Fionnuala Breathnach care of Micheál Sheridan Engineering and Design Limited of Unit 6 Westport Business Park, Lodge Road, Westport, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing dwelling house and garage. Permission to construct a dwelling house, garage, connection to public services and all associated site works at Rosbeg, Westport, County Mayo as revised by the further public notices received by the planning authority on the 25th day of May 2023.

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:

- (a) the design, scale and layout of the proposed development,
- (b) the pattern of development in the area,
- (c) the provisions of the Mayo County Development Plan 2022-2028 and,
- (d) the proposed development connecting into existing public wastewater treatment network,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity and would not adversely impact the built heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment – Stage 1 Screening

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having regard to the nature and limited scale of the proposed development, connection into the public sewer and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

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 25th day of April, 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

3. (a) The roof shall be covered in blue-black, or dark grey slates. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls of the two-storey element of the build shall be finished in neutral colours such as grey or off-white. The proposed finishes for single storey elements shall consist of natural local stone, full details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Windows to the two-storey element shall be a traditional sliding sash type.

Reason: In the interest of visual amenity.

4. The landscaping scheme shown on drawing number S-02, as submitted to the planning authority on the 25th day of April, 2023 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) Additional screen planting of native tree and hedge species shall be provided along the northern and southern boundaries. These species shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (b) 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 within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

5. 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.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (b) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (c) Off-site disposal of construction/demolition waste;
 - (d) Details of how it is proposed to manage excavated soil;
 - (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interests of amenities, public health and safety.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 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 amenities of property in the vicinity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

9. (a) The garage shall only be used for storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes.
- (b) The external finishes of the proposed garage including roof slates, shall be the same as the dwelling in respect of colour and texture.

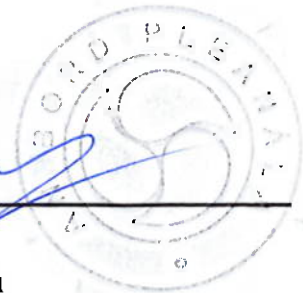
Reason: In the interests of visual amenity, residential amenity and the orderly development of the area.

10. 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 10th day of April 2024