



Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/4859.

Appeal by Nicholas and Sarah Davies care of Patrick A. Cashman Associates of Farren House, Cork Road, Middleton, County Cork against the decision made on the 26th day of June, 2023 by Cork County Council to refuse a permission for the proposed development.

Proposed Development: Retention of existing concrete base and foundation and to complete the construction of detached dormer garage and store for domestic use at rear of dormer dwelling, permitted under Register Reference 16/6102 including all associated site development works at Ballygibbon, Waterloo, Blarney, County Cork.

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 design, layout and scale of the development proposed to be retained and the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development 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 considered that the development proposed to be retained and the proposed development are ancillary to an existing dwelling. The details on file with regard to the N/M20 Cork to Limerick study area were considered, but the Board considered on balance that the appellant's residential amenity needed to be taken into account pending the development of the strategic road project. In the context of the potential for the proposed development to prejudice plans for the N/M20 Cork to Limerick Scheme, the fact that there was a pre-existing dwelling on the site which is already occupied and in use was also taken into consideration. The Board agreed with the Inspector that the proposed development should be reduced in height and set back from the boundary with the neighbouring property to the north.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:
 - (a) The proposed garage and store shall be set back from the boundary of the adjoining property by two metres to align with the northern elevation of the existing dwelling.
 - (b) The ridge height of the proposed garage and store shall be reduced in height by one metre.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenity of neighbouring property.

3. Water supply and 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 and surface water management.

4. The proposed garage shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be sold, let, or otherwise transferred or conveyed, save as part of the dwelling.

Reason: In the interest of residential amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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 Cregg


Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 20th day of November 2023.