



An
Bord
Pleanála

Board Order ABP-317613-23

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 23/109

Appeal by Keith and Michelle O'Rourke of Killeshin, Carlow against the decision made on the 6th day of July, 2023 by Laois County Council in relation to an application by MB Homes Limited care of Martin Larkin of 62 Lower John Street, Wexford for development for retention of minor changes to the house and garage of house number 39 as built at Shruth Na Ghleanaa, The Quakers, Killeshin, County Laois. This is further to permitted development register references 16/475, 22/181 and 22/348 in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the retention of alterations to the dwelling and to refuse permission for the retention of the garage.

Decision

GRANT permission for the retention of first floor extension over a pre-existing ground floor kitchen to the rear of the dwelling house together with associated site development works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the retention of the garage based on the reasons and considerations marked (2) under

Reasons and Considerations (1)

Having regard to the provisions of the Laois County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the alterations to the dwelling would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and 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 submitted on the 22nd day of June 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) The attic area shall be used solely for storage purposes associated with the main residential accommodation.
(b) The existing obscure glazing shall be retained in all first-floor level and second-floor level opes to both side elevations of the dwelling.

Reason: In the interest of the protection of the residential amenities.

3. The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling.

Reason: In the interests of the residential amenities of the area, clarity and the proper planning and sustainable development of the area.

4. 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 interests of public health and surface water management.

5. Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.

Reason: In the interests of traffic safety and residential 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 the 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.

Reasons and Considerations (2)

The garage, by virtue of its scale, height and design would be out of character with the pattern of development in the vicinity, would constitute an unduly obtrusive feature within the Quakers residential development and would detract from the visual amenities of the area. As such, the garage contravenes the relevant policies and objectives as set out in the Laois County Development Plan 2021-2027, would seriously injure the visual amenities of the area and lead to undesirable precedent for similar developments in urban residential areas and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant retention for the garage structure the Board did not share the Inspector's view that given the internal layout, size and design and the size of the second opening on the northern side of the garage that the development could be controlled by condition.



Liam Bergin

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

Dated this 02nd day of April 2024.