

An
Bord
Pleanála

Board Order ABP-317727-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 22673

Appeal by Nigel Burke and Emelie Sjoberg care of Walsh and Walsh Architects of The Square, Cahir, County Tipperary against the decision made on the 13th day of July, 2023 by Tipperary County Council to grant subject to conditions a permission to Daffodil Care Services Limited care of Furey Consulting Engineers Limited of Olde World Cottage, Rathasker Road, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of (A) two number extensions to the rear and side of the dwelling, (B) raising of roof level over the north-east of the dwelling and for the provision of first floor accommodation, (C) the change of fenestration and (D) internal modifications and all associated site works and services at Kilnacarriga, Newcastle, County Tipperary as revised by the further public notices received by the planning authority on the 19th day of June 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 the existing residential development at the site, the nature and scale of the development to be retained / carried out, and the provisions of the Tipperary County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 18th day of May 2023, and also the proposal submitted to An Bord Pleanála with the grounds of appeal, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The developer shall enter into water and/or wastewater connection agreements with Uisce Éireann, prior to the completion /occupation of the development proposed to be retained.


Reason: In the interest of public health.

4. The shed to be retained shall be ancillary to the main dwelling. It shall not be used for commercial purposes or as a separate dwelling unit.

Reason: In the interest of residential amenity.

5. 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 within three months of the date of this Order 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.



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

Dated this 26th day of April 2024