



An  
Bord  
Pleanála

## Board Order ABP-318407-23

### Planning and Development Acts 2000 to 2022

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 23/60182**

**Appeal** by Christy Ward care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 11<sup>th</sup> day of October, 2023 by Carlow County Council in relation to the application by Christy Ward for permission for development comprising retention of the change of use of existing garage to granny flat and permission to connect granny flat existing house and retention of increased size of car port granted under planning register reference number PL 19/94 and all associated site works. The works are on a site with a building which is a Protected Structure (Register Number 10400810), all at 14 Upper Cottages, Borris, County Carlow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for retention of the increase in size of the car port granted under planning register reference number PL 19/94 and all associated site works and to refuse permission for the retention of the change of use of existing garage to granny flat and permission to connect the granny flat to the existing house).

### 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 provisions of the Carlow County Development Plan 2022 - 2028, including the Protected Structure status of the main house, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would be in compliance with the family flat requirements contained in section 16.8.14 of the Development Plan and would not seriously injure the heritage or residential amenities of the area, or set an undesirable precedent for similar development in the area. The proposed development and 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 carried out, completed and retained in accordance with the plans and particulars lodged with the application on the 21<sup>st</sup> day of August, 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. The converted garage shall be jointly occupied as a single integrated residential unit with the main dwelling and the family flat and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the converted garage in the interest of residential amenity.

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

**Reason:** In the interest of visual amenity.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.

6. The car port to be retained shall be solely for domestic use incidental to the enjoyment of the main dwelling and shall not be used for the carrying on of any trade or business.

**Reason:** To prevent unauthorised development

7. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

**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.

  
Stewart Logan

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

Dated this 27<sup>th</sup> day of June 2024.