

An
Bord
Pleanála

Board Order
ABP-319659-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 236443

Appeal by John and Brenda Nyhan of Lisheen, Dunmanway Road, Bandon, County Cork against the decision made on the 11th day of April 2024 by Cork County Council to grant, subject to conditions, a permission to Jeffrey Brennan care of Una O'Sullivan Architects of Urban Flo, North Main Street, Bandon, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for retention and completion of building works comprising extension to rear/north of existing dwelling, parking platform with basement to underside as constructed, vehicular entrance, modification to site boundary and all ancillary site works as previously permitted under planning authority register reference 05/8713 and extension for duration under planning authority register reference 11/4418, at Kilmoylan, Dunmanway Road, Coolfadda, Bandon, 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 nature and scale of the development proposed to be retained and completed, the Objective ZU 18-9 Existing Residential/Mixed Residential and Other Uses land use zoning which pertains to the subject site, the location of the subject site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would not adversely impact on the residential or visual amenities of the area, and would be acceptable in terms of traffic safety. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 31st day of January 2024 and the 15th day of March 2024, 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 unless otherwise stated, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months of the date of this Order, revised annotated plans and particulars, to a suitable scale, shall be submitted for the written agreement of the planning authority, which shall show the proposed three-metre-wide garden gate reduced to a maximum width of 1.5 metres.

Reason: In the interest of traffic safety and orderly development.

3. (a) The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

(b) Surface water shall not be permitted to flow onto the public road as a result of the development.

Reason: To prevent flooding and in the interests of sustainable drainage.

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

Reason: In the interest of visual amenity of the Architectural Conservation Area and to ensure an appropriate high standard of development.

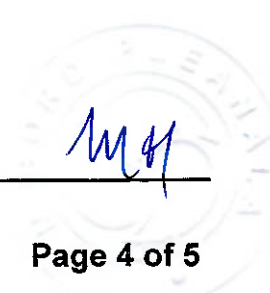
5. The landscaping scheme shown on drawing number 1106 -23P -01, as submitted to the planning authority on the 15th day of March, 2024 shall be carried out within the first planting season following substantial completion of external construction works.

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 interest of residential and visual amenity.

6. No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: To protect the amenities of property in the vicinity.



7. 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 Henchy

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 25th day of February 2025.