

An
Bord
Pleanála

Board Order ABP-319790-24

Planning and Development Acts 2000 to 2022

Planning Authority: Offaly County Council

Planning Register Reference Number: 23/60026

Appeal by Arthur Halligan and others care of Arthur Halligan of 1A Ashley Court, Tullamore, County Offaly against the decision made on the 30th day of April, 2024 by Offaly County Council to grant subject to conditions a permission to Ausaf and Sabeen Mohammad care of Conor Hayes of Kiltormer, Ballinasloe, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of additional floor area to first floor bedroom extension, additional height to side and rear elevations to form attic extension, additional window to the side gable and single flat-roofed dormer style window to front elevation (alterations to previously approved first floor bedroom extension and separate attic conversion to existing dwelling, including elevational changes and ancillary works under planning register reference number 22/391), all at 2 Clonminch Avenue, Clonminch, Tullamore, County Offaly.

Decision

GRANT permission for the above 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 Offaly County Development Plan 2021-2027, in particular Policies DMS-11 (Corner Site Development), DMS-12 (Daylight, Sunlight and Overshadowing), and DMS-55 (Extensions), the nature and scale of the development proposed to be retained, and the planning history of the site, 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, would be in accordance with the relevant provisions of the development plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. The existing dwelling and the subject extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.


Reason: To restrict the use of the extension in the interest of residential amenity.

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

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

4. 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 six months from the date of this order 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 Gurrie

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 11 day of October 2024.