

An
Bord
Pleanála

Board Order
ABP-320036-24

Planning and Development Acts 2000 to 2022

Planning Authority: Carlow County Council

Planning Register Reference Number: 2460016

Appeal by Donna and Peter Fagan and Kate Ray and Fiachra Devlin care of Planning and Design Services of Carlow Gateway Business Centre, Athy Road, Carlow against the decision made on the 7th day of June, 2024 by Carlow County Council to grant permission subject to conditions to Kryzystof Dziadura care of Piotr Karabin of 22 Dolmen Court, Browneshill Road, Carlow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for the construction of a shed near the south boundary wall at the rear of the garden and retention permission of the foundations constructed for the above-mentioned structure, together with all associated site works all at 45 Castlewood Gardens, Carlow, County Carlow.

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 established residential use on the site, the prevailing pattern and character of development in the area, and the nature, size and scale of the proposed development and development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development and 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 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 16th day of May 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The shed shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial use or for human habitation.

Reason: In the interest of orderly development.

3. 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 and surface water management.

4. No part of the structure including gutters and eaves shall over sail any lands in separate ownership or impact upon the common boundary wall, unless with the written agreement of the adjoining owner(s).

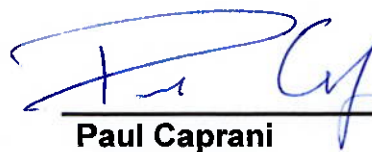
Reason: In the interest of clarity and orderly development.

5. Within four weeks from the completion of the development, the existing temporary storage shed shown on the site layout drawing 24-01-P003 shall be demolished and removed from the site.

Reason: In the interest of clarity and proper planning and sustainable development.

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 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.



Paul Caprani

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 12th day of November 2024.