



An
Bord
Pleanála

Board Order
ABP-320589-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 2442821

Appeal by Mandy O'Brien of 207 Connolly Road, Ballyphehane, Cork against the decision made on the 29th day of July, 2024 by Cork City Council to grant permission subject to conditions to Hol Asset Holding Limited care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for development which will consist of: (1) the construction of a two-storey, end of terrace three bed dwelling; (2) alterations to existing dwelling including modifications to the roof structure, roof light to front and rear, the relocation of entrance door to the front elevation of the dwelling and the removal of gable window; (3) demolition of existing garden shed; (4) alterations to existing boundary wall/access to develop two number vehicular entrances and (5) all ancillary site works at 1 Connolly Place, Ballyphehane, Cork City.

P.C.

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 zoning objective, which seeks to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses, and the policy framework provided by the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a good quality of residential accommodation that would not have a significant adverse impact on the residential amenities of adjoining properties and would be consistent with Section 3.46 (Infill Development) of the development plan and would be consistent with Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024). The proposed development 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 3rd day of July, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is retained for the benefit of the occupants of the dwelling and in the interest of preserving the existing residential amenities of the area.

3. The first-floor bathroom window on the eastern elevation (rear) shall be relocated to the north (side) elevation over the back door and have obscure glazing.

Reason: In the interests of privacy for the future occupants and occupants of neighbouring dwellings.

P.C.

4. The site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday inclusive, between 0800 to 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.

5. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for parking during the construction phase, the storage of plant and machinery, waste separation, storage and disposal, and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

P.C.

7. Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwelling and where alterations are proposed to the existing dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. Proposals for naming/numbering of the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility and the proper planning and sustainable development of the area.

P.C.

10. 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 the 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 the Board 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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 05 day of February 2025.