

An
Coimisiún
Pleanála

Commission Order
ABP-321260-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20241053

Appeal by Anne Thorpe care of Ian Doyle Planning Consultant of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 23rd day of October, 2024 by Waterford City and County Council to grant, subject to conditions, a permission to Niall Fanning care of Molloy Architecture and Design Studio, 9 McCurtain Street, Gorey, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of alterations to domestic garage which was previously granted under planning register number 20200326 and for permission to change its use to a granny flat which will also consist of making alterations to unauthorised works to the structure and the construction of a carport and internal link to the main dwelling house at Tomathone Upper, Limerick, County Wexford.

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 Wexford County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with the requirements for self-contained residential units for family members, in accordance with Objective SH50 of the development plan, and would not seriously injure the residential or amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars received by the planning authority on the 2nd day of September 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the previous permission, planning authority Register Reference 20200326 unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The entrance to the site shall be completed before the occupation of the self-contained residential unit. The sightlines shall be retained thereafter in perpetuity. Nothing shall be constructed or allowed to grow within the sightlines envelope which would obstruct sightlines.

Reason: To ensure the provision of the required sightlines in the interest of traffic safety.

4. The external finishes of the proposed extension including roof tiles/slates shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

6. The independent family unit for a family member shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

Reason: In order to comply with the objective SH50 of the Wexford County Development Plan 2022-2028.

7. The landscaping shown on the site layout plan drawing number NFKD-PI01.01 shall be carried out within the first planting season following substantial completion of external construction works.

Reason: In the interest of residential and visual amenity.

8. The proposed carport/garage shall not be used for habitation or for commercial purposes or for any other purposes other than for purposes incidental to the enjoyment of the house.

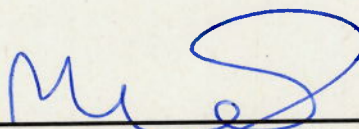
Reason: In the interest of residential amenity and the proper planning and development of the area.

9. All surface water generated within the boundaries of the site shall be collected and disposed of within the curtilage of the site.

Reason: In the interest of public health.

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 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

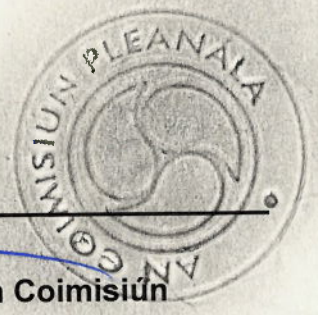
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



MaryRose McGovern

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 28th day of July 2025.