

An
Coimisiún
Pleanála

Commission Order
ABP-322153-25

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 2460589

Appeal by Teresa and John Connolly care of Dan Keane Architectural Technologist of 20 Church Street, Portlaoise, County Laois against the decision made on the 28th day of February, 2025 by Laois County Council to grant subject to conditions a permission to Richard Dunne care of Adrian Donoghue Design of The Long Acre, Clonanny, Portarlinton, County Laois in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Retain dwelling as constructed and (b) permission to complete/finish dormer dwelling construction with effluent treatment system and percolation area and all associated site works at Old Pound, Ballybrittas, County Laois.

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 Laois County Development Plan 2021-2027 and in particular the Appendix 7 - Rural Design Guidance, the location of the site within an established cluster, the modest scale of the dwelling to be retained and completed and the size of the site, it is considered that, subject to compliance with the conditions set out below, the development to be retained and completed would be appropriate in terms of scale, height, roof pitch and layout, would not adversely impact on the residential or visual amenity of neighbouring properties, nor impact on the character or visual amenity of the existing rural area, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

In disagreeing with the inspector regarding the design and height of the roof it is considered that the pitched roof in the 'as-existing' drawings and to be retained more accurately reflects the Irish vernacular and the statement in the Rural Design Guidance that 'roofs on new houses should aim to be simple and consistently pitched' rather than the mansard-type roof proposed in the further information drawings. This roof type is consistent with dwellings in the vicinity and the information on file does not indicate that the height is unduly high or poorly proportioned.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 3rd day of February 2025, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The height and roof pitch of the dwelling shall be consistent with the details in drawing P 06 – Elevations as Existing received by the planning authority on the 08th day of October 2024.
 - (b) The fenestration of the dwelling shall be consistent with drawing P03 Elevations as Proposed received by the planning authority on the 08th day of October 2024 with the omission of the window on the South East (side) Elevation.
 - (c) Details of the materials, colours and textures of all the external finishes to 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 clarity and visual amenity and to ensure an appropriate high standard of development.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

4. Site development and building works shall be carried out only 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 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. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works and the applicant shall comply with the requirements of the planning authority for such works and services.

Reason: To protect the amenities of the area.

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: In the interest of sustainable drainage.

7. (a) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees, and shall not exceed one metre in height.
- (b) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.
- (c) Details of the exact height, materials and location of the proposed front entrance, boundary wall and fence shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the provision of an adequate entrance to the development in the interest of traffic safety.

8. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply.

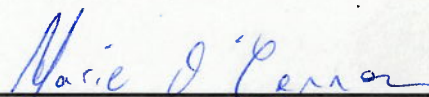
Reason: In the interest of public health, residential amenity and proper planning.

9. (a) The septic tank hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

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.



Marie O'Connor

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission



Dated this 04 day of July 2025