

Planning and Development Act 2000, as amended

Planning Authority: Laois County Council

Planning Register Reference Number: 25/60187

Appeal by James Barden and Rose Gillen against the decision made on the 17th day of October, 2025 by Laois County Council to grant subject to conditions a permission to Lukasz Ziemiewicz and Beata Struska in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a bungalow type dwelling with domestic garage and effluent treatment system and percolation area with new vehicular entrance and all associated site works, all at Coolagh, Kilcavan, 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 location of the site within a Structurally Weak Area, where it is an objective of the Laois County Development Plan 2021-2027 to, in general, accommodate any demand for permanent residential development subject to meeting normal planning and environmental criteria, the relevant policy objectives of the development plan, including those relating to rural housing, landscape, biodiversity and transportation and protection of the residential and visual amenities, the guidance contained in Appendix 7 (Rural Design Guidance) of the development plan, the guidance set out in the Environmental Protection Agency's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021), and the nature and scale, siting and design of the proposed development, which is appropriately proportioned, responds to its rural setting, and does not give rise to ribbon housing, it is considered that the proposed development would be an acceptable form of development at this location. Having further regard to the separation distances provided, and the existing and proposed boundary and landscape treatments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the neighbouring properties to the east and north or the character of the area. The proposed development would be acceptable in terms of traffic safety having regard to the low-speed traffic environment where the site is located and default maximum speed. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 19th day of June, 2025, the 25th day of July, 2025, and the 23rd day of September, 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 prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) Only clean uncontaminated surface water from the proposed development shall be discharged to the surface water system.
 - (b) The proposed development shall not interfere with or impair the operation of any existing surface water drainage system or land or roadside drainage currently facilitating the site. No run-off shall be allowed on to the public road or adjoining properties.
 - (c) All surface water shall be collected and disposed of to soakaways or water systems designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365 and shall be provided with inspection manhole covers. No surface water shall be allowed to discharge to the foul system.

Reason: To prevent interference with existing land or road drainage and in the interest of proper development and in the interest of sustainable drainage of the catchment area.

3. (a) Effluent disposal from the proposed development shall be in accordance with the Site Characterisation Form and the Site Suitability Report received by the planning authority, and the requirements of the EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021).
- (b) The developer shall enter into a maintenance contract with the manufacturer/supplier of the wastewater treatment system to ensure satisfactory performance at all times.
- (c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance stating that the wastewater treatment system has been installed in accordance with EPA guidelines.

Reason: To prevent pollution and to ensure the proper servicing of the proposed development.

4. The following works shall be completed prior to occupation of the proposed dwellinghouse:
 - (a) The entrance to the site shall be recessed 4.3 metres behind the front boundary line. Only the recessed space shall be splayed with wing walls, timber fences, or stone banks not exceeding 1.2 metres in height; no other wall shall be constructed to the front roadside boundary. Any external wing walls shall be finished to match that of the proposed dwellinghouse.

- (b) Adequate sight distances of 55 metres due north-east and 90 metres due south-west shall be created and maintained in both directions at the site entrance. The sight distances shall be measured from a point three metres in from the road edge and from a driver's eye height of 1.05 metres to an object height of 1.15 metres.
- (c) All areas forward of the sight splays, excepting the access way, shall be grassed up to the metalled edge of the road. No wall, excepting the wing walls for the access, shall be erected as part of the boundary whether or not such development would constitute exempted development under the Planning and Development Regulations 2001, as amended.
- (d) Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the planning authority.

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

- 5. (a) Save for that which needs to be removed in order to create the proposed entrance and sightlines, all remaining boundary screening shall be retained and not shall not be removed save with the prior written consent of the planning authority.
- (b) Site boundaries shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species shall include hawthorn, blackthorn, ash, oak, hazel and holly. Beech [*fagus sylvatica*] and laurel shall not be used.

- (c) Planting shall be carried out in the first planting season following commencement of the proposed development.
- (d) In the event of tree/hedge failures, these shall be replaced within the following planting season.

Reason: In the interest of visual and residential amenity.

- 6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.


Reason: In the interest of visual amenity.

- 7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

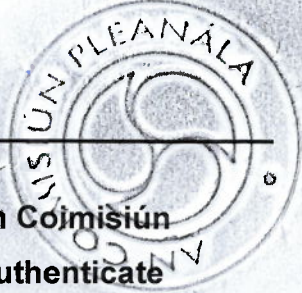
Reason: In the interest of visual and residential amenity.

8. 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.



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



Dated this 18th day of March 2026.