An Coimisiún Pleanála

Commission Order
PL-501670-CW-26

Planning and Development Act 2000, as amended

Planning Authority: Carlow County Council

Planning Register Reference Number: 2660105

Appeal by Joseph Mc Hucheon against the decision made on the 8th day of June 2026, by Carlow County Council to grant, subject to conditions, a permission to Bernard and Bernie Byrne in accordance with plans and particulars lodged with the said Council.

Proposed Development: Works to include the division of the existing site into two parts, a new four-bedroom bungalow, alterations to the existing vehicular access and all ancillary site works at Tullow Hill, Tullow, 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 Existing/Infill residential land use zoning of the subject site, the provisions of the Carlow County Development Plan 2022-2028 and the Tullow District Plan 2026, together with the design, scale and layout of the proposed development, and the pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development at this location and would not adversely impact upon the residential or visual amenity of surrounding properties or of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission did not share the opinion of the planning inspector that there was not an established building line with existing adjacent properties along the section of road and considered that the dwelling should be relocated to align with the building line between the adjoining properties in order to respect the existing built fabric and character of the area as required under Policy UI.P1 of the county development plan and Section B.4.2 of the Tullow District Plan. The Commission attached Condition 2 accordingly.

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 15th day of April 2026, 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 development shall be amended such that the front building line of the proposed dwelling shall be located between the front building lines of adjoining properties. Prior to the commencement of development revised drawings showing compliance with this condition shall be submitted for the written agreement of the planning authority.

   Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be as indicated on the plans submitted on the 15th day of April 2026, unless otherwise agreed in writing with the planning authority prior to commencement of development.

   Reason: In the interest of visual amenity.

4. (a) Prior to the commencement of development a revised landscape plan shall be submitted for the written agreement of the planning authority and shall be implemented in full thereafter.

(b) All new planting shall be carried out in the first planting season following the completion of the development along the site boundary. When planted, the trees/ hedgerows shall be adequately protected from damage by animals or wind until established.

(c) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the planning authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the character and visual amenity of the area.

5. 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 interests of public health and surface water management.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health.

7. 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.

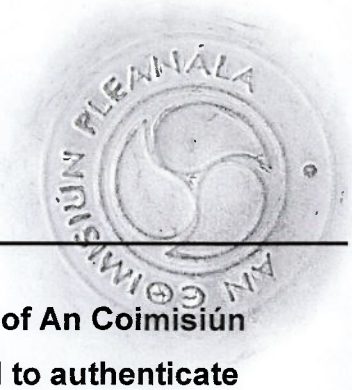
Reason: To safeguard the amenity of property in the vicinity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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 Gurrie

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

Dated this 09 **day of** October **2026**