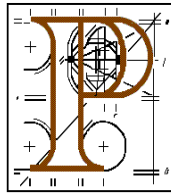


An Bord Pleanála



Inspector's Report

PL02.245105

Development: Planning permission is sought to erect a two storey detached dwelling house, connection to foul sewer and water-main together with all ancillary site works at Ballyjamesduff Road, Virginia, County Dublin.

Planning Application

Planning Authority: Cavan County Council
Planning Authority Reg. Ref.: 14/248
Applicants: Patrick McNamee
Planning Authority Decision: Grant with Conditions

Planning Appeal

Appellant: 1. Ciara Olwill
Type of Appeal: 3rd Party - v- Grant
Observers: None
Date of Site Inspection: 10th day of October, 2015

Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site has a stated site area of 0.0485-hectares and it is located on the southern side of the Ballyjamesduff Road (R194) to the west of its intersection with the N3 on the outskirts of the settlement of Virginia, in County Cavan.
- 1.2 Immediately adjoining the long and restricted in width site there is an attractive vacant two-storey three bay vernacular cottage with a central single storey portico structure (The Cottage). This structure appears to date to the 1850s and would appear to be a former estate cottage. It is afforded protection by way of its designation as a Protected Structure under the current Record of Protected Structures that accompanies the current Cavan County Development Plan (Note: (RPS Ref. No. CV39016). This structure is also listed in the NIAH in its architectural inventory for County Cavan where it is given a 'Regional' rating with its categories of special interest indicated as being architectural, artistic and social (NIAH Ref. No. 40311005) ¹.
- 1.3 It would appear that the site, which I observed was in an extremely unkempt and overgrown state at the time of my site inspection, formed part of the associated amenity space for this structure at one point of time and that this amenity space was enclosed by a rubble stone wall with part of this wall potentially predating this structure and associated with the development of the Deer Park estate. There is a gap in this historic stone wall immediately to the east of The Cottage's principal façade with the wall continuing to the west of this gap to where it returns alongside a sloping private driveway that appears to form part of the adjoining property. The aforementioned gap contains a metal gate of limited merit.
- 1.4 As stated this stone wall returns along the eastern side of the site where it aligns with a sloping hard surfaced access road that appears to form part of the curtilage of a garden centre business (Pergola Nurseries). Directly behind the eastern stretch is a mature evergreen hedge which effectively blocks views into the site. To the east of the garden centre I observed that the southern side of the Ballyjamesduff

¹ Note: The NIAH provides the following appraisal for 'The Cottage': "This well composed and ornate former estate cottage, though dating to the earlier part of the nineteenth century, was remodelled in the late nineteenth century and retains a picturesque appearance with rustic windows, ornamental porch and decorative barges. It complements the character of the area which features a number of estate cottages and lodges, particularly on this edge of the town, and contributes to the transition from the urban market town to the estate landscape around the lodge".

Road is characterised by mainly terrace period two-storey residential properties of a variety of styles and to the immediate west of 'The Cottage' there is single storey bungalow which is of no architectural idiom. It would appear that this bungalow structure dates to circa 1960s/70s and it is built form as well as aesthetic attributes is somewhat at odds with its period in character streetscape scene that contains little in the way of modern built insertions. This bungalow structure; however, like the appeal site appears to occupy what was formerly part of the side garden area of 'The Cottage'.

- 1.5 Bounding the aforementioned bungalow are the former grounds of the Deer Park Estate which is now a hotel complex.
- 1.6 On the opposite side of the road is a church and graveyard (Church of Ireland Virginia Parish) which is also bound by an attractive historic stone walls behind which are mature hedges and trees that add to the sylvan landscape character of this stretch of road. As previously mentioned the site is unkempt and it does not appear to be currently used for any specific functional purpose. It also appears to be severed from 'The Cottage' by way of a concrete boundary wall. There appears to be some sort of structure roughly centrally located within the main site area but due to the overgrown nature of the site access to this structure for a more detailed visual inspection is not possible; however, I note that documentation on file suggests that it was used at some point in the past for some form of residential use. This use appears to be abandoned for a significant period of time.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought to erect a fully serviced two storey detached dwelling house together with connection to public foul sewer and water-main together with all ancillary site development works.
- 2.2 In response to the Planning Authority's request for further information the applicants response included a document titled: '*Proposed dwelling, Ballyjamesduff Road, Virginia, Co. Cavan, Architectural Heritage Impact Assessment*', prepared by John Cronin & Associates and dated May, 2015. This document indicates that it would appear that the appeal site might have been divided from the Protected

Structure in circa 1960 having regard to the shuttered concrete wall that is in place between them. This document concludes that the proposed development as originally proposed would have given rise to slight to moderate impacts on 'The Cottage', the Protected Structure, adjacent to the appeal site; however, a number of significant amendments have been made namely the retention after the completion of the main construction of the historic rubble stone wall and lowering of the ridge height. The scale of the dwelling as amended with its setback from the front building line of 'The Cottage' will allow this historic building to continue to make a positive contribution to the streetscape scene and the town of Virginia. It is considered that the revised design is wholly appropriate to its setting and it provides a number of recommendations in the event of a grant of permission which essentially set out a detailed traditional palette of materials and finishes.

- 2.3 The revised design submitted by the applicant as part of their further information request reduced the height of the proposed dwelling to a maximum ridge height of 7.968-meters thus achieving a ridge line below that of 'The Cottage' and the gross floor area of 159-sq.m. as originally proposed was retained in the revised design. The principal façade of the proposed dwelling house has asymmetrical design with its front door positioned on its eastern side. A painted plaster finish, timber windows and doors together with selected blue/black slate roof over is proposed. Immediately bounding the proposed dwelling house and 'The Cottage' Protected Structure is a pedestrian gate which is set in a stone arched wall that appears to connect to proposed and existing dwellings. The main width of the proposed dwelling is stated to be 7.293-meters though this widens to 7.992-meters to the rear. The proposed dwelling has a stated depth of 14.354-meters at ground floor level and 10.853-meters at first floor level. Both side gables contain windows at ground and first floor level. In addition, the submitted plans indicate that the road frontage wall would be lowered to a height of 900-mm and the current break in wall to be used as an entrance serving the proposed dwelling.

3.0 PLANNING HISTORY

- 3.1 Appeal site and in the vicinity:** No recent and/or relevant planning history.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning

The **initial Planning Officer's report** concludes with a recommendation for further information to deal with a number of concerns raised in relation to the proposed development. This further information request contained two items. The first requested the applicant to submit an Architectural Impact Report having regard to the proximity of the proposed development to an existing Protected Structure (Note: RPS Ref. No. CV39016) and its location within the curtilage of this Protected Structure. As part of this item it was indicated that this report should also take into consideration the relationship between the proposed development and the character of the existing streetscape. The second item requested a list of all proposed finishes and the sources of the same with preference for the use of traditional finishes. This further information request was accompanied by an advisory note which highlighted the Planning Authority's concerns in relation to the proximity of the proposed development to an existing Protected Structure and the proposed intervention to the historic stone wall for which its retention was recommended.

The **final Planning Officer's report** considered that the applicant had satisfactorily addressed the concerns raised in the further information response and it concludes with a recommendation for a grant of planning permission subject to a number of standard in nature and scope conditions.

4.2 Submissions:

- **Irish Water:** No objection is raised subject to a number of standard in nature and scope conditions in the event of a grant of permission.
- During the course of the Planning Authority's determination of this application they received a 3rd Party submission from the owners of the adjoining Protected Structure. The concerns raised correlate with those raised in their appeal submission to the Board which I have summarised in the following section below. A copy of this submission to the Planning Authority is attached to file.

4.3 The Planning Authority's **Appropriate Assessment Screening Report** concludes that no appropriate assessment is required.

4.4 Planning Authority Decision: The Planning Authority decided to grant planning permission for the proposed development subject to eight number mainly standard in nature and scope conditions.

5.0 GROUNDS OF APPEAL

5.1 The grounds of appeal may be summarised as follows:-

- The public notices failed to indicate that the proposed development was for development to a Protected Structure or by definition within the curtilage of a Protected Structure.
- The site notice was not in place for the required 5 week consultation period as set out under the Planning & Development Regulations.
- Elements of the protected structure that are to be impacted by the proposed development have not been clearly described and there is an existing building on site which would be removed as a result of the proposed development; however, planning permission has not been sought for demolition for the same.
- The proposed development may impact on the structural integrity of the Protected Structure and will have significant impact on the surrounding boundary wall for which it is proposed to partly demolish.
- While the dwelling is acceptable in principle at this location the proposed design in this application has not been given due consideration to its location within the curtilage of and directly adjacent to 'The Cottage', a Protected Structure. In this regard it is contended that the overall massing, scale and character of the proposed dwelling will have a significant negative impact on the Protected Structure and would represent an overdevelopment of a narrow infill site. It is further argued that it would result in a significant negative impact on the residential amenity for occupants of the Protected Structure by way of significant overshadowing and overlooking.

- The appellants have recently purchased the adjoining Protected Structure and are in the process of carrying out a full restoration with the intention of it being their family residence.
- Reference is made to an architectural heritage assessment prepared by the appellants as part of the restoration of the Protected Structure.
- The current proposal will have negative impact on the boundary wall which is integral part of this Protected Structure.
- The proposed development will significantly reduce the visual impact of 'The Cottage'.
- Reference is made to the Architectural Heritage Protection Guidelines for Planning Authorities, in particular Section 13.5.2. In this case the boundary wall and The Cottage's setting have been carefully set out and are as such integral to one another. The current proposal interrupts this relationship.
- It is contended that the subject application is an invalid application as it fails to meet the requirements set down in the Planning and Development Regulations, 2001-2013, as amended, for developments to Protected Structures or within the curtilage of Protected Structures. Notwithstanding, should the board deem this a valid application there are substantial planning issues which would necessitate a refusal of planning permission.
- The intervention to the boundary wall would result in a dramatic and irreplaceable loss of architectural value and will undermine the conservation the appellants are trying to achieve to 'The Cottage' building itself.
- The Board is requested to overturn the Planning Authority's decision.

6.0 REFERRALS

- 6.1 The Board referred this appeal case to the Development Applications Unit of the Department of Arts, Heritage and The Gaeltacht, The Heritage Council, Fáilte Ireland and An Chomhairle Ealaíon; however, no responses were received.

7.0 RESPONSES

7.1 The **Planning Authority's** response: No comments to make in respect of this appeal.

7.2 The **1st Party's** response may be summarised as follows:-

- The subject site is not within the curtilage of The Cottage as it has not been identified as being within its curtilage in the RPS and the Planning Authority has not notified the owner of the site being part of a Protected Structure. As such there is no requirement for new public notices and as such the applicant does not agree with the Boards conclusion that new public notices referring to the site being within the curtilage of a Protected Structure should be provided.
- Historically the first edition Ordnance Survey map pertaining to this area shows the current parcel of land proposed for development existed in more or less its current shape and plan around 1830. The subject site also appeared to be fronted by a dwelling house which was adjacent to 'The Cottage' and sometime later it became subsumed into the land surrounding The Cottage and this remained the case until the early part of the 20th Century. This larger site was later subdivided again including the reinstatement of the boundary shown on the first edition Ordnance Survey Map and the creation of a new parcel of land to the northwest which is now occupied by a bungalow. The curtilage of 'The Cottage' has contracted over time and has been reduced in scale as land parcels have been severed. As such there is no functional association between the two landholdings.
- Reference is made to the Architectural Heritage Protection Guidelines which advocate that the extent of a curtilage will need to be determined on a case by case basis and ideally should be identified by the Planning Authority prior to the inclusion of the structure into the RPS.

8.0 POLICY CONTEXT

8.1 Local Planning Context

The appeal site is governed by the policies and provisions contained in the Cavan County Development Plan, 2014-2020, under which the site and its surrounding context is designated as "*Town Core*". The stated

objective for such land is to: “*encourage and consolidate new buildings to establish a vibrant town core. Uses compatible with these are actively encouraged in these areas*”.

The appeal site is adjacent to a Protected Structure House formerly known as ‘The Cottage’ (RPS Ref. No. CV39016) and contains a period rubble stone wall that may have formed part of the structures associated with this Protected Structure demarcating the outer edge of its amenity space or predated the construction of the Protected Structure. I therefore note that Chapter 7 of the Development Plan deals with the matters of built heritage. In relation to Protected Structures it indicates that it is essential that these as part of the built heritage of the County are protected. It includes the following policy and objective:-

BHP1: The policy seeks to protect, preserve and enhance the architectural heritage of the County by taking into consideration the advice set out in the Architectural Heritage Protection Guidelines for works affecting the built heritage.

BH03: This objective seeks to protect the architectural heritage of the County.

Relevant sections of the said plan are attached (See: Appendix 3).

9.0 ASSESSMENT

9.1 Overview:

I consider the key issues in this case to be the following:

- *Principle of Development;*
- *Infill Development;*
- *Built Heritage;*
- *Residential Amenity; and,*
- *Other Matters Arising.*

The above broad headings cover the main points made in the appeal submissions and responses received by the Board and they also encapsulate my *de novo* consideration of the application.

I have had regard to the nature and extent of development both as originally proposed and as revised by Further Information. I also have conducted inspections of the site and its setting during the course of preparation of this report.

Having regard to the substantive nature of the concerns raised by the Planning Authority in their further information request to the applicant on the 5th day of June, 2014, which resulted in a reduced building height for the proposed dwelling house sought together with the concerns raised in relation to the potential adverse impact on a historic stone boundary wall I recommend that the Board consider the application in reference to the plans and particulars as amended by the applicants further information response which was submitted to the Planning Authority on the two separate dates to the 24th day of March, 2015, and the 18th day of March, 2015. This further information response resulted in qualitative improvements to the original scheme; in particular in regards to how it responded to its site context which included being adjacent to a Protected Structure and as mentioned including a historic stone wall of built heritage and visual amenity merit in its own right.

For clarity I note to the Board that my assessment below is based on the scheme as revised by the applicants further information response as the original scheme would, if permitted, resulted in material and adverse impact on the visual setting of the adjoining Protected Structure and it would have resulted in the loss of a historic stone wall along the roadside boundary. It would therefore have resulted in an unnecessary loss of built heritage diminishing the legibility of the various historic layers of development that can be appreciated within this townscape setting thus eroding its sense of place and unique sense of identity that is informed by and contributed to by this Protected Structure and by this historic stone wall.

9.2 Principle of the Proposed Development Sought and Infill Development

By way of this application planning permission is essentially being sought for a development described as consisting of the construction of

a two storey dwelling house. The appeal site is located on land zoned 'Town Core' which is subject to the land use zoning objective of encouraging and consolidating new buildings in order to establish a vibrant town core. Uses compatible with achieving this are actively encouraged in these areas under the Cavan County Development Plan, 2014-2020. Under this zoning objective, residential development is generally deemed to be acceptable subject to other specific planning considerations being satisfied.

I also consider the principle of the proposed development residential development of an infill site which in its current state is unkempt; has no apparent functional use and thus could be considered as being underutilised is consistent with encouraging and consolidating new buildings within Virginia's designated town core. Moreover, the provision of a dwelling unit at this location which accords with the standards for this type of development as set out in their Development Plan is a type of development that makes better use of serviced land alongside would add to the vibrancy and vitality of the town core and further, it discourages urban sprawl of residential into the countryside is consistent with the local, regional and national planning policy context.

9.3 Built Heritage

I note that the Board in writing requested the applicant to provide revised public notices and that the revised public notices should indicate that the proposed development is within the curtilage of a Protected Structure, in this instant case 'The Cottage' which immediately adjoins the western boundary of the site. The applicant declined from providing such notices arguing that these were not required as the site did not form part of a Protected Structure. I also note that the appellant in their grounds of appeal to the Board also raised concerns in relation to the validity of the public notices having regard to their failure to indicate such information together with raising concern that the proposed development would impact on part of the structures within the curtilage of a Protected Structure, in particular they considered that the proposed development due to its proximity to the Protected Structure had the potential to impact upon the structural stability due to the likelihood of this structure having limited foundations through to the impact of the proposed development on a historic stone wall. To this I also raise a concern that it would appear that the revised design includes a stone wall with pedestrian gate that attaches to the eastern

gable wall of the Protected Structure alongside ground works involving the provision of a new ground surface. Having regard to the planning legislative requirements in relation to public notices and developments to or within the curtilage of a Protected Structure it is my view that such interventions as that proposed under this application which clearly involve works immediately adjoining and potentially attaching to a Protected Structure, within close proximity to a Protected Structure alongside the potential impact to a historic stone wall that would appear to have pre-dated and/or formed part of the historic boundary wall of the subject Protected Structure should have been included in the public notices. These works in particular the first two all have the potential to impact on the built integrity of this Protected Structure and moreover the insertion of a two storey dwelling in such close proximity to a Protected Structure, a Protected Structure that has for a significant period of time being a building appreciated in the round with no substantive built structure in its immediate vicinity has the potential to significantly impact on its visual setting and its integrity as appreciated in its streetscape setting. Should the Board be minded to grant planning permission for the proposed development it should first seek revised public notices in pursuance of Article 18(1) (d) (iii) of the Planning and Development Regulations, 2001, as amended. In the absence of such notices I do not consider that this application should be deemed valid.

In relation to the proposed two storey dwelling house proposed under this application while I consider that this site though restricted in width can accommodate a two storey dwelling house I consider that matching the height of the adjoining Protected Structure is not appropriate and while I note that the original design included a two storey structure which greatly exceeded the ridge height of the adjoining Protected Structure in my view a greater degree of subservience is required between this new intervention and the Protected Structure which should rightly maintain its prominence in its streetscape scene. As such despite the setting back of the front building line from that of the Protected Structure the matching of the ridgeline between the proposed dwelling and the existing Protected Structure together with the provision of chimney stacks that project above the height of those present in the adjoining Protected Structure is not visually appropriate or sympathetic to the setting of this Protected Structure. Should the Board be minded to grant permission I consider it appropriate that the maximum height of the dwelling be reduced; that a more symmetrical in roof shape structure over the proposed dwelling with any chimney stacks included

thereon set legibly below those present in the adjoining Protected Structure's roof structure, be required by way of an appropriately worded condition. These design amendments potentially would achieve a more site sensitive and site context response that would be less detrimental to the visual setting of the adjoining Protected Structure.

I also raise a concern that the revised design shows that a stone wall with a pedestrian gate would connect the proposed dwelling house and the side elevation of the Protected Structure. I note that no consent has been provided by the owners of the Protected Structure for this connection and even if setback from the side elevation of the Protected Structure the works involved could potentially undermine the structural stability of the Protected Structure, a type and period of building that I accept were by and large built often with insubstantial foundations. Further it would also undermine the appreciation of this building in the round and such buildings should be provided with separation distance between them and new built insertions. Should the Board be minded to grant permission for the proposed development this element should be omitted and an advisory note reiterating Section 34(13) of the Planning & Development Act, be included.

Of further concern in relation to the design resolution is the expanded width of the rear portion of the proposed dwelling house. This expands towards the eastern gable of the main portion of the Protected Structure and would, despite its single storey nature but containing a skillion roof over with a maximum height of 3.334-meters, not provide a sufficient separation distance between the proposed dwelling and the existing Protected Structure as viewed from the public domain along its entire length. It is my view that the detached nature of the Protected Structure should be protected and maintaining a consistent width of 7.293-meters throughout the ground floor level would achieve a satisfactory level of separation distance. Should the Board be minded to grant planning permission this concern could be dealt with by way of conditions.

My final concern in relation to potential impact on built heritage is that the revised drawings indicate that the road frontage wall is to be lowered to a height of 900-meters and the current break in the wall to be used as an entrance serving the proposed dwelling house; thus, providing access onto Ballyjamesduff Road.

While I raise no concern in relation to the current break in the wall being used as an entrance I do not consider it appropriate that this existing attractive though over grown wall be reduced in its height, a height which is not excessive or out of context with its streetscape scene and more over it adds to the visual qualities of its streetscape.

Of further concern there is a level of ambiguity present in the documentation accompanying this application and it would appear that there is potential for this wall, should permission be granted, be demolished and rebuilt to the lowered height of 900-meters proposed. Demolition of this wall in my view is not appropriate either and even if rebuilt using the same stone its patina of age and authenticity would be lost. Outside of general repair works to this wall, if needed, I do not recommend the demolition of this wall and the gap that is present is sufficient to allow sufficient access into the main site area for construction works.

My last comment in relation to the protection of the built heritage is that it would be appropriate that any grant of planning permission be subject to conditions ensuring that works are done in accordance with best conservation principles ensuring that the existing Protected Structure and the historic walls on site, which I note also includes the eastern boundary wall, are protected and safeguarded throughout site development works. It would also be appropriate that the recommendations set out in the document titled: *'Proposed dwelling, Ballyjamesduff Road, Virginia, Co. Cavan, Architectural Heritage Impact Assessment'*, prepared by John Cronin & Associates and dated May, 2015, are adhered to.

Subject to the above concerns being addressed by way of the use of appropriate conditions I consider the proposed development would not result in a detrimental built heritage impact, in particular to 'The Cottage' the adjoining Protected Structure and the historic stone walls bounding the roadside and eastern boundaries of the appeal site. I also raise no particular built heritage concerns in relation to the existing building on site for which demolition would be required in the event of a grant of permission. The Board; however, could should it deem necessary ensure that the revised public notices make reference to this component of the proposed development which is not included in this application alongside provide amended drawings and/or drawings which would provide further clarity on this structure. From a

precautionary point of view this would in my view be appropriate as part of a fully informed determination of this application.

9.4 Residential Amenity Impact

My only concern is that the drawings submitted with this application do not indicate whether or not the en-suite window at first floor level of the western elevation would contain obscure glazing and in the absence of such glazing there is potential for oblique views over the rear garden area of the adjoining Protected Structure which in turn would result in overlooking and diminish the privacy of this property. Notwithstanding, this concern can be dealt with by way of condition should the Board be minded to grant planning permission.

I also consider that the level of overlooking that would arise from the first floor windows on the rear elevation and that serving the landing on the eastern elevation at first floor level are normal in such a townscape setting.

9.5.0 Other Matters Arising

9.5.1 Services: There appears to be adequate spare capacity in the public infrastructure water and drainage supply to accommodate the proposed development. I therefore raise no objection to the proposed development in this regard.

9.5.2 Car Parking: No off-street car parking provision is proposed as part of the proposed development. I observed during my inspection of the site that there are ample on-street car parking spaces available along Ballyjamesduff Road and as such there appears to be sufficient capacity to accommodate the car parking needs of a dwelling of this size. Notwithstanding, the Planning Authority may deem it appropriate that a contribution is made to the provision and maintenance of on-street car parking spaces in the vicinity of the appeal site.

9.5.3 Appropriate Assessment: Having regard to the nature and scale of the development sought and to the nature of the receiving environment, I concur with the Planning Authority in this instant case that no appropriate assessment issues arise in this appeal case.

10.0 RECOMMENDATION

- 10.1 In view of the above assessment, I recommend that permission be granted based on the reasons and considerations set out below and subject to the conditions set out thereunder:

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Cavan County Development Plan, 2014-2020, the pattern of development in the area, to the zoning objective of the site which seeks encourage and consolidate new buildings to establish a vibrant town core alongside those accommodating compatible uses, it is considered that the overall design resolution of the proposed infill dwelling house would provide a viable land use for a vacant and underutilised plot on town centre zoned land in a manner that is consistent with local planning policy provision and it would subject to the compliance with conditions set out below, not seriously injure the amenities of property in the vicinity, in particular the setting of the adjoining Protected Structure and the historic stone wall that bounds the northern and eastern boundary of the site. 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 and as amended by the further information lodged with the Planning Authority on the 24th day of March, 2015, and the 18th day of March, 2015, 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. (i) Revised drawings showing a revised roof design whose overall height shall be reduced legibly below the maximum ridge height of the adjoining property to the west (Protected Structure RPS Ref. No. CV39016) shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of any development on site. In this regard the revised roof structure should seek to achieve a symmetrical form and any chimney stacks thereon shall also be set legibly lower than the chimney stacks present in the roof structure of the adjoining property to the west. The aim of the revised roof design shall be to achieve legible streetscape subservience to the adjoining property to the west and it may require the first floor level to be partly accommodated into the slope of the roof.
- (ii) Revised drawings showing the omission of the boundary wall connecting the proposed dwelling to the eastern side gable of the adjoining property to the west (Protected Structure RPS Ref. No. CV39016) shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of any development on site.
- (iii) Revised drawings showing a consistent width of 7.293-meters at ground floor level of the proposed dwelling shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of any development on site.
- (iv) Revised drawings and documentation providing for the maintenance and protection of the historic stone boundary walls on site shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of any development on site. In this regard the developer shall note that the demolition of the existing roadside wall is not permitted and any works to this wall and the eastern boundary wall shall be restricted to conservation repair works only. Where such conservation repair works are deemed to be required these shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of any development on site.

Reason: In the interest of clarity and in the interest of protecting the setting of the adjoining Protected Structure.

3. Site development and building works shall be carried out only between the hours of 0800 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.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including methods to ensure no adverse impact to the adjoining Protected Structure, methods to ensure no adverse impact on the existing historic stone wall bounding the northern and eastern boundary of the site, hours of working, noise management measures, dust management measures, off-site disposal of demolition and construction waste and methods to keep public roads clean from spillages and deposits that may arise during the course of construction.

Reason: In the interests of public safety; in the interest of protecting residential amenity of properties in the vicinity and in the interest of protecting and safeguarding the structural integrity of the adjoining Protected Structure.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be as set out in the recommendations of the accompanying document 'Proposed dwelling, Ballyjamesduff Road, Virginia, Co. Cavan, Architectural Heritage Impact Assessment' prepared by John Cronin & Associates and dated May, 2015', with the finer details submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

Reason: In the interest of visual and residential amenity.

7. Water supply and 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 interest of public health.

8. The dwelling house hereby permitted shall be used as single residential units.

Reason: In the interest of clarity.

9. The western side first floor level elevation window shall be fitted and permanently maintained with obscure glass. The use of obscure film is not acceptable.

Reason: In the interest of residential amenity.

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 Bord 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.

Advisory Note 1: Section 34(13) of PDA.

Patricia M. Young
Inspectorate
12th day of October, 2015.