



Development	Construction of a house, domestic garage and a proprietary treatment system and all ancillary works. Gross floor space of proposed works 225 sqm.
Location	Ballynamanagh East Td., Clarinbridge, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18/700
Applicant(s)	Conor Tarpey
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Francis Bannon
Observer(s)	None
Date of Site Inspection	29 th August 2019

Inspector

Ronan O'Connor

Decision Quashed

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1.0 Site Location and Description

- 1.1. The appeal site to the north of a local road and is approximately 1.6k to the west of Clarinbridge. It is located 200m north of the estuary of the River Clarin, which feeds into Dunbulcaun Bay.
- 1.2. The site has a stated area of 0.44 ha. The site itself is slightly undulating with the elevation falling as one moves west. The site not have an existing vehicular access. There are no defined boundaries to the west and north of the site, and the site can only be accessed by a pedestrian gateway via the site to the west.
- 1.3. To the west there is housing on either side of the road, which are a mixture of varying scales ranging from single storey bungalows, larger dwellings which are single storey but have accommodation at roof level, to two storey dwellings.

2.0 Proposed Development

- 2.1. Construction of a house, domestic garage and a proprietary treatment system and all ancillary works. Gross floor space of proposed works 225 sqm.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission. Conditions of note include:
Condition 2 – occupancy clause.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

Points of note within the planner's report are as follows:

- House design was considered acceptable.
- Site is located within the GTPS therefore the applicant must demonstrate compliance with RHO1 in the GCDP.

- Supporting documentation includes a birth cert, supporting letters from clubs, school; land registry documents that confirm that the applicant's home is located c900m away from the subject site in Clarinbridge.
- Evident that the site was purchased in 2016.
- Having regard to the fact the applicant's home is located in the settlement of Clarinbridge and not in a rural area the development is considered to be urban generated and the applicant therefore does not comply with RHO1 of GCDP.
- Applicant has shown clear sightlines of 70m on the local road – complies with CDP.
- Notes that there was one objection which has been resolved by the submission of **Unsolicited Further Information** on 02/07/2018 which has revised the proposal.

3.2.2. The planner's report recommends **refusal** on the grounds that the site is located within the GTPS Area and the applicant's family home is located in the settlement of Clarinbridge. Therefore the proposed house was considered to be urban generated.

3.2.3. This recommendation was **overturned** by the Director of Services and a note is on the file which states 'Current residence is on outskirts of village therefore not urban generated. Grant subject to conditions and enurement clause' – The note is dated 23/07/2018.

3.2.4. Other Technical Reports
None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. 1 no. Third Party Observation was received from Francis Bannon (who is also the Appellant). The issues raised are as follows:

- Has permission to construct a house to the east of the proposed development.
- Overlooking of the permitted from the first floor windows on the east elevation.

- Concerns in relation to the siting of the proposed dwellinghouse. – will be located approximately 43m from the existing front wall of the site, whereas permitted house is located approximately 23m from the stone wall boundary – house will be 15m behind permitted dwelling.
- Proposed dwelling should follow the proposed building line and the windows at 1st floor level should be removed.

4.0 Planning History

- 4.1.1. P. A. Reg. Ref. 17/1727. This was a similar application to the current application subject to appeal and it was withdrawn prior to determination of a decision.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant Development Plan is the Galway County Development Plan 2015-2021.

Section 3.7 refers to Single Housing in the Countryside and has regard to the distinction between urban and rural generated housing and the requirement for sustainable rural housing. S.3.8 identifies Rural Area Types – Map RH01 refers – the subject site is located in a Rural Area Under Strong Urban pressure (GTPS). Section 3.8.1 refers and provides the objectives for such areas. This includes:

- To facilitate the genuine housing requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations;
- To direct urban generated development to areas for new housing development in the adjoining urban centres, town and villages as identified in the County Settlement/Core Strategies;
- To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines).

Objective RHO 1 sets out the policy for rural housing development in areas that are under strong urban pressure. This states that it will be an objective to facilitate rural

housing for applicants who *inter alia* have rural links to the area and who are seeking to develop their first home on a family farm, those with no family links but who have significant other connections to the area, those who are functionally dependant on the immediate rural area in which they are seeking to build. Provision is also made for exceptional health circumstances (2b).

Map RHO2 shows that the appeal site is located in Zone 3 Landscape Category 3-5.

Objective RHO 3 also refers i.e: Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Categories 3, 4 and 5 are required to demonstrate their Rural Links to the area and are required to submit a Substantiated Rural Housing Need.

Objective RHO 9 – Design Guidelines - have regard to GCC's Design Guidelines for the Single Rural House /Objective RHO 12 – Waste Water Treatment Associated with Development in Un-Serviced Areas.

Chapter 5 refers to Roads and Transportation. Chapter 6 includes regard to Wastewater Treatment Systems. Objective WW 5 refers to WWT associated with development in un-serviced areas. Chapter 9 refers to Heritage, Landscape and Environmental Management Section. Section 9.8 refers to Natural Heritage and Biodiversity and includes regard to Natura 2000 sites. S.9.9 provides the Natural Heritage and Biodiversity Policies and Objectives. Objectives NHB1/2/3/4/12 are of note. Designated Environmental Sites are provided in Map NHB1.

Objectives LCM1/2 are of note. Map LCM 1 sets out Landscape Value Ratings. The site is located in an area which has a 'High' Landscape Value rating. MAP LCM 2 sets out Landscape Sensitivity and Character Areas. The site lies within an area which is designated 'Class 3 – Medium' Sensitivity. The site lies within the East Galway Bay (Ornanmore to Kivarra Baya and inland to N18 road) Character Area.

Objective FL 4 – Flood Risk Assessment for Planning Applications and CFRAMS.

5.2. The Sustainable Rural Housing Guidelines 2005

- 5.2.1. This seeks to encourage and support appropriate development at the most suitable locations. Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working fulltime or part-time in rural areas. Appendix 3 provides details of NSS Rural Area

Types. Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings. The proposed site otherwise accords with the objectives of the development plan in general.

5.3. Code of Practice Wastewater Treatment Disposal Systems serving Single Houses

- 5.3.1. This document (2009) by the EPA relevant to single houses (p.e <10). The objective is to protect the environment and water quality from pollution and it is concerned with site suitability assessment. It is concerned with making a recommendation for selecting an appropriate on site domestic wastewater treatment and disposal system if the site is deemed appropriate subject to the site assessment and characterisation report. The implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligation under Council Directive (75/442/EEC).

5.4. Natural Heritage Designations

- 5.4.1. The site itself does not have any Natural Heritage Designations. The closest SAC to the site is Galway Bay Complex SAC (site code 00268) which is 183m to the south-east of the site at its closest point. The closest SPA to the site is Inner Galway Bay SPA which is c190m (site code 004031) to the south-east of the site at its closest point.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 1 No. Third Party Appeal was received on 16/08/2018. The Grounds of Appeal are as follows:

- Currently has a permission on the adjoining site.
- Concerns in relation to the impact of the development on property and also the impact this will have on the amenities of future home.
- Concerns in relation to the siting of the dwelling and provision of windows on the side elevation of same.
- Refusal was overturned by the Director of Services – unclear as to how this decision was arrived at.
- Previous application was withdrawn following concerns in relation to traffic safety and rural housing policy compliance.
- Granting permission in this instance seems unusual.
- Concerns have not been addressed.
- Site layout plan does not reference permitted dwelling.
- Revised plans were only put on file on the last day of making submissions.
- Proposed dwelling remains to the rear of building line of permitted house.
- Would impact on enjoyment of the dwelling and would depreciate the value of property.
- Will be overbearing and appear intrusive.
- Two storey dwelling may not be in keeping with the established built form and character of this area.

- No objection to building a dwelling house at this location – concerns relate to the siting of the dwelling.
- Request that ABP seek an improved design and layout that would not impact on residential amenity.

6.2. Applicant Response

6.2.1. The applicant submitted a response to the Third Party Appeal, which was received by ABP on 14/09/2018, and is summarised as follows:

- Applicant responded to the concerns of the appellant at application stage, namely by removing the first-floor windows on the Eastern Side and moving the proposed house forward towards the public roadway.
- Appellant appears to be satisfied the windows have been removed but still appears to have concerns in relation to the building line. The appellant now also has concerns about the impact of the large two-storey dwelling proposed.
- Applicant has revised the plans further, and the house is now only 21.9 m from the entrance to Mr. Tarpeys site. The finished floor level has been reduced from 99.5 above local datum to 99.0m above local datum.
- The ridge height of 7.87m is below the usual 8.0m requirement in Galway County Council's Rural Housing Guidelines.
- The boundary wall between Mr. Tarpey's and Mr. Bannon's property will not be interfered with, ensuring privacy will not be affected.
- The eastern boundary of the latest house location varies between 13.4 and 15.3m from the boundary wall between both properties.

6.2.2. **Revised Plans** have been submitted with the appeal submission which details the changes noted above.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. The Third Party Appellant responded to the First Party Submission and was received by ABP on 10/10/18, which is summarised as follows:

- The revisions have alleviated concerns of the appellant and now has no objection to the proposed development per the above mentioned revisions.

6.5.2. A letter of clarification was received on the 16/10/18 stating that the appellant did not want to withdraw the appeal, but wished to draw the Boards attention to the submission above.

Quashing of previous decision

6.5.3. ABP had previously made a decision on this appeal by order dated 17th January, 2019 and under appeal reference 302333-18. That decision was quashed by the order of the High Court and the case was remitted by that Court back to ABP for a new decision. In the interests of justice, further general submissions/observations were invited from all parties under Section 131 of the Planning and Development Act 2000.

6.5.4. A submission was received from the Third Party Appellant on 19/08/19 which is raised the same issues as the original appeal submission, the contents of which are summarised in Section 6.1 'Grounds of Appeal' above.

6.5.5. A response was received from the First Party applicant on 20/08/2019. This is summarised as follows:

- Recently qualified engineer seeking to work and live in own homeland.
- Galway County Council have confirmed that I meet all of the housing needs requirements.
- ABP overturned decision to grant on the sole basis that I owned a property in the area, which I do not.

- The decision of ABP was subject to a High Court Judicial Review which quashed the ABP decision.
- Referring to the Statement of Grounds of Affidavit – attention is drawn to paras 27, 28 and 29 of the document, which outlines why house is not ‘urban generated’.
- Director of Services confirmed that parents’ home is on the outskirts of the village therefore house is not urban generated.
- Official EIRCODE letter shows clearly that the site is an inherent part of parents address.
- Refers to report from Planning Consultancy Services dated 21st March 2018 which outlines why house is not ‘urban generated’
- Have lived up to now in parent’s house in the same townland (Ballinamanagh East) where the proposed new house is to be located.
- Parent’s house is in the parish of Maree, not Clarinbridge.
- Permission was granted for a home identical to this (17/1774) and the topic of urban generation never arose.
- Have done everything possible to alleviate concerns of the appellant.
- [Enclosures: Affidavit; Letter from Planning Consultancy Services; Eircode Letter]

7.0 Assessment

7.1.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development/Rural Housing Policy
- Impact on Amenity
- Design and Visual Amenity/Impact on Landscape
- Water Supply/Waste Water/Drainage
- Other Issues

- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The appeal site is located within a Rural Area Under Strong Urban Pressure as identified under Section 3.8 and Map RHO 1 of the Development Plan.
- 7.2.2. The council policy for rural housing in this high pressure area is set out in Objective RHO 1 'Rural Housing Zone 1 – Rural Area Under Strong Urban Pressure'. Objective RHO 3 'Rural Housing Zone 3 (Landscape Category 3, 4 and 5) also applies.
- 7.2.3. In relation to Objective RHO 1, this sets out criteria relating to rural links, functional dependency, family ownership, returning emigrants and health.
- 7.2.4. RHO 1(b) is of relevance to this application and this states that:

[it is an objective of the Council to facilitate rural housing in the open countryside subject to the following criteria:]

Those applicants who have no family lands but who wish to build their first home within the community in which they have long standing Rural links and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Having established a Substantiated Rural Housing Need*, such persons making an application on a site within a 8km radius of their original family home will be accommodated, subject to normal development management criteria and provided the site does not encroach into the Urban Fringe* of the towns of Gort, Loughrea, Athenry or Tuam. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

- 7.2.5. Objective RHO 3 is also relevant in this instance and it applies to those applicants seeking to construct houses located in Landscape Categories 3-5.. Map RHO2 shows that the appeal site is located in Zone 3 Landscape Category 3-5. In such cases, applicants are required to demonstrate their 'Rural Links' to the area and are

required to submit a 'Substantiated Rural Housing Need'. Both terms are given specific definitions in the Development Plan. 'Rural Links' is defined as follows:

'For the purpose of the above is defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life.'

7.2.6. 'Substantiated Rural Housing Need' is defined as follows:

'Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a need for a dwelling for their own permanent occupation. In addition the applicants will also have to demonstrate their rural links as outlined above.'

7.2.7. The applicant has submitted documentary evidence that supports his application. He is currently residing in, but is not the owner of, his parents' home at No. 3 The Parklands, Clarinbridge. This dwelling is located approximately 850m to the north-east of the site.

7.2.8. In relation to compliance with RHO1(b) and RHO3, it is my view that the applicant has demonstrated strong links to the area, having regard to the documentary evidence on file. He has grown up in the area and now wishes to build his first home in the area. It is stated on file that he does not own another house in the area and has never previously received planning permission. A letter dated 14/05/2018 on file states that the applicant is employed with TSL Associates, Chartered Accountants, in Oranmore, which is located approximately 7.5km by road from the appeal site.

7.2.9. In relation to the issue of whether the proposal is in fact 'rural generated' or 'urban-generated', of particular note is the following paragraph within 3.7.2 'Sustainable Rural Housing of the Development Plan.

'It is important to distinguish between rural generated housing and urban generated housing demand. Rural generated housing is defined by the NSS, as housing needed in rural areas within the established rural community by people living and working in rural areas or nearby urban areas. Urban generated housing demand is

defined as housing in rural locations sought by people living and working in urban areas, including second homes.'

- 7.2.10. In my view, the applicant's proposal falls within the category of rural generated housing, given his demonstrated links to the area. I accept that the applicant's parents dwelling is located in a rural settlement and the applicant does not own another property in the area.
- 7.2.11. In conclusion therefore, and having regard to the documentary evidence on file, it is accepted that the applicant has demonstrated housing need, and is therefore in compliance with Objectives RHO 1(b) and RHO 3 of the Development Plan.
- 7.3. Impact on Amenity**
- 7.4. The Third Party Appellant has raised the issue of amenity in the appeal submission, namely in relation to the siting of the proposed dwelling. Concern is raised in relation to the potential impact on the amenities of the permitted dwellinghouse to the east of the site, by virtue of the fact that the proposed dwelling house is behind the building line.
- 7.5. I note that unsolicited Further Information was received at application stage, omitting the first floor windows on the eastern boundary, and moving the dwelling closer to the road boundary (from 37.9 m to 27.9m).
- 7.6. Further revised plans were submitted to the Board on 14/09/2018, moving the building line closer to the road. The proposed dwelling house is now 21.8 m from the road boundary, similar to the permitted dwelling on the neighbouring site to the east.
- 7.7. The Third Party Appellant by way of response to the First Party Submission stated that he was now satisfied with the development (submission received on 10/10/2018)
- 7.8. However I do note that following further S131 requests, the appellant has made a submission (received 19/08/2019) which re-iterates the points made in the original appeal submission.
- 7.9. The First Party has also made a further submission (received 20/08/2019) which, in relation to the impact on amenity, states that he has made every effort to respond to the concerns of the appellant.
- 7.10. I note that the building line of the proposed dwelling has been moved forward considerably since the original application and I am satisfied that there will be no

material impact on the amenity of the permitted dwelling house to the east. The revised plans demonstrate that the building line is similar to the permitted dwelling, and there will no impact on this permitted dwelling, having regard to overbearing/visual impact or impact on privacy.

7.11. Design and Visual Amenity/Impact on Landscape

- 7.11.1. The Third Party Appellant states that the 2 storey nature of the dwelling is not in keeping with the area.
- 7.11.2. In terms of appearance, the proposed dwelling is a 2 storey building of contemporary design. While it is relatively large, the site itself is of sufficient scale to accommodate this scale, and the visual impact in my view is acceptable.
- 7.11.3. While I note the landscape value and sensitivity, my view is that the southern side of the road is a more sensitive landscape as the land falls away towards the coast, and this site, on the northern side of the road, on a site which benefits from substantial screening, is appropriate for a dwelling of this scale. I note also that the among the cluster of housing further to the west there are dwellings of similar, if not larger scale, and as such this scale of dwelling is not unprecedented.
- 7.11.4. Overall, it is my view that this current proposal is an appropriate design response to the site, given the similar approach taken in the area. In terms of scale and massing, this is similar to the other dwellings in the surrounding area and is appropriate in this instance.

7.12. Water/Waste Water

- 7.12.1. In relation to water supply the applicants are proposing to utilise a mains water supply.
- 7.12.2. In relation to waste water, a package treatment plant and a polishing filter is proposed, to be installed as per EPA Guidelines.
- 7.12.3. The GSI Groundwater maps show that the site is located within an area with an Aquifer Category of 'Regionally Important' (Rk) with a vulnerability classification of 'High' representing a GWPR response of R2¹ under the EPA Code of Practice. According to the response matrix, on-site treatment systems are acceptable in such areas subject to normal good practice.

- 7.12.4. The trial hole assessment submitted by the applicant indicates a trial hole depth of 2.1m and did not encounter bedrock. The soil type encountered was brown clay (topsoil) to 0.5m and silty sand gravel with occasional cobbles and boulders to the depth of the trial hole.
- 7.12.5. The site characterisation records a T-test value of 8.08. A T value of greater than or equal to 3 and less than or equal to 50, means that the site is suitable for use of a septic tank system or secondary treatment system discharging to groundwater.
- 7.12.6. Details of the treatment system have been submitted and I am satisfied with same and I am satisfied that the proposal will not impact on the quality of groundwater.

7.13. Other Issues

Sightlines – The applicant has demonstrated that adequate sightlines are available.

7.14. Appropriate Assessment

- 7.14.1. No details in relation to Appropriate Assessment Screening have been submitted with the application. The planning authority concluded that Stage 2 Appropriate Assessment was not required.

Stage 1 Screening

- 7.14.2. Stage 1 is concerned with determining whether a described development, not being a development directly connected with or necessary to the management of a European site, in itself or in-combination with other described projects or plans, is likely to have significant effects on any European site, in view of the site's conservation objectives.
- 7.14.3. The closest SAC to the site is Galway Bay Complex SAC (site code 000268) which is c180m to the south-east of the site at its closest point.. The closest SPA to the site is Inner Galway Bay SPA which is c190m (site code 004031) to the south-east of the site at its closest point. There is no obvious direct pathway from the appeal site to the above sites, nor to any other Natura 2000 sites beyond.
- 7.14.4. Having regard to the nature and scale of the proposed development, a residential dwelling, the nature of the receiving environment, and the proximity to the nearest European Sites and the lack of an apparent pathway to same, it is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development,

individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. Grant permission.

9.0 Reasons and Considerations

Having regard to:

- The general acceptability of the site in relation to access and services,
- The demonstrated housing need for the proposed dwelling,
- The scale and appearance of the dwelling and the landscape character,
- The pattern of existing and permitted development in the area,

it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of compliance with policies for the control of rural housing, would not have unacceptable impacts on the amenity of existing or permitted dwellings, would not have unacceptable impacts on the character of the landscape, would not be prejudicial to public health, and would not have significant effects on any European Site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on the 2nd Day of July 2018, and as further amended by the further plans and particulars submitted to An Bord Pleanála on 14th Day September 2018, 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. (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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. A parking space, as shown on the revised drawing submitted to An Bord Pleanála on the 14th Day of September 2018, shall be provided immediately adjoining the edge of the margin of the roadway. This space shall be cleared, graded, levelled and surfaced to a standard suitable for use as off-road parking to the satisfaction of the Area Engineer and the Planning Authority.

Reason: In the interests of road safety

4. a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

5. (a) Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.
- (b) Any overhead lines and poles shall be setback with the new fence at the developer's before work commences on the development. No pole(s) shall be left in the lay-by or in the sight lines of the proposed development or any existing development where these poles might obstruct the view of the road of any existing road users and/or persons accessing the site.

Reason: In the interest of road safety.

6. Any new front boundary wall shall be of local unplastered natural stone and shall not exceed 1m in height.

Reason: In the interest of visual amenity.

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

Reason: In the interests of visual and residential amenity.

8. The site shall be landscaped in accordance with details shown on the revised drawing submitted to An Bord Pleanála on the 14th Day of September 2018.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

9. a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 29th Day of May 2018, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent

treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

10. The external finishes of the proposed garage shall harmonise in colour and texture with the finishes on the proposed dwelling house hereby permitted.

Reason: In the interest of visual amenity.

11. The proposed domestic garage shall not be used for habitable or commercial purposes or any other purpose other than those incidental to the enjoyment of the dwelling house.

Reason: In the interest of proper planning and development.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1700 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.

13. The following shall be complied with:

(a) The proposed windows shall be of powder coated aluminium or timber framed or non white uPVC, unless otherwise agreed with the Planning Authority.

(b) The external door shall be of timber construction.

(c) The proposed dwelling house shall have nap plaster and/or local stone finish only, unless otherwise agreed in writing with the Planning Authority.

(d) The colour of the roof slates shall be blue/black.

(e) The colour of the soffit/fascia & rainwater goods shall be dark in colour.

Reason: In the interests of visual amenity.

14. 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.

Rónán O'Connor
Planning Inspector

09th October 2019