



An
Bord
Pleanála

Inspector's Report ABP-309065-20.

Development	House.
Location	Cartron, Kinvara, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/1443.
Applicant(s)	Rena Keane.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Rena Keane.
Observer(s)	None.
Date of Site Inspection	31/03/2021.
Inspector	A. Considine.

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1.0 Site Location and Description

- 1.1. The appeal site is located approximately 250m to the south of Main Street on the southern outskirts of the village of Kinvara in Co. Galway. The Local Road, the L-4508, connects Kinvara to Killinny, Tubber and Crusheen to the south. The road has a width of approximately 5m. The subject site lies within the speed limit associated with the village.
- 1.2. The site has a stated area of 0.1146 hectares and comprises a small part of a larger field. The roadside boundary, and southern boundary of the larger field, comprises dry stone walls while the northern boundary of the site includes trees and hedges. The site is currently under grass and is relatively flat. There is no development on the land immediately adjoining the subject site.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, to construct a dwelling house and garage, all at Cartron, Kinvara, Co. Galway.
- 2.2. The application included a number of supporting documents including as follows;
 - Plans, particulars and completed planning application form
 - Cover Letter
 - Letter of consent for amendments to roadside boundaries from relevant landowner
 - Pre-Connection Enquiry from Irish Water
- 2.3. The development proposes the construction of a 5 bedroom house which will include accommodation over two floors. The building will rise to 7.1m and will occupy a floor area of 239.6m². A detached garage is also proposed with a floor area of 20m². The buildings will be finished with a napped render with local limestone cladding around the proposed living room area.
- 2.4. The layout proposes an open plan kitchen / dining and lounge area, living room, shower room, utility, bathroom, 2 double bedrooms and a games room at ground floor level with 2 further double bedrooms, one ensuite, a single bedroom and a bathroom at first floor level.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. The Ministerial Guidelines “Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in May 2009 recommends a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference. It is considered that the site is located in an area which is remote and isolated from the village core, with no pedestrian infrastructure and its development would not be in line with the orderly expansion of the settlement. It is considered that the proposed development would therefore, be contrary to the Ministerial Guidelines, issued under Section 28 of the Planning and Development Act, 2000 (as amended) and to the proper planning and sustainable development of the area.
2. Having regard to indicated roadside alterations require to adjoining lands immediately south east of the site of the proposed development, to provide for sightlines in both directions from the proposed access to the site, it is considered that the roadside alterations / alignment works proposed outside of the application site area cannot be implemented under the current planning application, as per Section 34(4)(a) of the Planning and Development Act, 2000 (as amended), as it has not been demonstrated that the works can be carried out by the applicant notwithstanding the consent to do so. Accordingly, to grant the proposed development where there is limited visibility at the proposed site entrance, would interfere with the safety and free flow of traffic on the public road, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and therefore, would be contrary to the proper planning and sustainable development of the area.
3. The proposed house design includes for upper floor gable windows which overlook adjoining property, it is considered that if permitted as proposed the

development would depreciate the value of property in the vicinity of the site and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report and Flood Risk Assessment.

The Planning Report concludes that proposed development is not acceptable as the site is located within a transitional zone between Kinvara Village and the rural hinterland, removed from the village centre. The report notes that there is currently no LAP for the village and references the Ministerial Guidelines which recommends a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference. Planning Officer recommends that permission be refused for the proposed development, for reasons relating to non-compliance with Ministerial Guidelines, inadequate sight lines and house design.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Submissions

There are no third-party objections/submissions noted on the planning authority file.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 19/1434: Permission refused by Galway County Council for the construction of 2 no. three bedroom detached dwelling houses, foul sewer pumping station, connection to public sewer and all associated site development works for the following reasons:

1. Having regard to the design and layout of the proposed 2 no. two storey dwelling houses on a site within a rural setting on the outskirts of Kinvarra village, the Planning Authority considers that the proposed development would result in a dominant and overbearing built form that would not fit appropriately or integrate effectively into this rural setting. Accordingly, to grant the proposed development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would be out of character of the existing house types in the area, would set an undesirable precedent for similar future development in the area, and therefore, would be contrary to the proper planning and sustainable development of the area.
2. The Ministerial Guidelines “Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in May 2009 recommends a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference. It is considered that the site is located in an area which is remote and isolated from the village core and its development would not be in line with the orderly expansion of the settlement. It is considered that the proposed development would therefore, be contrary to the Ministerial Guidelines and to the proper planning and sustainable development of the area.

Lands across the road from the subject site:

PA ref: 07/2206: Permission granted by Galway County Council for the construction of a medical centre and 43 houses, effluent treatment plant and associated percolation area and all site services.

The duration of this permission was extended under **PA ref: 12/1437** until 22/01/2018.

PA ref: 14/619: Permission granted for the demolition of a substandard dwelling house and construction of a replacement dwelling with connection to mains sewer and ancillary services.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.2. National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,

- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

5.2.4. Chapter 6 also provides guidance in terms of Density Standards and in this regard, sections 6.12 and 6.13 of the Guidelines deal with Edge of small town / village and state as follows:

6.12 In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low-density commuter-driven developments around many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge

that defines a clear distinction between urban and the open countryside.

6.13 The quality of new development will also be determined by many other factors additional to the achievement of an appropriate density of development. However, adherence to the guidance outlined above, coupled with effective local planning can offer a positive path forward in managing the process of development of Ireland's distinctive and attractive smaller towns and villages.

5.3. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

5.3.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.4. Development Plan

5.4.1. The Galway County Development Plan 2015 – 2021, is the relevant policy document relating to the subject site. The subject site lies within the village of Kinvara which is identified in Tier 5 of the settlement hierarchy. Kinvara is not subject to a current Local Area Plan, but the subject site lies within the settlement boundary which was identified as part of the previous Kinvara Local Area Plan 2005-2011. The previous zoning afforded to the site was village centre residential.

5.4.2. Section 2.7 Settlement Strategy Objectives:

Objective SS 6 – Development of Other Villages

Protect and strengthen the economic diversity of the smaller towns, villages and small settlements throughout the County, enabling them to perform

important retail, service, amenity, residential and community functions for the local population and rural hinterlands.

5.4.3. Section 3.3 Housing Location/Design and Density in Urban Areas:

“The Core Strategy contained in Chapter 2 of this plan recognises the importance of the larger and smaller town and village structures within the County. The DoEHLG’s Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) outlines sustainable approaches to the development of urban areas. Appropriate locations for new residential development schemes are:

- Large towns: populations of 5,000 or more people;
- Small towns and villages: population ranging from 2,000 to 5,000 persons;
- Towns and villages; population ranging from 400 to 2000 persons.

In accordance with the Guidelines, areas suitable for residential development are identified in urban areas. There are a number of villages within the County that do not have Local Area Plans and therefore it is important that the County Development Plan addresses the main facets of urban housing/design.

5.4.4. Section 3.4 Locations Appropriate for New Residential Development in Urban Areas:

Edge of Centre Sites Within Small Towns/Villages:

The emphasis is on achieving successful transition from central areas to areas at the edge of the smaller towns and villages. Development of such sites tends to be predominantly residential in character and given the transitional nature of such sites, the density range will be assessed depending on the characteristics of the small town/village, and the subject site, on a case by case basis. There will also be an encouragement of appropriate housing types with a high standard of design. This form of development needs to ensure the definition of a strong urban edge and design that creates a clear distinction between the urban area and the open countryside while discouraging ribbon development on the approaches to towns and villages.

5.4.5. Section 3.6 of the Plan deals with Urban Housing Policies and Objectives and the following are considered relevant:

Objective UHO 10 – Sequential Development

Endeavour to promote the orderly and phased development of residential development in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Guidelines 2009 (or as updated). This shall include a positive presumption in favour of the sequential development of suitably serviced Residential (Phase 1) lands in zoned towns and villages. In un-zoned towns and villages, the presumption shall be in favour of sequential development emanating from the town/village core outwards, subject to compliance with the principles of proper planning and sustainable development and the County Development Plan. This objective will not refer to single house build. Regarding the phasing of undeveloped residential zoned land, development on Residential – Phase 2 lands will normally only be considered where 50% of the lands in Residential Phase 1 are committed to development.

5.5. Expired Kinvara Local Area Plan 2005-2011

In terms of the now expired Kinvara Local Area Plan, the Board will note that the subject site lies on lands which were identified as Village Centre (Residential) and suggests that a plot ratio of 0.75 and site coverage of 70% should apply on such zoned lands. With regard to residential development within the village centre (residential) zone, the LAP promotes medium density. I also note from a perusal of the now expired LAP, the northern boundary of the proposed development site is affected by Policy 4.3.5 which sought to 'expand the village core in a consolidated manner through the creation of new streets near the village centre', and Objectives T4 and T5 which state as follows:

T4: Reserve routes to facilitate the creation of new streets near the village centre.

T5: Reserve access points for the future development of backlands.

Objectives T4 and T5, relating to the creation of new streets, affect the northern boundary of the subject site.

5.6. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (& pNHA)(Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) which is located approximately 290km to the north of the site.

5.7. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a first party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- It is not agreed that the proposed development is remote from the Kinvara core centre and is within 250m of the village core.
- The site was previously zoned village centre in the Kinvara LAP 2005-2011.
- The site is serviced by both mains water and sewerage.
- The previous decision on the site (for 2 houses) was refused and the Planning Report indicated that the site would only be suitable for a single dwelling house fronting onto the public road, in line with the existing pattern of development in the vicinity.
- There have been a number of planning permissions for similar one off houses on the western side of the village and permission was granted for the re-development of a ruin almost directly opposite the subject site.

- To refuse permission for the development which can connect to public services is a poor decision and a waste of use of vital infrastructure, going against both regional and national policy for local housing in urban areas.
- The applicant has submitted documentary evidence that the adjacent landowner has consented to his roadside wall being set back to facilitate sight lines.
- The first-floor gable window is to be removed and revised plans are enclosed with the appeal.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. **Further Submission**

The first party appellant submitted additional details including the planning history of the site.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
2. Visual Impacts
3. Roads & Traffic
4. Water Services
5. Other Issues
6. Appropriate Assessment

7.1. Principle of the development & Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.1.1. The subject site lies within the identified development boundary of the village of Kinvara in Co. Galway, approximately 250m from Main Street. The site lies on the western side of the local road which runs south of the village centre. The subject site comprises part of a larger field and is bound to the roadside and north by dry stone walls and trees. There is no development on lands immediately adjacent to the site and the area, although within 50m of the existing built up area of Kinvara, has a rural feel. The subject site lies within the GTPS area and it is the objective of the Council to direct urban generated development to areas of new housing in adjoining urban centres, towns and villages as identified in the County Settlement / Core Strategies. The Plan also seeks to promote development on serviced lands in towns and villages, having regard to existing settlement patterns.
- 7.1.2. In terms of National Guidance, the subject site lies within an edge of centre location, and approximately 50m from the edge of existing development associated with the

village of Kinvara. Houses to the east of the road are located close to the road while the houses to the west are set further back. There is a greenfield site between the existing built-up area of Kinvara and the subject site.

- 7.1.3. While I would acknowledge that the site is serviced, and the principle of the development could reasonably be considered acceptable, I have reservations in terms of the strategic and co-ordinated development potential of the wider lands to the north of the subject site. National guidance, including Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and the National Planning Framework would suggest that such lands would be appropriately developed at a higher density in order to ensure the sustainable use of existing infrastructure and services, contributing to the compact development of the village.
- 7.1.4. In addition, reduced densities can be considered acceptable to offer an alternative to urban generated housing in the open countryside. An appropriate density for the subject site, being located at an edge of centre of the village, would be between 20-35 units per hectare. The Galway County Development Plan, under DM Standard 2 (w) Densities, suggests that the subject site is located within an area where low to medium density may be appropriate, being within 400m of the centre, and that a density of 15-35 is appropriate. The current proposal for one house on the site, with a stated area of 0.1146, equates to a density of 8.7 units per hectare. In this regard, it may be considered that the proposed development does not correlate with the thrust of national guidance, or the Galway County Development Plan, due to the low residential density proposed.
- 7.1.5. However, I note section 6.3 of the Sustainable Residential Development in Urban Areas guidelines which suggests that Planning authorities should not consider extensive proposals for new development, including residential development, in these smaller towns and villages in the absence of an adopted local area plan or supplementary local development framework. The Guidelines also promote development which supports compact towns and villages including the development of backland locations and higher densities. The Guidelines do however, suggest that in limited circumstances, 'proposals for lower densities of development may be considered at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are

available within walking and cycling distance'. In this regard, I consider that the proposed development might be considered acceptable in principle.

7.2. Visual Impacts

- 7.2.1. The development proposes a five bedroomed house which will have a two storey element to the front, and a single storey element to the rear. The proposed dwelling has a stated floor area of 239.6m² and will be finished in a painted napped render. Local limestone cladding is proposed to the living room projection. I have no objection to the proposed house design at this location.
- 7.2.2. The Planning Authority raised concerns in terms of an upper floor gable window in the northern elevation and the potential for overlooking of adjacent property, PA reason for refusal no. 3 refers. In response, and as part of the appeal documentation, the applicant submitted amended proposals which omit the offending gable window. In the context of the subject site, I would have no objection to the gable windows in principle and do not consider that the appeal should fail on this issue. The window serves a bedroom which also has an east facing window so the northern gable window is not particularly necessary. Should the Board be minded to grant permission in this instance, a condition granting the amended proposal as submitted with the appeal to An Bord Pleanála on the 31st December 2021 could be included.
- 7.2.3. I note on the submitted plans however, that the existing trees along the northern boundary of the site are to be retained 'except where they interfere with proposed construction'. In the interests of visual amenity, I consider it imperative that these trees be retained. In order to ensure their protection, the proposed garage should be relocated in a southerly direction so as not to interfere with the crowns. This could be appropriately dealt with by way of condition of permission.

7.3. Roads & Traffic

- 7.3.1. The site lies within the settlement boundary of Kinvara and within the 60kph speed limit. The 50kph speed limit applies approximately 155m to the north of the site. As such, the principle of the proposed development is acceptable at this location. There are no public footpaths connecting the site to the village centre.

7.3.2. The Board will note that the application includes a letter of consent from the landowner to set back the existing boundary to the south of the proposed entrance to ensure that 70m sight distance is available at the proposed entrance. The PAs reason for refusal no. 2, relates to roads and traffic issues, including matters relating to the letter of consent. Having undertaken a site visit, I would not consider that the sight distances are so restricted in terms of visibility as suggested. I also note that the site is located within a 60kph speed limit zone and that permission has been granted to set back the boundary wall to ensure sight lines.

7.3.3. I do not consider that the proposed development should fail on this issue. Should the Board be minded to grant planning permission in this instance, I would recommend that a condition be included requiring that the roadside boundary be set back as proposed in the first instance, and prior to any other site works being undertaken.

7.4. Water Services

7.4.1. The proposed development will connect to existing public services in Kinvara, including both water and sewer. I have no objections in this regard.

7.5. Other Issues

7.5.1. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.5.2. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (& pNHA)(Site Code: 000268) and the Inner Galway Bay SPA (Site Code: 004031) which is located approximately 290km to the north of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to

adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the relevant provisions of the Galway County Development Plan 2015-2021, to the established pattern and character of development in the vicinity of the subject site, to the information submitted with the planning application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of properties in the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would not be prejudicial to public health. 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 31st day of December 2020, 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 proposed development shall be amended as follows:

- (a) The proposed garage shall be relocated in a southerly direction so as not to interfere with the existing trees located on the northern boundary of the site. No permission is granted for the removal of said trees.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity, visual and residential amenity.

3. Prior to the commencement of any development on the site, the developer shall submit to, and agree in writing with, the planning authority details of all boundary treatments.

In the first instance, and prior to any other site preparation works, the roadside dry stone wall boundary shall be set back in accordance with the details submitted to An Bord Pleanála on the 31st day of December 2020 and to the written satisfaction of the Planning Authority.

All required sightlines shall be kept free from vegetation or other visual obstruction.

Reason: In the interest of visual amenity and traffic safety.

4. The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling.

Reason: In the interest of clarity, the amenities of the area and the proper planning and sustainable development of the area.

5. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and hedgerow planting along the side and rear boundaries details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, following 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 the interest of visual amenity.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

8. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

9. 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.

A. Considine

Planning Inspector

02nd April 2021