



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314363-22

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<b>Development</b>	Permission for retention of a domestic workshop including storage for large domestic camper and domestic vehicles.
<b>Location</b>	Killeens Lane, Killeens, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20220443
<b>Applicant(s)</b>	Colm Nolan
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant Retention Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peter Byrne and Pauline Shannon
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> of December 2022
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

The application site is located in the townland of Killeens to the southwest of Wexford Town Centre. It is located at the end of Killeens Lane which is a cul-de-sac, accessed via a roundabout from the R733 and to the east of the N25 (Rosslare).

There is an existing house, home office building and a large shed with lean-to to the south of the shed proposed for retention on site. The shed for retention is to the rear of the site and is close to the northern and eastern site boundaries. There is a gated access to the rear of the site which contains the sheds described as being used for domestic storage. In view of the high gates, it was necessary to make an appointment to see the shed proposed for retention. There is also a separate building with signage for 'Circa Designs' which I was advised by the applicant is in use as a home-office.

I visited the shed for retention when on site, and saw that it contained a boat, furniture being stored, boxes, bikes etc, so it appears that it is in use for domestic storage ancillary to the main dwelling house. I was also shown a camper van which I was advised by the applicant is for family use and is to be stored in the shed.

The shed is screened by hedgerows and is partially visible from Killeens Lane. There are a number of houses to the southeast at the end of Killeens Lane. The housing development 'Chestnut Hill' is located to the north of the site.

## 2.0 Proposed Development

Permission is sought for Retention of a Domestic Workshop including storage for large domestic camper and domestic vehicles (approx.128sq.m) incidental to the enjoyment of the existing dwelling together with all associated and ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 15<sup>th</sup> of July 2022, Wexford County Council granted retention permission for the development subject to conditions. These included that the building be used for

purposes incidental to the enjoyment of the dwelling house, noise restriction, development contribution and landscaping conditions.

Condition no.3 is of note relative to restriction on the use i.e.:

*The building shall be used for purposes incidental to the enjoyment of the house on the site only.*

*The building shall not be used for any commercial purpose, human habitation, for the keeping of pigs, poultry or pigeons, ponies or horses, or any other purpose.*

*Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.*

### 3.2. **Planning Authority Reports**

#### Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and the submissions made. They noted the scale of the shed and that there had been some commercial uses of the outside areas in the past and some storage of building materials on the day of their site visit. They requested Further Information to include the following:

- Drawings to clarify intentions for the mature landscaping at the boundary of the site in proximity to the shed structure.
- Further information to clarify the intended 'workshop' usage of the shed structure as referred to in the application title.

#### Further Information response

A response has been received from Circa Design to include the following:

- The mature landscaping on both the Northern and Eastern boundaries are intended to be maintained and replaced as necessary. They included photographs.
- They clarify that the use and the continued use of the 'workshop' is for storage as described in the description of development and as submitted in the

application, the 'workshop' element is for the upkeep/maintenance and repair of their domestic vehicles, bikes, scooters, boat etc.

#### Planner's response

The Planner had regard to the F.I submitted and concluded that having regard to the provisions of the Wexford Town and Environs Plan 2009 as extended, the referral responses received and all other material considerations, that subject to compliance with their recommended conditions, that the proposed development would not seriously injure the amenity of the area. They recommended that permission be granted subject to conditions.

### **3.3. Other Technical Reports**

#### Environment Section

They noted that this application is similar to an application for retention which was referred to them Reg.Ref. 20211267. Their comments include the following:

- During a site visit relative to that application the shed was inspected and was being used for storage of vehicles and dry materials. There was no evidence of any manufacturing, maintenance or spraying activities taking place in the shed for retention.
- They had regard to the F.I submitted for the current application relative to the workshop element being for "the upkeep/maintenance and repair of domestic vehicles, bikes, scooters, boat etc".
- They noted that the applicant has not submitted any details regarding the nature of the maintenance and repair work or the type and quantity of waste generated by the said activities to be carried out in the workshop for retention. They recommended refusal for this reason.

### **3.4. Prescribed Bodies**

#### Transport Infrastructure Ireland

The TII provide that they rely on the planning authority to abide by official policy in relation to development on/affecting national roads, as outlined in the DoECLG

Spatial Planning and National Road Guidelines for Planning Authorities (2012). They list the criteria relative to protection of national roads.

### 3.5. Third Party Observations

Submissions from local residents include the following:

- They note the planning history of previous refusals by the Council for retention of this large unauthorised development.
- They are concerned regarding the use of the structure being for commercial purposes and that it could lead to excessive noise and associated nuisance to neighbours bordering the property.
- They query the use of the building for 'domestic workshop' and what the nature of this would be concerning impact on the residential amenities of the area.
- There is also a letter of support which states that the shed the subject of this proposal does not in any way detract from its surroundings.

### 4.0 Planning History

As noted in the Planner's Report there is a considerable planning history relevant to this site. This includes the following relevant to the structure for retention:

- Reg.Ref.20211601 – Permission refused by the Council to Colm Nolan for the retention of a shed (approx.128sq.m) for the storage of dry goods for the purpose incidental to the enjoyment of the existing dwelling together with all associated and ancillary site works. The reason for refusal was as follows:

*Section 18.13.2 of the Wexford County Development Plan 2013-2019 (as extended) clearly sets out the size and height limits for domestic garages and stores, such that the internal floor area shall not exceed 80sq.m, and the height shall be no more than 5m. The shed requiring retention in conjunction with the existing domestic store provision on site, with a cumulative area exceeding 300sq.m, is considered excessive in terms of normal domestic requirements. If permitted, the*

*development would set an undesirable and wholly unacceptable precedent for further inappropriate development of this scale and nature and would be contrary to Section 18.13.2 of the Wexford County Development Plan 2013-2019 (as extended), and to the proper planning and sustainable development of the area.*

- Reg.Ref.20211267 – Permission refused by the Council to Colm Nolan for the retention of a shed (approx.128sq.m) for the purpose incidental to the enjoyment of the existing design workshop for home-based activity, together with all associated and ancillary site works. The reason for refusal was as follows:
  1. *The retention of a commercial/light industrial unit ancillary to a design and construction company on this site with a land use zoning of ‘Residential Medium Density’ under the Wexford Town & Environs Development Plan 2009-2015 (as extended) would be a material contravention of this land use zoning and policy and objectives in the plan. Therefore, the development is considered contrary to the proper planning and sustainable development of the area.*
- Reg.Ref.20210659 – Permission refused by the Council to Colm Nolan for the retention of a shed (approx.128sq.m) for the storage of dry goods and vehicles, together with all associated and ancillary site works. The reason for refusal was similar to Reg.Ref. 20211267 above.

Also referred in the Appeal to relevant to the existing dwelling and garage on site:

- Reg.Ref. W2011025 – Change of temporary planning permission to full planning permission of existing habitable dwelling previously granted under planning Reg.No. 20054395 & 20074219, also for the extension of existing roof to make an outdoor covered area. Also, for retention and completion of garage structure, together with all ancillary and associated site works.

It is of note that copies of these decisions are included in the History Appendix to this Report.

## 5.0 Policy Context

### 5.1. Wexford County Development Plan 2022-2028

Volume 1 provides the Written Statement, Core Strategy and Objectives of the Plan.

Figure 3-1 provides the Core Strategy Map and notes as per Table 3-2 that Wexford Town is a Level 1 Key Town as designated in the RSES.

Table 1-1 notes that a Local Area Plan is to be prepared for Wexford Town.

Section 3.6.1 refers to and provides the Development Approach to Level 1 Key Towns. This includes that a set of strategic objectives for the town is set out at the end of this chapter (WT01-WT10). The spatial planning framework for the town is to be set out in the new Wexford Town and Environs Local Area Plan.

Volume 2 provides the Development Management Manual which sets out the standards for different types of development and land uses that will be applied in the assessment of planning applications. Sections of note include:

#### Section 3 – Residential Developments

Section 3.2 refers to Domestic Garages/Stores and is as follows:

- *The development of a domestic garage/store for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:*
- *The domestic garage/store shall be single storey only, shall have a maximum floor area of 80m<sup>2</sup> and a maximum ridge height of 5m. In urban areas, domestic garages and stores will be assessed on the scale of the space around the dwelling and any impact on neighbouring properties.*
- *The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.*
- *The domestic garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.*

Reference is had that exceptions maybe considered having regard to the need for the development and the location and characteristics of the site.

## Section 5 – Enterprise and Employment Developments

Section 5.4 refers to Home Based Economic Activities.

*This is considered to be a small-scale commercial activity carried out by the resident of a dwelling generally being service based, where such use is subordinate to the use of the dwelling as a main residence.*

This refers to small scale start up enterprises, criteria include the nature of the proposed use to be carried out and the hours of operation, the effects on the amenities of adjoining properties, the level of traffic generated by the proposed development and the generation, storage and collection of waste.

*Permission for such partial change of use will only be granted to the resident of the dwelling and will be restricted to use by the applicant. The change of use should not exceed 25% of the total floor area of the dwelling.*

### **5.2. Wexford County Development Plan 2013-2019 (as extended)**

It is noted that this Plan has now been superseded. However, as Section 18.13.2 'Domestic Garages/Stores', is referred to in the Council's previous reasons for refusal it is quoted below:

*The development of a domestic garage/store for use ancillary to the enjoyment of the dwelling house will be considered subject to the following standards:*

- *The garage/store shall have a maximum floor area of 80m<sup>2</sup> and a maximum height of 5m.*
- *The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.*
- *The garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.*

*The Council may consider exceptions to these criteria having regard to the need for the development and the characteristics of the site.*

### **5.3. Natural Heritage Designations**

The site is not proximate to designated or Natura 2000 sites.



#### 5.4. EIA Screening

The proposed development for the retention of a Domestic Workshop including Storage ancillary to the existing dwelling house does not fall within the scope of any of the Classes of development for the purposes of EIA.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

A Third Party Appeal has been submitted by local residents Peter Byrne and Pauline Shannon. Their Grounds of Appeal are summarised as follows:

- They provide a history of the shed noting it was erected in March 2021 without planning permission and noting the Council's previous refusals for retention permission.
- This is the fourth planning application made for retention. They attach copies of the previous history including the Planner's Reports.
- As adjoining property owners, they have significant concerns that such a building would be granted permission in an area zoned medium density residential.
- They note that the site is located at Killeens, Wexford within the town boundary and at the end of a narrow road and privately owned laneway, which passes within 6m of their residence. They provide that the applicant has access to the site by right of way across the lane. That there are a number of residences in the area which are surrounded by farmland.

They provide details of their Submission/Observation to outline the key issues of concern in the current planning application and these include:

- Non-compliance with Section 18.13.02 (garages/stores) of the Wexford CDP 2013-2019 (as extended) and the draft plan 2021-2027.
- Taking existing onsite storage (c.180sq.m) which maybe unauthorised and the current retention shed (128sq.m) into account this gives a total storage capacity of approx. 308sq.m.

- This is excessive and wholly inappropriate to the site.
- Lack of clarity as to why the Council reversed their previous decisions to refuse permission for this unauthorised shed on the site.
- This is an industrial type building constructed without planning permission.
- Having regard to previous enforcement notices, the intended use of this building was commercial. This structure is on a separate segregated site from the dwellinghouse.
- From visual appearance they noted that this portion of the overall site is run as a builders type yard where building materials, scaffolding, trailers, shipping containers used for storage and rubbish skips are kept.
- The applicant has stated clearly in Reg.Ref.no.20211267 that he runs an architectural and build company. From appearances, traffic and noise in the area the yard area is being used to support his business. They refer to photos seen in the Planner's Reports for Reg.Ref. 2020443 and 20211601.
- They are concerned that the building could be used for commercial use in the future and to the detriment of the residential amenities of the area. This includes regard to light and noise pollution issues.
- The applicant has a history of planning retention applications. They also refer to W2011 025 (attached in the history section of this Report).
- They are concerned the applicant is using the planning system to gain retention permissions rather than obtaining permission under first principles.
- The Council's current retention permission did not give any consideration to the existing storage facilities on this site. It fails to address the overall storage capacity of approx. 308sq.m and is misleading.

### Conclusion

- They conclude that the industrial type building that is the subject of this retention application and the site storage capacity is inappropriate in an area zoned as medium density residential.
- It was constructed without planning permission, described as commercial in the first two applications, having failed to gain permission changed to

domestic use description and remains outside the criteria as set out in the Wexford CDP 2013-2019 and the draft plan 2021-2027.

- Given the surrounding area site use the risk exists that it may in the future be used for commercial purposes. They request that retention permission be refused.

## 6.2. Applicant Response

The applicant Colm Nolan's response to the Third Party Grounds of Appeal includes the following:

- They consider that this appeal is vexatious in nature and provide that there have been the repeated fictitious objections to planning applications on their site over the last 18 years.
- They also note that the appellants have instigated the enforcement proceedings by the Local Authority by way of complaint against their shed.
- This application is for the retention of a shed used for the purpose incidental to the enjoyment of the existing dwelling only.
- They provide details of what is stored in the shed and note that it is all for their own domestic use.
- They do not have attic storage space in their low-profile dwelling in order to store anything associated with the house.
- They are not a small typical town plot, and as such the site can take the larger size shed without compromising residential amenity.
- Between their 2no. sheds (existing 80sq.m shed under planning permission Reg.Ref. no. 2011025) and the shed in the subject application (128sq.m), there is a total of 208sq.m of storage space to fit all in.
- This suits their family needs and they note that the house runs off a renewable fuel source. Along with the larger family camper van and additional vehicles they do not have enough space in their existing 80sq.m shed to store everything.

- The existing shed covered under planning Reg.Ref. no. 2011025 is built in accordance with the planning permission size and scale at 80sq.m. The additional open lean-to structures added afterwards are used for storage in accordance with their business and a potting glass house (to be glazed in the future).
- Under Section 18.13.2 Domestic Garage/Stores of the Wexford CDP 2013-2019 (as extended), *the council may consider exceptions to these criteria having regard to the need for the development and the characteristics of the site.*
- They consider that the conditions of the Council's permission have dealt with the continued permitted use of the building and the genuine concerns of the appellant. They ask the Board to uphold the Council's retention permission.

### 6.3. **Planning Authority Response**

There is no response from the Planning Authority to the Grounds of Appeal.

### 6.4. **Observations**

None noted on file.

## 7.0 **Assessment**

This is a Third-Party Appeal against the Council's permission for the retention of the subject development. The issues primarily centre on:

- Principle and Policy Considerations
- Background and Rationale
- Impact on the Character and Amenities of the Area
- Appropriate Assessment

## 8.0 Principle and Policy Considerations

- 8.1.1. It is noted that this proposal was considered by the Council, under the Wexford County Development Plan 2013-2019 (as extended) and their Assessment and the documentation submitted, including the grounds of appeal, includes reference to policies and objectives under this plan. This has now been superseded by the policies and objectives of the current Wexford County Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and in the Assessment below.
- 8.1.2. The application site is within the development boundary of Wexford town. As noted in Section 3.6.1 of Volume 1 of the current Wexford CDP 2022-2028, relevant to the Development Approach for Wexford as a Level 1 Key Town in the Core Strategy, the spatial framework for the new Wexford Town and Environs Local Area Plan is to be set out in a new plan. While the Wexford Town and Environs 2009-2015 (as extended) Plan has now expired, Map no.21 showed that the site was in the 'Residential Medium Density' zone.
- 8.1.3. The site is located at the end of Killeens Lane, which is a narrow cul-de-sac lane and at this end appears more semi-rural in character with houses on larger sites to the southeast. 'Chestnut Hill' to the north, provides more medium density dwellings. The site contains an existing dwelling house and a home office building and a number of outbuildings including sheds. This application seeks the retention of a Domestic Workshop including Storage for Large Domestic Camper and Domestic Vehicles (approx.128sq.m) and is described as incidental to the enjoyment of the existing dwelling together with all associated ancillary site works.
- 8.1.4. The Third Party notes the previous Council refusals and reference to Section 18.13.2 Domestic Garages/Stores in the Wexford CDP 2013-2019 (as extended). This has now been superseded by Section 3.2 in Volume 2 of the Wexford CDP 2022-2028. Both are broadly similar and state the maximum floor area of 80sq.m and height of 5m for domestic garages/stores ancillary to the enjoyment of a dwellinghouse. The latter includes: *The Planning Authority may consider exceptions to these criteria having regard to the need for the development and the location and characteristics of the subject site.*

- 8.1.5. The Third Party are concerned about the scale and usage of the shed proposed for retention. They note previous Council refusals for this retention and query what has changed. They are concerned that the applicant is carrying out a commercial usage on site. Reference is had to the other sheds on site and they provide that the total storage capacity of the buildings on site is now approximately 308sq.m. The First Party accept that the shed for retention is larger than standard domestic size (80sq.m) as the family have a number of cars/vehicles and bikes/motorbike parked over-night and during the day. They provide details of the need for the usage and reiterate that it is for domestic purposes incidental to the enjoyment of the dwelling house. The Council has granted permission on this basis and Condition no.3 provides a restriction on usage.
- 8.1.6. The issue is having regard to the documentation submitted, including the background and the rationale for the usage as to whether it can be established that the proposed retention development is solely for domestic purposes. As such, that it would not be considered detrimental to the amenities of neighbouring properties or to the character and amenities of the area. In addition, as to whether it could be considered not to be contrary to planning policy and in the interests of the proper planning and development of the area.

## 8.2. **Background and Rationale**

- 8.2.1. As has been noted in the Planner's Report and in the Planning History Section above there have been a number of planning applications including for retention permission relevant to the site. The Third Party is concerned that there is a pattern of this and queries as to what has changed in the current retention application. They raise an issue relative to the amount of storage now provided on the site. They provide that along with the existing storage shed that there will be 308sq.m of storage on the site, which they consider is excessive within the curtilage of a dwelling house.
- 8.2.2. In response the First Party notes that the site is large (0.62ha as given on the application form) and can accommodate this level of development. They provide that between their 2no. sheds (existing 80sq.m shed granted under Reg.Ref. W2011025) and the shed for retention the subject of this application they have 208sq.m of

storage on this site. Regard is had to the Site Layout Plan submitted, which shows the location of these sheds within the curtilage of the site. I would note that the 80sq.m shed referred to as permitted, has been considerably increased in size due to the inclusion of the lean to for storage.

8.2.3. However, it must be noted that the current retention application is being considered on its merits having regard to the documentation submitted. Any outstanding issues regarding unauthorised development or enforcement relative to other development within the curtilage of the subject site, is not within the remit of the current application or of the Board. Rather if there are any such issues they are within the remit of the Council.

8.2.4. The applicant has submitted a letter with the application providing that this application is for the retention of a shed (128sq.m) used for the purpose incidental to the enjoyment of the existing dwelling and for their family needs only. They provide details of domestic storage in the shed. That it is used to store their large family camper and their family leisure boat. This is along with renewable fuels, wood pellets and timber blocks which are bulky in size. All for their own domestic use, along with other garden furniture and Christmas decorations put in storage when not in season. These now require a covered area.

8.2.5. When on site, I gained access to the shed, and noted that there is a small boat, bikes and various domestic storage items. I was also shown the camper van and noted a van adjacent to the garage. While it has two roller shutters in the front elevation it did not appear that the shed was being used for commercial/light industrial activities. From the documentation submitted and as viewed on site, I would consider that it currently being used for domestic storage purposes.

8.2.6. I would recommend that if the Board decides to grant that a condition be included to restrict the use to domestic purposes ancillary to the dwelling house.

### **8.3. Impact on the Character and Amenities of the Area**

8.3.1. The shed for retention is visible within the context of the other buildings on the site. It is mainly screened along the northern and eastern boundaries by mature hedgerows and planting and in view of this and the set back within the site, it is not very visible from Killeens Lane or the surrounding area. It is set back at a distance from adjacent

housing. I note the Council have included a condition that existing landscaping at the site boundaries be retained. If the Board decides to permit, I would recommend that such a condition be included and that this boundary landscaping be augmented.

- 8.3.2. Concerns regarding the use of the shed have been noted. The issue of what constitutes a 'Domestic workshop' is queried. The Environment Section's comments have been noted above. This includes that the applicant has not submitted any information on the type of maintenance and repair activities or the type of waste generated by the said activities to be carried out in the workshop for retention. The applicant's F.I response provides the continued use of the 'workshop' is for storage and the 'workshop' element is for the upkeep/maintenance and repair of their domestic vehicles, bikes, scooters, boat etc. Their response to the Grounds of Appeal also refers to the storage of renewable fuels, wood pellets, timber blocks etc. They state these are all for their domestic use.
- 8.3.3. I note that the Council have included (condition no.4) a noise related condition. While the shed is to be conditioned for use for domestic purposes only, I would consider that if the Board decides to permit, that it would be advisable to include a relevant condition. This would be relative to the restriction of noise from any works carried out relative to any 'domestic workshop' use therein. It is of note that these works should not be from any commercial/light industrial use.
- 8.3.4. The shed is accessed via the existing entrance and this retention proposal does not include any works to this. It is noted that the access to the site is from Killeens Lane. While there is a field gate type of access from the N25 to the west, this does not appear to be in use and it is not proposed that this be used as an access to the site. The comments from the TII relative to compliance with the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012 and ensuring the safety on national roads have been noted.
- 8.3.5. As has been noted above if the Board decides to grant retention permission, this should be relative to the retention of this structure being for domestic purposes only, ancillary to the enjoyment of the dwelling house. It would not imply that any commercial/light industrial use is acceptable within the curtilage of a dwellinghouse.



## **8.4. Appropriate Assessment**

- 8.4.1. Having regard to the nature and scale of the proposed retention development within the curtilage of an existing dwelling house on a serviced site and the nature of the receiving environment and distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

- 9.1. I recommend that retention permission be granted subject to the conditions below.

## **10.0 Reasons and Considerations**

Having regard to the nature and scale of the development proposed for retention, related solely to the domestic usage of the site, ancillary to the enjoyment of the dwellinghouse, it is considered that subject to the conditions below, that it would not have an adverse impact on the environment, amenities of adjoining properties or be visually detrimental to the character of the area, be prejudicial to public health or result in traffic hazard. The proposed development would, therefore, would not detract from and would be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be retained, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of June 2022, and by the further plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> of September 2022, 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 within two months of the date of this retention permission

and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The retention development hereby permitted shall be used only for purposes of a domestic workshop and storage, incidental to the enjoyment of the dwellinghouse, and for no other purpose, without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity.

3. Within two months of the date of this retention permission the applicant shall submit details of the following for the written agreement of the planning authority:

- (a) Details of the type of maintenance and repair activities to be carried out within the structure proposed for retention and of noise control measures for the domestic workshop use of the building,
- (b) Details of the type of waste generated by the said activities and of measures for waste disposal.

**Reason:** In the interests of clarity and of residential amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, shall not be carried out within the curtilage of the dwelling without a prior grant of planning permission.

**Reason:** In the interest of residential amenities.

5. 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

6. Existing landscaping along the boundaries of the site shall be retained and augmented along the northern and eastern site boundaries with species indigenous to the area.

**Reason:** In the interests of visual amenity.

7. 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 within three months of the date of this Order 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.

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Angela Brereton  
Planning Inspector

22<sup>nd</sup> of February 2023