

An
Bord
Pleanála

Board Direction
BD-019177-25
ABP-319526-24

The Board decided to determine the case as follows:

WHEREAS by Order dated the 20th day of October 2023, Roscommon County Council, under planning register reference number 23/42, granted subject to conditions a permission to Ronan Kildea care of Dolan & Associates Ltd., Teach Mhuire, Church Street, Creagh, Ballinasloe, Co. Galway Permission to erect a dwelling house, a domestic garage, to install a septic tank with a percolation area and to construct all ancillary site works to facilitate same at Corraree and Ballygatta, Taughmaconnell, Ballinasloe, Co. Roscommon.

AND WHEREAS condition number 2 attached to this permission requires the applicant to submit a revised site layout showing the proposed dwelling to be situated on the 65.5m contour of the site.

AND WHEREAS there are two separate contours on the subject site indicating a ground level of 65.5m O.D. and the developer and the planning authority failed to agree on the location of the dwelling on site and the matter was referred by the developer to An Bord Pleanála on the 15th day of April 2024 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the location of the proposed dwelling shall be located on the 65.5m contour located centrally in the

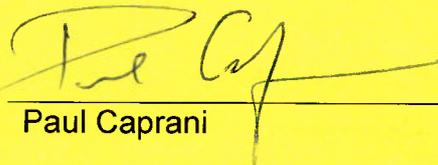
site, approximately 85m to 90m north of the southern boundary of the site as indicated on the site layout plans indicating contour levels received by the Board on the 15th of April 2024 to be in compliance with condition 2 of Planning reference 23/42.

1.0 REASONS AND CONSIDERATIONS

Having regard to:

The documentation on file, which clearly shows the progression on the site layout and the footprint of the proposed dwelling within the site. It appears that the applicant in allaying the concerns of the planning authority with regard to the overall height of the dwelling sought to move the dwelling forward between the additional information submitted by the applicant on the 11th day August and the clarification of additional information received on the 25th day of September. It would seem more reasonable and logical to assume that the planning authority's intent in attaching condition no. 2 was to move the dwelling further forward, a distance of approximately 10 meters in order to relocate the dwelling on 65.5m contour line rather than relocate the dwelling a distance 30m further to the rear in order to coincide with the 65.5m contour to the south eastern boundary of the site. Therefore having regard to the documentation on file together with the submission of the referrer on file, the Board considers that the applicant in order to comply with condition 2 of grant of permission issued by Roscommon County Council on 20th Day of October 2023 the dwelling shall be moved northwards from its location as indicated in the site layout plan submitted on the 25th day of September 2023 so as to be located on the 65.5m contour line in the more central location of the site.

Board Member



Paul Caprani

Date: 12/03/2025