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Bord  
Pleanála

**Board Direction**  
**BD-007710-21**  
**ABP-309021-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2021.

The Board decided to make a split decision, to

- (1) grant permission for the ground floor extension, generally in accordance with the Inspector's recommendation, for the following Reasons and Considerations (1) and subject to the following conditions.

and

- (2) refuse permission for the first floor extension generally in accordance with the Inspector's recommendation, for the following Reasons and Considerations (2).

### **Reasons and Considerations (1)**

Having regard to the nature, scale, form, and design of the single storey extension element of the development sought under this application it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential amenity of neighbouring property. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of November, 2020, to the Planning Authority, 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. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority, revised drawings showing the following:
  - (a) Revised drawings showing the omission of the first-floor level extension and reinstatement of first floor level rear elevation and rear roof structure over.
  - (b) Revised drawings showing the ground floor level extension including details and finishes of its roof structure over as well as all rainwater goods. In relation to all associated rainwater goods these shall not oversail or overhang shared boundaries to the east and west of the site.

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

3. The external finishes of the ground floor extension shall be the same as those of the existing dwelling in respect of colour and texture.

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

4. Water supply and drainage arrangements, including the 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.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

Notes to Applicant:

- You are advised that Section 34(13) of the Planning and Development Act, 2000 as amended, indicates that “*a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development*”.
- You are advised that a grant of permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.

### **Reasons and Considerations (2)**

Having regard to the character of the terrace of which the subject site forms part and the pattern of development in the area, it is considered that the first-floor level extension, by reason of its scale, bulk, and proximity to site boundaries, would seriously injure the residential by reason of visual obtrusion, overshadowing and reduced privacy. The proposed development would for these reasons be contrary to Section 6.6.8 and Section 6.6.9 of the Drogheda Borough Council Development Plan, 2011 to 2017, the applicable plan for this urban area and would therefore be contrary to the proper planning and sustainable development of the area.

**Board Member:**

**Date:** 12/03/2021

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Michelle Fagan