

An  
Bord  
Pleanála

**Board Direction**  
**BD-016809-24**  
**ABP-318670-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/06/2024.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the Louth County Development Plan 2021-2027, and the nature and scale of the development proposed for retention, it is considered that, subject to compliance with the conditions as set out below, the development proposed for retention would not seriously injure the residential or visual amenities of the area or property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that issues raised in the appeal could satisfactorily be dealt with by way of appropriate conditions to be attached to a grant of permission.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. That details of the following amendments to the development shall be submitted to and agreed in writing with the planning authority within three months of the date of this decision and the agreed details strictly adhered to thereafter in the development:

- (a) The bedroom window at ground floor level on the western elevation shall be omitted from the development. A revised ground floor layout to the development shall be provided accordingly
- (b) The Juliette balcony on the rear elevation shall be of minimal depth and shall not facilitate any person standing
- (c) Obscure glazing to the stairwell window on the eastern elevation

Reason: In the interest of residential amenity

3. The external finishes of the extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture unless otherwise agree with the planning authority.

Reason: In the interest of visual amenity.

4. The extended dwelling shall be a single integrated residential unit and shall be occupied as such.

Reason: In the interest of residential amenity.

5. 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.

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

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

7. Within six months of the date of this permission:

- (a) the existing wastewater treatment system at this site shall be decommissioned. All waste contained therein shall be removed off-site by a permitted operator to an authorised waste treatment facility.
- (b) The packaged wastewater treatment system and associated polishing filter shall be installed and operational

Reason: In the interest of public health

8. (a) The wastewater treatment system shall be designed, located and constructed in accordance with the requirements of the EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems.
- b) Installation of the permitted treatment system and associated percolation area shall be supervised by a Civil Engineer or appropriately qualified individual, who upon completion of works/commissioning shall submit to the Planning Authority certification (to include photographs) that the system has been laid out and constructed in accordance with the EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems, within three months of installation.
- c) The owners/occupiers of the subject site shall be responsible for the maintenance of their treatment system.

Reason: In the interests of public health.

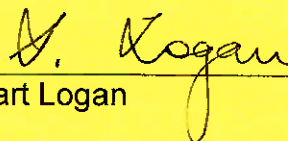
9. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of



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. The application of any indexation required by this condition 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.

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.

**Board Member**

  
Stewart Logan

**Date:** 26/06/2024