

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Westmeath County

**Planning Register Reference Number: 15/6175**

An Bord Pleanála Reference Number: PL 25M.246402

**APPEAL** by Ronan Murray of Saint Colman's, Bishop's Gate Street, Mullingar, County Westmeath against the decision made on the 9<sup>th</sup> day of March, 2016 by Westmeath County Council to grant subject to conditions a permission to Eoghan James Doherty care of John Madden and Associates of Blackhall Street, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of existing extension to the rear of the dwelling (floor area: 55 square metres) and partial demolition of existing boundary wall. Construction of a single storey and two storey disability accessible extension to the rear of the dwelling (floor area: 115 square metres), raising of the roof of the existing domestic garage by 450 millimetres and relocation of the existing garage door to facilitate vehicular access. Connection to existing public sewer and water connections and all associated ancillary site works, all at Villa Rose, Bishop's Gate Street, Mullingar, County Westmeath. The proposed development was revised by further public notice received by the planning authority on the 12<sup>th</sup> day of February, 2016.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the zoning objective of the site which seeks to accommodate mixed use development in the city centre and to the fact that residential development is permitted in principle under this zoning objective, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity by reason of overlooking and overshadowing, would be acceptable in terms of overall design and would not impact on the character of the adjacent Architectural Conservation Area as designated in the Mullingar Local Area Plan 2014-2020, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development 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, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of January, 2016 and by the further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of May, 2016, 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 external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Sample of the proposed materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

3. The proposed frosted glass screen/balustrade proposed for the roof of the ground floor extension shall be reduced to 1.1 metres in height.

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

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. No part of the proposed extension shall encroach, oversail or otherwise physically impinge upon any adjoining property without the prior written agreement of the owners thereof.

**Reason:** In the interest of orderly development.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Contoured drawings to scale of not less than 1:500 showing –
  - (i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal, and
  - (ii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials.

- (b) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established

Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Species to be used shall not include either cupressocyparis x leylandii or grisellinia. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- 7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

- 8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and

- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. The roof level above the ground floor extension to the rear of the dwellinghouse shall be used solely as an emergency access and not as an outdoor social amenity area.

**Reason:** In the interest of orderly development and to protect residential amenity.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**