



An
Bord
Pleanála

**Board Order
PL 15.248308**

Planning and Development Acts 2000 to 2017

Planning Authority: Louth County Council

Planning Register Reference Number: 16883

Appeal by Joe and Teresa Halpin of Barrackfield, Clogherhead, County Louth against the decision made on the 15th day of March, 2017 by Louth County Council to grant subject to conditions a permission to Mark Boylan care of Jeremiah Healy of 33 Harmony Heights, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of the partly constructed dwellinghouse previously granted permission under planning register reference numbers 06/52 and 11/42, and for permission to complete the construction of same, including retention of the alterations to the plans from that previously granted planning permission at Barrackfield Lane, Clogherhead, County Louth.

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 'Residential' zoning of the site, to the planning history of the site and to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, including the modifications required by condition number 2 of this order, the development for which retention is sought and the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The subject development would, therefore, not be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24th day of February, 2017, 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 recommencement of development and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) The ridge height of the roof section running east/west over bedroom number 4 and the kitchen/dining area shall not exceed a ridge height of 6.276 metres (as approved under planning register reference number 06/52).
 - (b) The ridge height of the roof over the family room shall not exceed 4.927 metres (as approved under planning register reference number 06/52).
 - (c) The first floor storeroom, shown on drawing number PL-003, shall be omitted from the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. The agreed works shall be carried out within 12 months of the date of this order.

Reason: To reduce the scale of the proposed development in the interests of visual and residential amenity.

3. Details of boundary treatments and the vehicular entrance shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: In the interests of clarity and amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to recommencement of development. Roof colour shall be blue-black or slate grey in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed house.

6. 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. Drainage works shall be completed within three months of the date of this order, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of public health.

7. 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 or public holidays. Deviation from these times shall 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.

8. 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.

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

Dated this day of 2017