



An
Bord
Pleanála

**Board Order
PL 15.248990**

Planning and Development Acts 2000 to 2017

Planning Authority: Louth County Council

Planning Register Reference Number: 16675

Appeal by Elizabeth-Ann McKeivitt of Newry Street, Carlingford, County Louth against the decision made on the 13th day of July, 2017 by Louth County Council to grant subject to conditions a permission to Robert Kearney care of McNamee Chartered Building Surveyors Limited of Excelsior House, Jocelyn Place, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of new dwelling house and all associated site works at Back Lane, Carlingford, County Louth. The site is located on the attendant grounds of protected structures LHS005-054 and LHS005-055. (As amended by the further public notice received by the planning authority on the 20th day of June, 2017).

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 objectives for the area and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have a significant negative impact on the character or integrity of the two protected structures to the east of the site (References LHS005-054 and LHS005-055) or the wider Carlingford Architectural Conservation Area, would be acceptable in terms of pedestrian and traffic safety. 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 20th day of June 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 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 proposed development shall be amended as follows:
 - (a) The projecting oriel window at first floor level on the northern elevation of the house shall be omitted.
 - (b) The balconies to the rear elevation of the house, and their steel frame supports, shall be omitted.
 - (c) The windows on the southern elevation of the development, at basement, ground and first floor levels, shall be finished in opaque glazing throughout, which shall be permanently maintained.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The basement shall only be used for storage or other non-habitable uses ancillary to the dwellinghouse.

Reason: In the interest of clarity and of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellinghouse shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The pitched roof shall be of slate, and shall be blue black in colour, and the ridge tiles shall be the same colour as the pitched roof.

Reason: In the interest of visual amenity.

5. 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. Surface water from the site shall be attenuated and disposed of within the boundaries of the site, and shall not be allowed to discharge onto the public road, nor into adjoining properties, including the adjoining properties containing the protected structures to the east of the site.

Reason: In the interest of public health, and to protect the amenities of adjoining properties.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

7. The landscaping scheme shown on drawings submitted on the 20th day of June, 2017, including the two metre high beech hedge along the rear site boundary, shall be provided within one year of the commencement of development on the site, and shall be maintained at this height thereafter.

Reason: In order to provide a screen between the development and the adjoining protected structures to the east in a timely fashion.

8. 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 without a prior grant of planning permission.

Reason: In the interest of the amenities of the area, having regard to the limited area of private open space provided.

9. 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.

10. 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 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. 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 2018