



An
Bord
Pleanála

**Board Order
PL 15.248991**

Planning and Development Acts 2000 to 2017

Planning Authority: Louth County Council

Planning Register Reference Number: 16/903

Appeal by May Buchanan and others care of 38 Cluan Enda, Dundalk, 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 Conphil Developments Limited care of Neasy and Associates of 1 Elm Grove, Bay Estate, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

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Proposed Development: Construction of two number dormer style townhouses along with entrances onto existing road to rear garden including new boundary repositioning of boundary to existing house and all ancillary works at 36 Cluan Enda, Dundalk, 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:-

- (a) the location of the site in an area zoned for residential development where appropriate infill development is acceptable in principle,
- (b) the size of the site,
- (c) the pattern of development in the area, and
- (d) the nature and scale of the development, including the flood resilience measures incorporated into the design,

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 be acceptable in terms of its response to flood risk and would not exacerbate flooding elsewhere, would be acceptable in terms of traffic safety and convenience of road users and would not be prejudicial to public health. The proposed development 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 a small-scale infill development on a zoned and serviced site such as this would not be unacceptable, notwithstanding the underlying concerns about flood risk in the general area, which is a larger issue not related to the development of this site. Having examined the technical information on file, the Board also considered that a small-scale development on this rear garden site, elevated above the street level, would not be likely to have any significant impact on flood levels elsewhere in the area by means of displacement of flood water, and in these circumstances the development would satisfy the criteria of the 'justification test' as examined in the Inspector's report. Flood resilience measures have also been incorporated into the design. In these circumstances, the Board agreed with the planning authority that flood risk would not be a reasonable basis for refusal of the development.

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 21st 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

4. The finished floor levels of the dwellings shall be as per the levels outlined in the Flood Risk Assessment Report” dated May, 2017 prepared by Eamonn McMahon, Chartered Engineer.

Reason: In the interest of clarity.

5. Prior to completion of development, the applicant shall submit to, and agree in writing with, the planning authority details showing that a minimum of 25% of the energy requirements of the subject dwellings is from renewable sources, in accordance with policy HC 12 of the Dundalk and Environs Development Plan 2009-2015 (as extended).

Reason: In the interest of orderly development and to comply with the policy set out in the Development Plan.

6. Details of a proposed solid boundary treatment to the rear/between the existing and proposed two new dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

8. 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 details in relation to hard and soft landscaping works, and boundary treatment. The scheme shall be completed prior to occupation of the residential units.

Reason: In the interest of residential and visual amenity.

