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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: LB/171388**

**Appeal** by Kate and Darius Messayeh care of Declan P. Walsh and Company of Main Road, Tullyallen Village, Drogheda, County Louth and by Joan and Jim Tully care of Declan P. Walsh and Company of Main Road, Tullyallen Village, Drogheda, County Louth against the decision made on the 31<sup>st</sup> day of January, 2018 by Meath County Council to grant subject to conditions a permission to Orla Gregory care of McKeivitt Architects of 50 North Road, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the following: 1. demolition of existing dwelling and outbuildings, 2. construction of a new detached, two-storey, four-bedroom replacement dwelling, including an indoor swimming pool and two bedroom assisted-living family flat, 3. construction of a new garage, 4. decommissioning of existing septic tank and provision of new proprietary wastewater treatment system and percolation area, 5. and all associated site works; all at Linden Lea, Dublin Road, Painestown, Drogheda, County Meath.

## **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 detailed design of the proposed development, which comprises a replacement dwelling and its orientation and distance relative to neighbouring residential property, and to the mature boundary vegetation separating the property from its neighbours, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with the policies of the planning authority as set out in the Meath County Development Plan 2013 to 2019, would not give rise to overlooking, and would not seriously injure the amenities of property in the vicinity. 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 received by An Bord Pleanála on the 29<sup>th</sup> day of March, 2018, 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 family flat shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.

**Reason:** To protect the amenities of property in the vicinity and in order to comply with the objectives set out in the current Development Plan for the area.

3. Prior to the commencement of development, the applicant shall submit the following to the planning authority for written agreement
  - (a) details of 1.85 metres high opaque screening to the terraces serving the master bedroom and the guest bedroom in the family flat, to prevent views of the property to the north west, and
  - (b) details of opaque glazing to first floor level in the stair window in

north-western elevation of the family flat.

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

4. (1) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

5. The construction of the development shall be managed in accordance with

a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-carriageway parking facilities, maintenance and repair of the public road in respect of any damage caused and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. The site shall be landscaped, in accordance with details lodged with the application, and the further particulars received by An Bord Pleanála on the 29<sup>th</sup> day of March, 2018. This shall include the retention and maintenance of all boundary trees and hedgerows. New planting shall commence not later than the first planting season following commencement of the development.

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. 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.

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

**Dated this            day of            2018.**