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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 18415**

**APPEAL** by Dominic Borza of 4 George's Street, Drogheda, County Louth against the decision made on the 12<sup>th</sup> day of July, 2018 by Louth County Council to grant subject to conditions a permission to Mobeen Asghar care of Declan P. Walsh and Company of Main Road, Tullyallen, Drogheda, County Louth.

**Proposed Development** Retention is sought for attic room conversion including a shower room for non habitable ancillary use to the dwelling house, including two number rooflights to front elevation and one number rooflight to rear elevation. Permission is sought for alteration to as granted planning permission register reference 1394, including change of use of as granted shop use of part ground floor to take-away use, revision of shop front design to proposed take-away and all associated site works at 75 Trinity Street, Drogheda, County Louth.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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 character of the area and the proximity to residential development, it is considered that, in the absence of detailed proposals regarding the disposal of waste and ventilation to mitigate against adverse impacts on residential amenity, the proposed development would seriously injure the amenity of adjoining property by way of noise, food smells, and noxious odours associated with the take-away service. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Dave Walsh**

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

**Dated this            day of            2019.**