



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 18582

Appeal by Noel and Bernadette Lennon care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 6th day of December, 2018 by Louth County Council to grant subject to conditions a permission to Seamus Ruddy care of Emmet Holland, Architect of 15 Park Villas, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new attached two-storey, three bedroom dwellinghouse, and all associated site works at 155 Greenacres, Dundalk, County Louth as amended by the revised public notices received by the planning authority on 16th day of November, 2018 which included significant further information as follows: revised drawings amending the proposed site layout and reducing the floor area of the proposed dwelling, amending the proposed dwelling from an attached two-storey, three bedroom dwellinghouse to an attached two-storey, two bedroom dwellinghouse.

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 use' zoning of the site, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Dundalk and Environs Development Plan 2009-2015 as extended. 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 16th day of November, 2018 and by the further particulars received by An Bord Pleanála on the 1st day of February, 2019, 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 house 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. The first floor bathroom window in the side elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of the adjoining residential property.

- 4 (a) The rear garden shall be bounded by block wall on either side, 1.8 metres in height, capped, and rendered either side, to the written satisfaction of the planning authority.
- (b) Details of the boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

5. The entire premises shall be used as a single dwelling unit.

Reason: In the interests of clarity and the residential amenities of the area.

6. 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, including the rear garden area without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

7. (a) The vehicular access, serving the proposed development, shall comply with the requirements of the planning authority for such road works.
- (b) The ESB mini pillar shall be relocated to facilitate the formation of the proposed new access.

Reason: In the interests of amenity and of traffic and pedestrian safety.

8. 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.

Reason: In the interest of public health.

9. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of visual amenity.

10. 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 and off-site disposal of construction/demolition waste.

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

11. 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.

12. 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.

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

Dated this day of 2019.