



Planning and Development Acts 2000 to 2018

Planning Authority: Wexford County Council

Planning Register Reference Number: 20190011

Appeal by Julia Dubsky of Wood Walls, Ballymoney, County Wexford against the decision made on the 1st day of March, 2019 by Wexford County Council to grant subject to conditions a permission to Aaron Doyle care of Circa Design Limited of Killeens Lane, Killeens, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of second floor extension approximately 38.5 square metres to include lounge area, landing and store/plant room together with all associated and ancillary site works at Ballymoney Lower, Courtown, County Wexford.

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 extent of the development to be retained and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The house shall be used as a single dwelling unit.

Reason: In the interest of clarity.

3. The dwelling shall be not be used for short-term tourist accommodation.

Reason: In the interest of residential amenity.

4. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five-minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

5. Lighting shall be cowled, details of which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

Reason: In the interests of amenity and public safety.

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

Dated this day of 2019.