



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 18/945

Appeal by Fergal O'Briain of 24 Gazelle Village, Bealing Boulevard, Tyrellstown, Dublin against the decision made on the 22nd day of March, 2019 by Louth County Council to grant subject to conditions a permission to Des Campbell care of Aidan Geraghty of Greenlanes, Dromin, Dunleer, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development applied for consisted of retention of reconstructed section of existing dwelling to front and rear, rear ground floor and first floor extension to dwelling and completion of same at Stabannon, Castlebellingham, County Louth. Further public notices were received by the planning authority on the 6th day of March, 2019 which included the provision of new wastewater treatment system and percolation area and decommissioning of existing septic tank.

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 existing structure and its setting and the location, nature and scale of the development proposed for retention and the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and the proposed development would not seriously injure the amenities of adjoining property or the character of the area. The development proposed for retention and 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, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of March, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. (a) Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.
- (b) No further work is to commence on the site until the existing well has been decommissioned and evidence is provided to satisfy the requirements of the planning authority for such works.

Reason: In the interest of public health and to ensure the proper drainage of the proposed development.

4. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses" – Environmental Protection Agency, 2009.
- (b) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses" – Environmental Protection Agency, 2009.
- (c) Within three months of the completion of the works to the subject dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

5. Any modifications to the road entrance shall be submitted to, and agreed in writing with, the planning authority prior to any further development on site.

Reason: In the interest of traffic safety.

6. The external finishes, treatments and materials of the reconstructed section of the existing dwelling and the extension for which retention is sought, including the roofing, walls, chimney stacks, rainwater goods, windows and door openings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any further development on site.

Reason: 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 within two months of the date of this Order 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.

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

Dated this day of 2019.