



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 1957

Appeal by Michael Clarke of Teach an Tobair, Stabannon, County Louth against the decision made on the 4th day of July, 2019 by Louth County Council to grant subject to conditions a permission to John Owens care of A1 Design Services of Unit 5, Ardee Enterprise Centre, Cappocksgreen, Ardee, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of extensions to the front, rear and side of an existing dwellinghouse, and the retention of a replacement boundary wall and piers as constructed to the northern and eastern boundaries of the site, and the proposed works comprises the completion of those works and a new roof to part of the structure and for associated site works, all at Stabannan, County Louth, as amended by the revised public notices received by the planning authority on the 11th day of June, 2019 as follows: the retention of extensions to the front, rear and side of an existing dwellinghouse, and the retention of a replacement boundary wall and piers as constructed to the northern and eastern boundaries of the site, and the proposed works comprises the completion of those works and a new roof to part of the structure, a change of use of that structure to a granny flat, for a new wastewater treatment system and associated site works.

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 provisions of the Louth County Development Plan 2015 - 2021, the nature and scale of the proposed development and the suitability of the site for the safe disposal of domestic effluent and surface water drainage, 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 the area or property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The development proposed for retention and the propose development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 11th day of June, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed new wastewater treatment 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 (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (b) The existing septic tank shall be decommissioned, emptied and made safe by a registered operator and the lands suitably reinstated.

- (c) Within three months of the decommissioning of the existing septic tank and the installation of the proposed wastewater treatment system and polishing filter, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the existing septic tank has been decommissioned and the proposed wastewater treatment system and polishing filter 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 Environmental Protection Agency document.
- (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the installation of the proposed effluent treatment system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

Reason: In the interest of public health.

- 3. The proposed granny flat extension shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use. It shall not be let, sold or otherwise transferred or conveyed separately from the main dwelling.

Reason: To protect the amenities of property in the vicinity.

4. (a) The proposed entrance shall be constructed as shown on the Site Layout Plan (Drawing Number JO-19-01) received by the planning authority on the 11th June, 2019.
- (b) Any entrance gates shall not open outwards onto the public road.
- (c) All roadside hedges/grass verges to the west and east of the entrance shall be trimmed and regularly maintained so as to maintain sightlines at all times on exiting the proposed entrance.

Reason: In the interest of traffic safety.

5. Within three months from the date of this Order, the front boundary walls shall be rendered on both sides and capped.

Reason: In the interest of visual amenity.

6. The shed on site shall be used solely for purposes incidental to the enjoyment of the dwelling house and not for any residential, industrial, business, commercial or anti-social purposes.

Reason: To protect the amenities of the area.

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

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

Dated this day of 2019