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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20190738**

**Appeal** by Tony and Marie Power of Pembrokestown, Whiterock Hill, Wexford against the decision made on the 17<sup>th</sup> day of July, 2019 by Wexford County Council to grant subject to conditions a permission to Francis Quigley care of Dermot Troy Design of Gentstown, Tomhaggard, County Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The erection of a fully serviced dwellinghouse along with all associated site works to facilitate same, including connection to public services and new vehicular entrance at Pembrokestown, Wexford Rural, 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 provisions of the Wexford Town and Environs Development Plan 2009 – 2015 (as extended) and the zoning for residential purposes, to the location of the site in an established urban area, to the existing pattern of development in the area (where there is a variety of house types and scales) and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or be out of character with the area. 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, 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. The proposed development shall be amended as follows:
  - (a) The first floor window serving the landing only on the south west elevation shall be revised to have a cill height of 1.4 metres above interior floor level, or the entire window shall be permanently fitted with frosted glazing.
  - (b) The proposed first floor side terrace, onto the south west elevation serving bedroom number 02, shall be omitted, with the green roof increased in area accordingly, and the proposed door from bedroom 02 to this terrace shall be replaced by a window, fitted permanently with frosted glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to prevent overlooking of adjoining property, in the interest of residential amenity.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the site boundary treatment which shall consist of:
- (a) A front boundary wall of 1.2 metres maximum height, suitably capped and rendered (the proposed 1.8-metre high wall shall not be erected). Any gates shall not exceed 1.2 metres in height and shall be sliding or inward opening only.
  - (b) Side and rear boundary walls of 1.8 metres maximum height, suitably capped and rendered. Existing boundaries shall not be raised to this height unless written consent is provided by the owners of these shared boundary walls. In the absence of such agreement, a hedgerow of similar height may be planted alongside the existing side and rear boundaries of the site using suitable native species.

**Reason:** In the interest of visual amenity.

4. 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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 amenities of property in the vicinity.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interests of orderly development and the visual amenities of the area.

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 prior to the 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.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**