



Planning and Development Acts 2000 to 2020

Planning Authority: Westmeath County Council

Planning Register Reference Number: 20/6262

Appeal by Bob Wiley care of John Madden and Associates of Blackhall Street, Mullingar, County Westmeath against the decision made on the 19th day of November, 2020 by Westmeath County Council to refuse permission for the proposed development.

Proposed Development: (1) Retention planning permission for change from a glazed window to a glazed door, (2) permission for the change of use of the flat roof area to a private roof garden area, (3) permission to replace the safety railing with 1.8 metres high screening fence with zinc finish and with false windows around the perimeter of the flat roof, (4) permission for external emergency escape/rescue stairs from the first floor level area and (5) all associated site works located at the rear of the property at Main Street, Kinnegad, County Westmeath.

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 mixed-use zoning designation of the area, the planning history of the site, and the general orientation of the building relative to adjoining residential properties, it is considered that, subject to compliance with the conditions set out below, the development to be retained and the proposed works would not seriously injure residential amenities, would not be prejudicial to public health and 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, 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 design of the development shall be modified in the following manner:
- (i) The false windows proposed to be inserted into the zinc clad fencing along the western and eastern sides of the roof terrace shall be omitted.
 - (ii) The height of the zinc-clad fencing along the rear (south-facing) side of the roof terrace shall be no more than 1.1 metres in height, and the clear opening proposed in this fence shall be omitted.
 - (iii) The existing wall facing the eastern side of the property shall be finished in render.

Revised drawings showing these details and details of the materials, colours and textures of all the external finishes 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 visual and residential amenity.

Dave Walsh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2021.