



Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 20636

Appeal by Shirley Byrne of 23 Patrick Street, Drogheda, County Louth against the decision made on the 26th day of November, 2020 by Louth County Council to grant permission, subject to conditions, to Hal Smith of 22 Patrick Street, Drogheda, County Louth for development comprising retention of and alterations to the existing rear extension of ground and first floor at 22 Patrick Street, Drogheda, County Louth in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the ground floor extension in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the first floor extension based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the nature, scale, form, and design of the single storey extension element of the development sought under this application it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would not adversely impact on the residential amenity of neighbouring property. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the development shall be 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 November, 2020, 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 re-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. Prior to re-commencement of development, the developer shall submit to and agree in writing with the planning authority, revised drawings showing the following:

- (a) the omission of the first-floor level extension and reinstatement of first floor level rear elevation and rear roof structure over.
- (b) the ground floor level extension including details and finishes of its roof structure as well as all rainwater goods. In relation to all associated rainwater goods, these shall not oversail or overhang shared boundaries to the east and west of the site.

Reason: In the interest of residential amenity and safety.

3. The external finishes of the ground floor extension shall be the same as those of the existing dwelling in respect of colour and texture.

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.

Reason: In the interest of public health.

5. 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.

Reasons and Considerations (2)

Having regard to the character of the terrace of which the subject site forms part and to the pattern of development in the area, it is considered that the first-floor level extension, by reason of its scale and bulk, and proximity to site boundaries, would seriously injure residential amenities by reason of visual obtrusion, overshadowing and reduced privacy. This element of the proposed development would, therefore, be contrary to sections 6.6.8 and 6.6.9 of the Drogheda Borough Council Development Plan, 2011 to 2017, the applicable plan for this urban area, in this regard and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2021.