

An
Bord
Pleanála

Board Order
ABP-309567-21

Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 20821

Appeal by Anne and Damian Mundow of Wyrell, Rock Road East, Blackrock, Dundalk, County Louth and by Siobhán Whelan of Rock Road East, Blackrock, Dundalk, County Louth against the decision made on the 5th day of February, 2021 by Louth County Council to grant subject to conditions a permission to Niall Halpin care of Joseph Cunningham and Associates Limited of Aspen House, 76 Seatown, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for change of house type from a single storey to dormer style dwelling and its relocation within the site from that which was previously granted planning permission (Reference: 18915), together with all associated site development works, all at Rock Road East, Blackrock, Dundalk, County Louth.

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 'Residential 1' zoning which applies to the site, as set out in the Dundalk and Environs Development Plan 2009 - 2015, under which residential development is permissible, together with the nature and scale of the proposed development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate form of development which would not seriously injure the amenities of residential property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



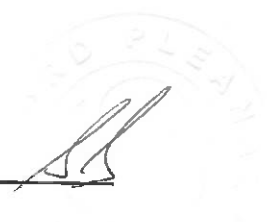
Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12th day of January, 2021, 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. Water supply and drainage arrangements, which shall incorporate SuDS (Sustainable Urban Drainage System) measures, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.



3. (a) Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.
- (b) Any proposal to build over, or divert existing, water or wastewater services shall be submitted to Irish Water for written approval prior to the commencement of development.

Reason: In the interest of public health.

4. Details regarding landscaping and boundary treatments for the site, which shall include privacy protection measures, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

5. The proposed access to the site shall comply with the requirements of the planning authority. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of road and traffic safety.

6. Site development and building works shall be carried out only between the hours of 0700 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.

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 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.

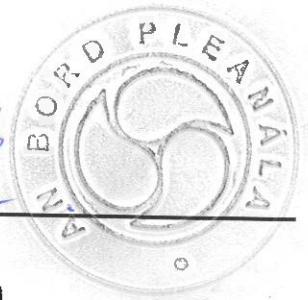


Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *29th* day of *July* 2021.