



An
Bord
Pleanála

Board Order
ABP-310039-21

Planning and Development Acts 2000 to 2020

Planning Authority: Meath County Council

Planning Register Reference Number: 21/192

Appeal by Patrick Kiernan care of Thorsdalen Smyth Architects Limited of 25 Beach View, Sutton, County Dublin against the decision made on the 29th day of March, 2021 by Meath County Council to refuse permission to Patrick Kiernan for the proposed development.

Proposed Development: Development will consist of the renovation and extension of an existing vernacular cottage to provide a single storey two-bedroom detached dwelling. The renovations to the cottage to include a new window on the north façade, alteration of the existing entrance door on the north façade to provide a new window, replacement windows throughout, internal alterations and all necessary sensitive repairs to existing roof and walls. Alteration of existing site entrance to provide two separate vehicle entrances. Provision of new parking area for cottage. Alterations to parking area of existing main house. Alteration of first floor south facing bedroom window of existing main house. Removal of condition 2 of the parent application (Reference 00/4046) pertaining to the restriction on habitation of the existing cottage. New boundary treatments. New detached domestic

garage. Removal of existing glass house. Wastewater disposal system and new soakaway. All associated landscaping, drainage, ancillary site works and services, all at Ninch, Minnistown Road, Laytown, County Meath.

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 policies and objectives of the Meath County Development Plan 2013 - 2019, to the nature, scale and design of the proposed development which includes the appropriate re-use and extension of a vernacular building, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard and would not be prejudicial to public health. 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 northern elevation of the proposed garage structure shall be set back from the proposed new boundary so that it does not over sail or encroach it in any way. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and orderly development.

3. Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the use of timber sash windows in the existing window openings of the vernacular building and their proposed fenestration as well as glazing detail. In addition, the methodology for the brick, roof, and repair of the pedestrian gate on the roadside boundary shall also be subject to the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. The replacement of the first-floor window on the southern side elevation of the existing dormer dwelling on site with opaque glass blocks shall be completed prior to any occupation of the refurbished and extended vernacular building the subject of this application and shall be kept permanently thereafter, in place unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

5. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and including rainwater and guttering details shall comply with the requirements of the planning authority for such works and services.
- (b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property. Permeable paving shall be incorporated into the proposed driveway and the existing surface water drainage for adjoining properties shall not be adversely affected by the development hereby permitted. All soak pits shall be designed to BRE Digest 365 standards.

Reason: In the interest of public health and to ensure orderly disposal of surface water.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

8. 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.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. 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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this *3rd* day of *August* 2021.

