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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 21/1218**

**Appeal** by Noel, Mary and Kyle McQuillan of Commons Cross, Dromiskin, Dundalk, County Louth against the decision made on the 14<sup>th</sup> day of January, 2022 by Louth County Council to grant permission to MWAC Property Limited care of GFM Engineering and Design Limited of 15 Church Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development, as revised by further public notices received by the planning authority on the 13<sup>th</sup> day of December, 2021, comprising permission for two new detached dwellinghouses and detached garage to dwelling number 2. Retention and material change of use for existing workshop to be used as a domestic garage for dwelling number 1. Permission to include alterations to existing site entrance and all associated site development works, and retention of two shipping containers for duration of construction, all at Commons Road, Dromiskin, County Louth.

## Decision

**GRANT permission for two new detached dwellinghouses and detached garage to dwelling number 2, alterations to existing site entrance and all associated site development works and retention of two shipping containers for duration of construction, 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 retention and material change of use for existing workshop to be used as a domestic garage for dwelling number 1 based on the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to -

- (a) the nature, scale and design of the proposed development,
- (b) the policies and objectives of the Louth County Development plan 2021-2027, in particular the A1, Existing Residential land use zoning,

it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of urban design, height and quantum of development. 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by further plans and particulars received by the planning authority on the 13<sup>th</sup> day of December, 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. The window on the western elevation of dwelling number 2 shall be glazed with obscure glass and retained in perpetuity.

**Reason:** To prevent overlooking of adjoining residential property.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 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 residential amenities of adjoining property in the vicinity.



4. Water supply and drainage arrangements, including the attenuation and 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. 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.

6. The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths and kerbs] shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.



The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

8. 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.



## Reasons and Considerations (2)

The shed is located on land zoned for residential development, A1, existing Residential, in the Louth County Development Plan 2021-2027, where it is an objective to “To protect and enhance the amenity and character of existing residential communities”. It is considered that, by reason of its height, bulk and design, the shed would be visually obtrusive to the rear of two proposed detached dwellings and would have a negative visual impact on the surrounding residential area. The retention of the shed would, therefore, be contrary to the land use zoning on the site and to the proper planning and sustainable development of the area.



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**Peter Mullan**

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



Dated this *2nd* day of *June*, 2023.