

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21988

Appeal by Peter Fitzpatrick care of Joseph Cunningham and Associates of Aspen House, 76 Seatown, Dundalk, County Louth and by Raymond and Cina Agnew and Others care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 14th day of January, 2022 by Louth County Council to grant subject to conditions a permission Mary Donnelly care of CMD Architects Limited of Thornford Lodge, Broomfield, Castleblayney, County Monaghan in accordance with plans and particulars lodged with the said Council:

Proposed Development: 1) To demolish single storey sun room to side of existing two-storey dwelling, elevational changes, revision of site boundaries by way of sub-dividing property into two sites; 2) To construct new two-storey detached dwelling within new site, new vehicular entrance onto public road to serve proposed dwelling, new connection to existing public sewer system and all associated site development works at 13 Belfry Garden, Dundalk, County Louth as revised by the further public notices received by the planning authority on the 14th day of December, 2021.

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.

Reasons and Considerations

Having regard to the policies in the National Planning Framework, the Louth County Development Plan 2021-2027, the size of the site and its location, and the scale of the proposed dwelling, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and 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 14th 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 developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Prior to commencement of development, surface water arrangements shall be agreed with the planning authority.

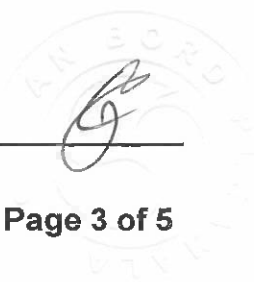
Reason: In the interest of traffic safety and to prevent pollution.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. No walls, fences or other boundary treatment shall be constructed around the front garden of the proposed dwelling, and front garden shall be kept as "open plan".

Reason: To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of visual amenity.

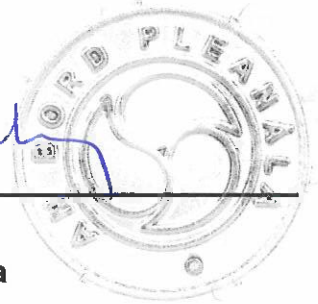


6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of 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 the 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.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 21st day of June 2022