



**An  
Bord  
Pleanála**

**Board Order  
ABP-312857-22**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 2021/1851**

**Appeal** by Ann Phelan care of EMK Design Limited of Monamolin, Gorey, County Wexford against the decision made on the 28<sup>th</sup> day of January, 2022 by Wexford County Council in relation to the application by Peter Lennon care of Mark Chambers of Rosewood, Ardamine, Courtown, County Wexford for permission for development comprising alterations to existing dwelling consisting of ground floor extension to front elevation, ground floor and first floor extension to rear elevation, proposed roof lights in front elevation roof and proposed new door to side elevation at Ballinatray Lower, Courtown, County Wexford in accordance with plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for ground floor extension to front elevation, ground floor and first floor extension to rear elevation and proposed new door to side elevation and to refuse permission for proposed roof lights in front elevation roof).



## **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 design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed extensions and alterations would not seriously injure the amenities of the adjoining property or the character and amenities of the area 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.

The Board agreed generally with the Inspector's Report but did not consider it necessary to condition the set back from the boundary as recommended by the Inspector.



## Conditions

1. The proposed 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 received by An Bord Pleanála on the 21<sup>st</sup> day of March, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The proposed window at second-floor level within the rear (north-west) elevation of the proposed extension shall be omitted.
  - (b) The panels on the roof of the single storey dining room extension shall be obscure glazed.
  - (c) The proposed rooflights on the front elevation shall be flush with, and not project further than, the profile of the existing roof.



Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The external finishes of the proposed extensions shall match that of the existing dwelling in respect of materials and colour.

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

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house or shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.





6. No sewer or water mains shall be built over as a result of the proposed development. In the event that manholes or any service lines are likely to be impacted by the proposed development, or any diversions are required, the developer shall agree this in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of clarity and public health.

7. The construction of the proposed 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 proposed development, including hours of working, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

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



Mary Henchy

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

Dated this 9<sup>th</sup> day of May, 2023.

