

An
Bord
Pleanála

Board Order
ABP-314358-22

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 22/116

Appeal by Jim and Jenny Gargan of Ard Na Ri, Dublin Road, Drogheda, County Louth against the decision made on the 21st day of July, 2022 by Louth County Council to grant subject to conditions a permission to Cormac Freeman care of Paul Carroll and Associates of Brookfield House, Athlumney, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a domestic garage at Kilfenora House, Newtown Lane, Railway Terrace, Dublin Road, Drogheda, County Louth, as revised by the further public notices received by the planning authority on the 29th day of June, 2022 which included a change in roof materials and pitch.

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 nature and scale of the proposed development, the planning history of the site, and its proximity to the Railway Terrace Architectural Conservation Area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, including those of the Architectural Conservation Area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, notwithstanding the inconsistencies between the plan dimensions and the elevational dimensions shown on the submitted drawings, the impact of the proposed development could be assessed and that, subject to compliance with conditions attached to the permission, which remove the boundary timber fence and piers above the height of the original wall, the inclusion of a landscaped boundary treatment, the reduction of the area of the structure and set back from the front boundary, the Board was satisfied that the proposed development would not seriously injure the visual amenities of the surrounding area, including the Architectural Conservation Area.

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 the planning authority on the 29th day of June, 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 floor area of the domestic garage shall be reduced to 60 square metres, with a maximum external dimension of 6.3 metres at the gable ends.
 - (b) The garage shall be positioned a minimum of three metres from the front boundary.
 - (c) The width of the vehicular access(es) to the garage shall be reduced to three metres.

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 interest of visual and residential amenity.



3. The domestic garage hereby permitted shall be used only by the applicant for parking and for storage purposes solely incidental to the enjoyment of the main dwellinghouse, and shall not be used for any residential, commercial or business purpose.

Reason: To restrict the use of the domestic garage and to protect the amenities of property in the area.

4. Within one month of the date of this Order, the applicant shall remove the piers and timber fencing over the original front wall and to the entrance and shall submit written confirmation of this to the planning authority.

Reason: In the interest of the visual amenities of the area and proper planning and sustainable development.

5. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along McGrath's Lane, and
- (b) planting of trees at approximately three-metre intervals along the boundary of the site with McGrath's Lane.

Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the proposed development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

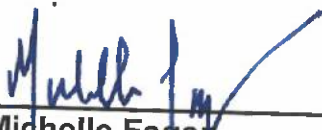
Reason: In the interest of residential and visual amenity.

6. 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.

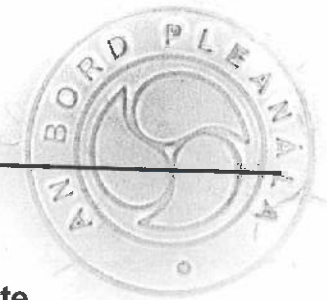
Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.



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



Dated this 16th day of December 2022.