

An
Bord
Pleanála

Board Order ABP-314368-22

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 22/279

Appeal by Isena and Christian Pohl care of Downey Planning of 29 Merrion Square Dublin against the decision made on the 19th day of July, 2022 by Westmeath County Council in relation to an application for permission for David Zumerchik care of The Planning Partnership of The Bank Building, 52 Oliver Plunkett Street, Mullingar, County Westmeath in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for new access arrangements of piers, gates, railings and boundary walls with stone capped rendered walls to the return of the existing front boundary wall with railing detail above to match existing and an extended railing boundary treatment on the northern boundary of the domestic property, domestic extensions as comprise a new single storey family room (41 square metres) and a linked domestic garage/garden storage building (40.1 square metres) integrated with the retained utility building. The proposed development also comprises new landscaping detail to supplement new railing boundary and all other associated above and below ground works. The proposed retention development will comprise the existing side extension/sunroom (18.65 square metres), rear utility room (9.95 square metres) and to refuse permission for retention of the six-metre fibreglass sleeved flagpole to front of property), all at Lakeview House, Millmount Road, Mullingar, County Westmeath.

Decision

GRANT permission for new access arrangements of piers, gates, railings and boundary walls with stone capped rendered walls to the return of the existing front boundary wall with railing detail above to match existing and an extended railing boundary treatment on the northern boundary of the domestic property, domestic extensions as comprise a new single storey family room (41 square metres) and a linked domestic garage/garden storage building (40.1 square metres) integrated with the retained utility building, the new landscaping detail to supplement new railing boundary and all other associated above and below ground works, and retention of the existing side extension/sunroom (18.65 square metres) and rear utility room (9.95 square metres) 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 of the six-metre fibreglass sleeved flagpole to front of property based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to

- (a) the significant curtilage and setbacks afforded to Lakeview House, a Protected Structure, it is considered the revised access arrangements and new northern site boundary will not detract from the heritage value of the dwelling or the streetscape,
- (b) the revised access arrangements which would be generally acceptable in terms of traffic safety and convenience, and
- (c) the scale, design and specification associated with the new extensions and additions which are in keeping with the architectural integrity and scale of the primary dwelling on the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development and retention of the sunroom and utility room would not detract from the visual or residential amenities of the area, and the proposed new access arrangements 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed extensions and additions to the existing dwelling house (Lakeview House, a Protected Structure) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the protection of a protected structure.



3. Drainage arrangements, including the 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 hours 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.

5. The proposed garage shall be used solely for purposes incidental to the dwellinghouse on site. It shall not be sold, let or otherwise transferred or conveyed, or used for any commercial or retail purpose save following a grant of planning permission for such use.

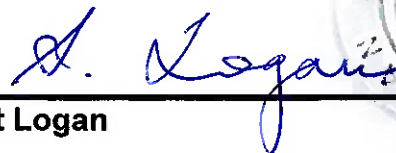
Reason: To ensure that the structure is used solely in conjunction with the residential use on site.

6. 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 the Board 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)

It is considered that the fibreglass flagpole proposed to be retained would adversely affect the Millmount Road Architectural Conservation Area, identified in section 14.8 of the Westmeath County Development Plan 2021-2027, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Stewart Logan



Stewart Logan

Member of An Bord Pleanála

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

Dated this *13* day of *November* 2023.