



An
Bord
Pleanála

Board Order ABP-317617-23

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 2360086

Appeal by Joseph Kavanagh and Margaret Duggan care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 23rd day of June, 2023 by Louth County Council to grant subject to conditions a permission to MWAC Ireland Limited care of GFM Engineering Consultants Limited of 15 Church Street, Dundalk, County Louth for the proposed development.

Proposed Development: Two detached single storey dwelling houses and extensions and alterations to an existing dwelling house. The permission will include a private access road and all associated site development and drainage works at Green Road, Dromiskin, County Louth.

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 and objectives of the Louth County Development Plan 2021-2027 including the written statement for Dromiskin, the zoned and serviced nature of the site and the height and design of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not create a traffic hazard and would constitute an acceptable form of residential development at this serviced location. The proposed development 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. The proposed development shall be amended as follows:
- (a) The internal road serving the dwellings shall be amended to replace the hammerhead with a single turning head.
 - (b) Car parking serving the existing dwelling and the proposed two-bedroom dwelling shall be relocated to the end of the private rear amenity areas serving the units, so that the dwellings immediately adjoin and overlook their rear gardens.
 - (c) Soakaways shall be provided beneath the car parking areas.
 - (d) A maximum of two number car parking spaces shall be provided to serve the proposed five-bedroom dwelling.

Prior to the commencement of development, details of the above shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential amenity and to prevent surface water run-off from the site.

3. Prior to the commencement of development, details of the boundary treatment proposed around the subject site and around the three private amenity spaces for the respective residential units, shall be submitted to and agreed in writing with, the planning authority.

Reason: In the interest of visual and residential amenity.

4. The existing dwelling and the two number proposed dwellings shall each be occupied as a single residential unit and shall not be subdivided without a prior grant of planning permission.

Reason: To restrict the use of the three number dwellings in the interest of residential amenity.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services. Rainwater goods shall be provided at each of the three number dwellings to ensure the satisfactory collection of water run-off.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Éireann.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

8. The construction of the 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 development, including, noise management measures and off-site disposal of construction/demolition waste.

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

9. 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.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

11. 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.

The image shows a handwritten signature in black ink over a horizontal line. To the right of the signature is a circular official seal of An Bord Pleanála. The seal features a stylized 'S' logo in the center and the text 'AN BORD PLEANÁLA' around the perimeter.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *25th* day of *April* 2024