

An
Bord
Pleanála

Board Order ABP-318670-23

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23/316

Appeal by Jim Curtis care of Jamie Curtis of Greenmount, Dunleer, County Louth and by Tony and Margaret Maguire of Dowdstown, Ardee, County Louth against the decision made on the 17th day of November, 2023 by Louth County Council to grant subject to conditions a permission to Henry and Gwyneth Mahoko care of Aidan Geraghty of Greenlanes, Dromin, Dunleer, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of as constructed rear extension to dwellinghouse and completion of same, permission for wastewater treatment system and percolation to serve same, decommission existing septic tank, all in relation to grant of permission under planning register reference number 21/1338, and all associated site works, all at Dowdstown, Ardee, County Louth.

Decision

GRANT permission for the above 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 provisions of the Louth County Development Plan 2021-2027, and the nature and scale of the development proposed to be retained and proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, 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 the issues raised in the appeal could satisfactorily be dealt with by way of appropriate conditions to be attached to a grant of permission.

Conditions

1. The development shall be retained, 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 31st day of October, 2023, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the following amendments to the development shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order and the agreed details shall be strictly adhered to thereafter in the development:

- (a) The bedroom window at ground floor level on the western elevation shall be omitted from the development. A revised ground floor layout for the development shall be provided accordingly.
- (b) The Juliette balcony on the rear elevation shall be of minimal depth and shall not facilitate any person standing.
- (c) Obscure glazing to the stairwell window on the eastern elevation shall be provided.

Reason: In the interest of residential amenity.

3. The external finishes of the extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture unless otherwise agreed with the planning authority.

Reason: In the interest of visual amenity.

4. The extended dwelling shall be a single integrated residential unit and shall be occupied as such.

Reason: In the interest of residential amenity.

5. 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.

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

6. 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.

7. Within six months of the date of this Order:

- (a) The existing wastewater treatment system at the site shall be decommissioned. All waste contained therein shall be removed off-site by a permitted operator to an authorised waste treatment facility.
- (b) The packaged wastewater treatment system and associated polishing filter shall be installed and operational.

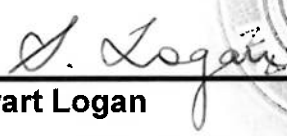

Reason: In the interest of public health.

8. (a) The wastewater treatment system shall be designed, located and constructed in accordance with the requirements of the EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems.
- (b) Installation of the permitted treatment system and associated percolation area shall be supervised by a Civil Engineer or appropriately qualified individual who, upon completion of works/commissioning, shall submit to the planning authority certification (to include photographs) that the system has been laid out and constructed in accordance with the EPA Code of Practice 2021 - Domestic Wastewater Treatment Systems within three months of installation.
- (c) The owners/occupiers of the subject site shall be responsible for the maintenance of the treatment system.

Reason: In the interest of public health.

9. 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. The application of any indexation required by this condition 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.

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.



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

Dated this 5th day of July 2024.