



An
Bord
Pleanála

Board Order ABP-318788-24

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23/699

Appeal by Herbert Jordan care of Peter M. Byrne of Egan's Lane, Balcarrick, Donabate, County Dublin against the decision made on the 29th day of November, 2023 by Meath County Council to grant subject to conditions a permission to David Barron care of Jova Planning Consultants of Boyerstown, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a part storey-and-a-half, part single storey dwellinghouse, detached garage, new wastewater treatment system and percolation area and all associated site development works, all at Stokestown, Dunboyne, County Meath, as revised by the further public notices received by the planning authority on the 2nd day of November, 2023.

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, scale, design and layout of the proposed development, the pattern of development in the area, and the provisions of the Meath County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential and visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the 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 20th 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.
- (c) This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 3. (a) The general design of the proposed dwellinghouse and garage shall be as shown on the plans and particulars received by the planning authority, unless otherwise agreed with the planning authority prior to commencement of development. The use of brick or reconstituted stone shall not be permitted.
- (b) The roof of the proposed dwellinghouse and garage shall be dark grey or blue/black slate. Finishes in this regard shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4. The proposed garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the proposed dwellinghouse.

Reason: In the interest of orderly development.

5. (a) Existing hedgerows, trees and shrubs shall be preserved except for where their removal is necessary to comply with the conditions of this permission.
- (b) The developer shall carry out landscaping and boundary treatments as per the plans and particulars submitted with the planning application.
- (c) Landscaping shall commence no later than the first planting season following commencement of development.

Reason: In the interest of visual amenity.

6. (a) The developer shall provide and maintain sightlines in accordance with DMURS.
- (b) The entire roadside boundary hedge shall be set back at least three metres from the existing road edge.
- (c) The developer shall provide a one-metre-wide grass verge and a two-metre-wide concrete footpath along the entire front boundary.
- (d) The entrance layout shall comply with the requirements of the planning authority. The face of the entrance piers shall be at least three metres from the edge of the road and the entrance gate shall be recessed at least seven metres from the edge of the road.
- (e) The boundary fence shall comply with the requirements of Transport Infrastructure Ireland and shall have rails on the field side of the posts.
- (f) The front boundary fence shall not exceed one metre in height.

Reason: In the interest of road safety and the convenience of road users.

7. 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 and surface water management.

8. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

9. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Form submitted with the planning application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

10. 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.

Liam Bergin

Member of An Bord Pleanála

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

Dated this 21st day of June 2024.