



An
Bord
Pleanála

Board Order ABP-318930-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 2023/1324

Appeal by Conor Shanley of 39 Parsonage Road, Withington, Manchester, England against the decision made on the 20th day of December, 2023 by Wexford County Council to grant subject to conditions a permission to Michelle McNicholas and Billy Power care of Nicholas Mernagh Architects of Mullanour, Rosslare, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing dwellinghouse and the proposed erection of a fully serviced dwellinghouse (replacement dwelling) together with associated and auxiliary site works (minor alterations to dwellinghouse previously granted under planning register reference number 2020/0278 consisting of additional domestic storage and renewable energy store to lower ground floor level and home office to first floor level), all at Walsheslough, Doogans Warren, Rosslare, County Wexford.

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 provisions of the Wexford County Development Plan 2022-2028, and the previously permitted house (planning register reference number 2020/0278) on the site, it is considered that, subject to compliance with the conditions set out below, the proposed modifications would not seriously injure the visual or residential amenity of the area or have an adverse impact on the receiving environment. The proposed development 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, 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 windows along the western elevation of the third-floor extension shall be obscurely glazed or an alternate architectural treatment shall be agreed with the planning authority to obviate overlooking of the adjoining property.

Reason: To protect the amenity value of the adjoining property.

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

Reason: In the interest of visual amenity.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

6. The construction of the proposed 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 proposed development, including noise, dust and vibration management measures, rock breaking/excavation methodologies and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 and 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.
8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of 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) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (b) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
 - (c) A timescale for implementation, including details of phasing, which shall provide for the planting to be completed before the dwelling is first made available for occupation.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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. 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 25th day of July 2024.