



An
Bord
Pleanála

Board Order
ABP-319759-24

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23471

Appeal by Donal Skelly of 7 Rockville, Blackrock, County Louth against the decision made on the 25th day of April, 2024 by Louth County Council to grant subject to conditions a permission to Anita Wogan care of McNamee Chartered Building Surveyors Limited of Bantry House, Jocelyn Place, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to existing dwellinghouse to include demolition of attached single storey garage/storage shed, revised site boundaries, modified vehicular entrance and construction of three number new four bedroomed detached dwellinghouses and all ancillary and associated site development works including site clearance works, new vehicular entrances off the public road, car parking spaces, hard and soft landscaping and boundary treatment works at Rock Road, Blackrock, County Louth. Further public notices were received by the planning authority on the 2nd day of April, 2024 as follows: a revised house design to site number 1, new shared entrances to sites 1 and 2 and associated revised site layout design and all ancillary and associated site development works including site

clearance works, new vehicular entrances of the public road, car parking spaces, hard and soft landscaping and boundary treatment works.

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 'residential' zoning which applies to the site under the Louth County Development Plan 2021-2027 (as varied), under which residential development is stated to be generally acceptable in principle, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of infill development in terms of scale, design, form and layout, would not seriously injure the residential and visual amenities of the adjoining residential development by reasons of overbearing, overshadowing or overlooking, would not impact on the character or visual amenity of the area, and would be acceptable in terms of traffic movements and pedestrian safety. The proposed development would, therefore, be in accordance with the provisions of the development plan and 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, as revised by the further plans and particulars received by the planning authority on the 2nd day of March 2024, 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 existing dwelling and proposed extension shall be occupied as a single residential unit and shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The proposed development shall be modified as follows:

The proposed window to the rear elevation of proposed house number 1, at first floor level, serving the master bedroom, shall be omitted, and replaced with a high-level window to the rear elevation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and to prevent overlooking.

4. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. The developer shall submit a revised site layout plan and any other necessary drawings to include works to connect to the existing footpaths adjoining the site and shall demonstrate that the proposed footpath will not protrude past the line of the current front boundary wall of the site. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

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

Reason: In the interest of public health.

7. 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. The landscaping scheme shown on drawing number PP-002, as submitted to the planning authority on the 1st day of December 2023 shall be carried out within the first planting season following substantial completion of external construction works, and all works shall be overseen by a suitably qualified Landscape Architect throughout the development works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

11. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

12. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) relating to noise, and vibration shall be submitted to and agreed in writing with the planning authority. The CEMP shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The CEMP and noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority. Noise levels attributable to the proposed development activities when assessed at the nearest noise sensitive locations shall comply with the noise threshold limit values set out herein.

Reason: In order to protect the residential amenities of property in the vicinity.

13. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.

Reason: To protect the amenities of the area.

14. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the re-location of any existing public lighting columns within the vicinity of the site.

Reason: In the interest of amenity and public safety.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

16. 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 14th day of November 2024.