



An
Bord
Pleanála

Board Order
ABP-319899-24

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23/60344

Application for Leave to Appeal against the decision of the planning authority by K. Tallon and Neil Kelly of 10 George's Street, Drogheda, County Louth having an interest in land adjoining the land in respect of which Louth County Council decided on the 16th day of May, 2024 to grant subject to conditions permission to Mynah Unlimited Company care of Bernard Dowdall Architects of Carrickedmond, Kilcurry, Dundalk, County Louth.

Proposed Development: Permission for demolition of existing three-storey building comprising of a ground floor retail unit and apartment access area, a first-floor, one-bedroom apartment and a second-floor, one-bedroom apartment, reconstruction of the three-storey building comprising of a ground floor retail unit, access area to two number apartments over and a bin store, a first-floor, one-bedroom apartment and a second-floor, one-bedroom apartment and all associated site development works. Note the proposed site/building in question is bounded to the south-east by a protected structure (Number 72 West Street – Louth County Council Record of Protected Structures ID. DB-283), all at 71 West Street, Drogheda, County Louth, as

revised by the further information received by the planning authority on the 20th day of April, 2024 which includes revised plans, sections and elevations, revised site plans, structural reports by a Structural Engineer with appropriate expertise in building conservation, Architectural Heritage Assessment Report from a Grade I Conservation Architect and an Archaeological Report.

Decision

REFUSE leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

None of the grounds cited in seeking leave to appeal, with reference to items 1-7 inclusive in the letter dated the 4th day of June, 2024 from applicants for leave to appeal, received by An Bord Pleanála on the 10th day of June, 2024, come within the scope of section 37(6)(d) of the Planning and Development Act 2000, as amended. None of the matters in the above-mentioned letter came about by reasons of conditions imposed by the planning authority in the decision to grant permission. The development as granted does not materially differ from the development proposed, as set out in the application for permission. The matters raised in the above-mentioned letter could have been raised at application stage (which was subject to two number public notifications) by the applicants for leave to appeal. The items raised in the above-mentioned letter were as indicated in the plans and particulars submitted to the planning authority by the planning applicant at application stage and not generated by way of conditions imposed by the planning authority in the decision to grant permission. The applicants for leave to appeal have not shown that the criteria cited in section 37(6)(d)(i) and (ii) of the Planning and Development Act 2000, as amended, have been met.



Tom Rabbette

Member of An Bord Pleanála

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

Dated this 3rd day of July
2024.