



An
Bord
Pleanála

Inspector's Report

ABP-314368-22

Development	Retention of extension and utility room. Construction of access, extension and all associated site works.
Location	Lakeview House, Millmount Road, Mullingar, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	22279
Applicant(s)	David Zumerchik
Type of Application	Planning Permission
Planning Authority Decision	A Split Decision
Type of Appeal	Third Party
Appellant(s)	Isena and Christian Pohl.
Observer(s)	None
Date of Site Inspection	26 th of April 2023
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. Lakeview House is a protected structure off Millmount Road in the southeast suburbs of Mullingar. The site is 0.0938Ha and includes a tall two storey dwelling dating back to the 1840s.
- 1.2. The dwelling is a good quality Italianate villa-type house of mid nineteenth-century appearance, which retains much of its early form and character. This building has satisfying proportions and a distinct architectural character. It is a detached three-bay two-storey house, built c.1855, having a projecting flat-roofed enclosed porch to the centre of the front façade (west). Return to the rear (east).
- 1.3. Lakeview House is set back from Millmount Road in extensive mature grounds with cast-iron railings to road-frontage. There is an extensive garden to the south side of the dwelling within the applicant's ownership.
- 1.4. The applicant also owns land to the rear of the dwelling.
- 1.5. The third-party appellants reside in the dwelling to the north of the subject site. The submission documents illustrate a 'Right Of Way' between both properties to lands at the rear of the dwellings.
- 1.6. Opposite Lakeview House on Millmount Road is a busy junction with Auburn Road, and Mullingar Community College.

2.0 Proposed Development

- 2.1. There are a number of new developments proposed at the protected structure, Lakeview House, Millmount Road, Mullingar:
 - The existing entrance gates are to be repositioned deeper inside the curtilage of the dwelling at the north-western extremity of the site.
 - The northern site boundary is new and will consist of iron railings keeping in the style of the entrance gates.
 - There is a single storey extension proposed to the rear of the protected structure. An existing outbuilding to the rear of the dwelling is to be retained as a utility room.

- A new garage is to be constructed alongside the existing outbuilding/ utility room.
- The application includes retention of a sunroom along the southern façade of the building and a flagpole to the front of the property.

3.0 **Planning Authority Decision**

3.1. **Decision**

Westmeath Co. Co. made a split decision on the 19th of July 2022:

Refused the retention of the flagpole

Granted Permission for the new access arrangements, piers, railings and boundary walls, domestic extension and new entrance and railings, and retention of the sunroom subject to 8No. conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- The subject site is accessed via an existing established entrance and the new entrance are constrained within the red line boundary of the application site.
- The sunroom has a traditional style and is in keeping with the character of the dwelling.
- The rear extension is not visible from the public domain.
- The flagpole would detract from the heritage value of the ACA and does not make a positive contribution to the character of the area and would be contrary to development plan policy.
- The DHLGH comments are noted.
- Development Contribution applicable.
- A split decision is recommended, the 6m fibreglass flagpole if refused retention. The remainder of the development is to be granted.

3.2.2. **Other Technical Reports**

- (i) *District Engineer* had no objection to the proposed development subject to conditions.
- (ii) *Infrastructure*: Connections to existing public mains and public sewer.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage

Conditions relating to Archaeological investigations are applicable because the site is close to a Recorded Monument WM019-058: Standing Stone

3.4. **Third Party Observations**

The neighbours to the north objected to the proposed development on the following grounds:

- Ownership/ Landowner consent
- Traffic Safety
- Precedent
- The proposal will negatively affect the future development of neighbouring Hawarden Villa.
- An unauthorised solicitor's practice is operating out of Lakeview House
- It would be more appropriate to enter the house to the south where they have extensive road frontage, and this was pointed out under planning reference 07/5236.

4.0 **Planning History**

4.1 ***UC21/074 Planning Enforcement***

Warning Letter issued to Mary Tunney Zumerichik regarding alleged works at Lakeview House without the benefit of planning permission, namely the construction of a conservatory on the southern elevation, erection of a flagpole in the front garden of the dwelling and modifications to the front entrance.

4.2 ***Planning Reference 19/6279 309027***

Planning permission was refused to Christian and Isena Pohl for an access road to develop lands to the rear of Lakeview House and Hawarden Villa, both protected structures. The Board refused it for the following 2No. reason:

1. Having regard to the location of this proposed development within the Millmount Road Architectural Conservation Area, between two Protected Structures known as 'Hawarden Villa' and 'Lakeview House', and its impact on the streetscape and on the curtilage of Lakeview House, it is considered that it would detract from the built heritage and character of the area and be contrary to Built Heritage Policies P-BH3 and P-BN7 of the Mullingar Local Area Plan 2014-2020.
2. There is a lack of clarity in the current application, relative to the need for the proposed development to serve 'Lakeview House'. Reference to the proposal being to serve the future development of the backlands at the rear is considered premature pending an application for such development. Having regard to the documentation submitted and to the locational context proximate to the junction with Auburn Road, the Board is not satisfied that it has been demonstrated that the design of the proposed development would not lead to road safety issues or result in traffic hazard. As such it is considered that the proposal would be premature, would set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

Mullingar Local Area Plan 2014-2020

O-LZ1: To provide for residential development, associated services and to protect and improve residential amenity.

The subject site is identified as **Existing Residential** with proposed residential to the rear.

PBH3 – To preserve and protect Mullingar's built environment in terms of streetscapes, individual buildings and features of historical, architectural or artist interest.

PBH7- To protect the character of the Architectural Conservation Areas including the public realm area associated therewith and to resist inappropriate development that would detract from the heritage values of these areas.

Westmeath County Development Plan 2021-2027

CPO 14.39 promote development that positively contributes to the character and appearance of the Architectural Area. New development or alterations to existing building(s) in an ACA shall respect the special character of the ACA and reflect the historic architecture in terms of scale, design and materials used. Regards shall be had to any guidance contained in the Statement of Characters prepared to ACAs.

CPO 14.42 Ensure that Architectural Conservation Area (ACAs) including any associated public realm area, are protected and ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of plot size, proposed design, including scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.

5.2. Natural Heritage Designations

There are several Natura 2000 sites within a 15km radius of this appeal site. The nearest to the site are:

- Wooddown Bog SAC (Site Code: 002205) which is located c.4km to the east.
- Lough Ennell SPA (Site Code: 004044) which is located c3km to the south west.
- The Special Area of Conservation: Lough Owel SAC (Site Code: 000688) which is located c.5km to the north west.
- Lough Owel SPA (Site Code: 004047) which is located c.5km to the north west.
- Lough Ennell SAC (Site Code: 000685) which is located c.4km to the south west.
- Scragh Bog SAC (Site Code: 000692) which is located c.6km to the north west.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the

environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The neighbours to the north have taken this appeal against the planning authority's decision to grant planning for the proposed development. There is a lot of repetition in the appeal summary, I will avoid that in the summary below. I will summarise the relevant issues.

6.1.1 *Executive Summary*

- No letter of consent from the landowner was submitted. The applicant is not the registered owner of the lands within the redline boundary. The application should have been invalidated.
- The vehicular entrance proposed has no means to access the public road without the adjoining landowner's consent to open a new entrance onto their lands and traverse their lands to join the public roadway. The proposed entrance cannot be achieved.
- The sightline assessment took place outside the redline boundary where an existing unauthorised entrance was assessed. No assessment was carried out on the proposed entrance in terms of traffic safety, pedestrian safety. No detail was given as to whether the visibility splays can or cannot be achieved.
- The entrance opens up lands between the curtilage of two historic dwellings within an architectural heritage area. There are existing walls, railing and hedges which compromise sight visibility splays as confirmed by the previous refusal on this land, this is contrary to Objective CPO 16.33 of the Westmeath County Development Plan.
- The Planner's and District Engineers report overlook road and traffic safety in their assessments. There was no sightlines assessment, no assessment was undertaken between existing and proposed entrances.

- There is a commercial activity on the site which creates public traffic movement onto the site.
- The decision to grant was piecemeal and it was not assessed correctly

6.1.2 ***Introduction***

The third-party appellants are the registered landowners of lands marked 'A' in Figure 1 of the appeal submission. The Lands 'B' are owned by Mary Tunney. None of the lands are owned by the applicant. There is a strip of land between the two curtilages.

The development cannot be permitted in its current form without the consent of the landowner to the north. They have no means of access the public road without the landowners consent.

- 6.1.3 There are discrepancies within the application with regard to road access, which is in the ownership of the appellants. The plans and particulars lodged with the application blatantly refer to the development outside of the applicants ownership. The sightlines assessment took place at the road access outside of the applicants ownership. The development can only be assessed within the redline boundary everything else is subject to a separate application. There is a right of way on lands which allows Mary Tunney to travel over the section of land on Folio No. WH33640F. The development boundary has been overlooked by the planning authority, and the application has not been assessed properly.

There was a previous planning application refused for a junction at this location due to inadequate sightlines and the impact it would have on the architectural heritage area. The existing entrance to the house was built without the benefit of planning permission, and it was deemed to have inadequate sightlines. The parties made a joint planning application in 2019 under reference 19/6279 with the aim of regularising the entrance as both parties hope to develop their respective lands to the rear in the future. In the assessment of that case the restricted sightlines were an issue, and the current proposal is in the same place and does not meet policy CPO 16.33 of the Westmeath County Development Plan.

The commercial operation on the site is unauthorised and has not been in business on the site for more than 7 years. The unauthorised use is not statute barred. The

business has increased incrementally since 2016 (6 years), and it occurs Monday to Friday. Enforcement proceedings issued from the Midland Circuit Court in Mullingar. The proposed entrance should it be permitted will be used for business as well as domestic use. It is submitted to the Board the commercial activity has been operational less than seven years and is therefore not statute barred.

6.1.4 **Consent**

The appellant is hugely disappointed with the decision of the planning authority to grant planning permission in the absence of an appropriate letter of consent from the landowners (the appellants). The appellants have resided at Hawarden Villa since 1995, 25 years. A right-of-way over a portion of the lands was afforded to Ms Mary Tunney Zumerchik to gain access to her lands to the rear of Lakeview House. The applicant David Zumerchik is not the registered owner.

Under Folio WH5905 (Mary Tunney) has a right of way to pass over lands marked, 'B' for the purposes of accessing the lands held in Folio WH5905 to the rear but does not have any legal right to carry out any works to these lands. The planning permission granted requires the consent from landowners Isena and Christian Pohl as there is no means to access public road without the adjoining landowners consent to open a new entrance onto their lands. The applicant is proposing to provide a new entrance arrangement on the northern boundary of their lands (within the red line boundary). The northern boundary of the site directly abuts the lands in the ownership of Christian and Isena Pohl. The new entrance appears to lead to nowhere. It is unclear how the applicants intend to use the entrance without traversing 3rd party lands without consent. Furthermore it is unclear what the intention is for the gates and piers erected by the owners of Lakeview House and how it could affect the proposed entrance.

6.2. **Applicant Response**

The Planning Partnership has responded to the appeal on behalf of the applicants.

- The appeal was made with the intention of delaying the development under Section 138 91)(a)(i.)(ii.) of the Planning and Development Act as amended 2001.

- Under Section 145(1)(b)(i) or (ii) of the Planning and Development Act 2001, The Board can direct the appellants to pay compensation to any party for the expense occasioned in relation to the appeal.
- The first party previously supported David Zumerchik under an appeal made to the Board, ABP 309027 made by the third part appellants. This current application overcomes substantive concerns. The proposed access presented at the time to provide for future development of an unknown scale and impact was rejected by the Board because it would detract from the built heritage and character of the area, and there was a lack of clarity in the application relative to the need for the proposed development to serve Lakeview House. It was considered to be premature pending an application for the development of lands to the rear. It would appear duplicitous that the former applicants now reject a potential resolution to the concerns previously expressed by the Board.

- **Roads and Traffic Safety :**

It is not a matter of the District Engineer to determine the legal consent of an application. Insofar as it was the District's Engineers responsibility the proposed development from a road and traffic perspective no objections were raised. The sightline assessment was conducted at the point of transition between the private easement and the public road. Under the previous appeal it was concluded the existing entrance was adequate to serve the proposed development was adequate to serve the existing residential property (Lakeview House), though not to serve the proposed development of unspecified proportion of the lands to the rear. The new design presented in the current application presents the entrance on to the public road in a much improved condition compared to previous configuration. The curved wall and railings are situated in such a way as to create a wider gap between applicant's property and the opposing side of the roadway, allowing for a broader visibility slay and making for a safer junction.

- **Traffic and Transport Assessment**

The appellants submit the proposal contravenes Objective CPO 16.35 of the Westmeath County Development Plan. The proposal is fully compliant with

the TII Traffic and Transport Assessment Guidelines. Table 2.1 sets out the thresholds at which the of Traffic and Transportation Assessments in relation to planning applications are recommended, Millmount Road does not meet with the listed thresholds. The proposal therefore does not contravene CPO 16.35 of the Westmeath County Development Plan.

The previous planning application, Ref 19/6279 there was a report presented by NRB Consulting Engineers. This stated the proposed traffic will have a negligible impact upon the established local traffic conditions and can be easily accommodated on the road network without affecting or exacerbating existing conditions. Transport Infrastructure Ireland have not defined what a sensitive location is. The appellants consider it should be considered a sensitive location because it is located on Millmount Road Architectural Conservation Area, and this issue does not feature in the NRB Consulting Report (originally commissioned by the appellants under Planning Ref. 19/6279). It is accepted that that the ACA is an important consideration of the application, but it is not relevant to Traffic and Transport Assessment.

- **Consent of the Landowner**

The appellants are disingenuous stating there is no connection between the applicant, David Zumerchik, and Mary Tunney-Zumerchik, as they are husband and wife. The applicant is a beneficial owner and has the capacity to carry out the development. Under Article 22 of the Planning and Development Regulations a planning authority does not have a role in resolving title disputes. The relevant article 22©(g) is to ensure that an application is made by a person with the requisite interest and prevent applications being made by persons with no legal estate or interest in the lands and with no prospect of developing same.

The works are entirely within the lands of the beneficial ownership of the applicant. Under case law, and cited, Heather Hill Management Co CLG Vs An Bord Pleanala and Walsh Vs An Bord Pleanala, whereby Section 34(13) of the Planning and Development 2000 ensures that any disputes over the title should be resolved in the appropriate forum but this not prevent permission from being granted.

- **Consent of neighbouring landowners for access and development**

The appellants give contradictory submissions stating the vehicular access proposed as part of the application has no means of access to the public road without the adjoining landowners consent though it states later in the appeal, there is a right of way on the land that allows Mary Tunney to travel over the section of land. Mary Tunney and her heirs, administrators, successors, licences and assign have the same benefits.

The The appellants contend the applicant needs to open a new entrance onto their property for which they do not have consent. The current and sole access point to Lakeview House from Millmount Road is via the same entrance associated with the dwelling since it was constructed in 1850. No works are required on the appellants lands and the proposed new entrance is entirely within the applicant's landholding.

The dispute over the right of way is pending determination under the Mullingar Circuit Court (Proceeding Record 14/2019). There is no reason why a positive outcome cannot be granted by the Board before the determination of the Mullingar Circuit Court has been concluded.

- **Site Zoning and Development Plan Provisions**

The existing domestic extension is in accordance with the zoning objective for the area

6.3. **Planning Authority Response**

There was no response from the planning authority.

7.0 **Assessment**

7.1. The third-party appellants reside to the north of the subject site. There has been a planning history between the First and Third parties regarding a joint application for an access over lands to the north of the subject site on which the applicant has a right of way. The previous proposal was refused by the planning authority, as per Section 4 of this report. This is a separate site and an entirely new and independent

planning application. The site boundary is to the south of the right-of-way area and within the ownership of the applicant.

7.2. There are a number of elements to the planning application which I will address individually prior to getting to the crux of the third party appeal relating to the relocation of the entrance to Lakeview House. Lakeview House is a Protected Structure, and is in excellent condition.

- **Retention of Sunroom (18.65sqm.):** There is a new sunroom on the southern façade of the dwelling overlooking the garden area associated with the dwelling to the south. It is 4.3m x 4.9m, positioned to the rear of the dwelling. It is finished in traditional materials a dark slate roof, and timber windows and doors. The ridge height is 4.1 metres, with the overall ridge height of Lakeview House being 8.4metres. The structure is incidental to the use of the dwelling. The scale, design and layout is discreet and in keeping with the overall proportions and design of the main dwelling.
- **Retention of Rear Utility Room (9.9sq.m):** The utility room is a small detached building to the rear of the dwelling visible from the entrance to the property. It resembles an outbuilding. It is small in scale and does not detract from the façade or the heritage attributes of the main dwelling.
- **A 6m fibreglass cleaved flagpole to the front of the property.** The submission documents indicate the flagpole in front of the dwelling house, and it is included in the site photographs accompanying the application dated stamped 225th of May 2022. The planning authority refused this element of the planning application for one reason:

Having regard to the siting and location of the flagpole subject for retention, within an Architectural Conservation Area, it is considered to permit such a flagpole would detract from the heritage value of the ACA and would not positively contribute to the character, appearance and quality of the local streetscape. In this regard to permit the development subject for retention would be contrary to policies P-BH3 and P-BH7 of the Mullingar Local Area Plan 2024-2020 as extended, would injure the amenities of the area and depreciate the value of property in the vicinity, would set an undesirable precedent for similar developments of this type in the future and would

therefore be contrary to the proper planning and sustainable development of the area.

During my site inspection I noted there was no flagpole in place to the front of the dwelling. In my opinion, there has been no justification for proposed flagpole in the submission documents. It would look out of place in front of the protected structure and along the streetscape and detract from the visual amenities of the area. I consider the planning authority was correct in refusing this element of the proposal and the refusal should be upheld by the Board. It is my opinion that following the removal of the flagpole from the site, the application for retention of same is no longer applicable. Therefore, I would recommend a condition be attached to the permission excluding the flagpole from any grant of permission.

- **A domestic extension comprising of a new single store family room(41sq.m.) and linked domestic storage/garage (40sq.m.).** These new additions are to the rear of the dwelling and an extension of the utility room along the eastern (rear) site boundary. The design and layout of the proposed extensions are discreet and in keeping in scale, proportion and formation of the built envelop of the overall house. The proposed extensions will not materially detract from the architectural merits of Lakeview House.

7.3 **New Access**

The proposed development also includes for new access arrangements with piers, gates railings and boundary walls with a stone capped rendered walls to the return of the existing front boundary wall with railing detail to match the existing and extended boundary treatment of the domestic property.

The third party appellants have appealed the decision to grant the access because:

- (i) They claim they are the registered landowners of lands marked 'A' and 'B' in Figure 7 of the appeal submission. A right of way exists over a portion of the lands to Ms Mary Tunney Zumerchik to gain access to her lands at the rear of Lakeview House, marked 'C'. The appellants claim none of the lands are owned by the applicant, David Zumerchik. According to the appeal, there is a strip of land between the two curtilages which is a right

of way and the applicant requires the appellant's consent to carry out the works.

According to the appeal file, the applicant is David Zumerchik, is Mary Tunney (Zumerchik)'s husband, and they live at Lakeview House, the subject site. The issue over the person, named on the right of way and no legal consent to carry out the works is in my opinion, is pedantic. I note, the third parties who had previously a joint planning application with both First Parties relating to the same right of way in 2019.

- (ii) Furthermore, the issue relating to right of way is a civil matter and beyond the remit of the Board. Section 34(13) is relevant and should be cited in the decisions:

Section 34(13) A person shall not be entitled solely by reason of a permission under this section to carry out any development.

There are no works proposed on the appellants lands. The proposed new entrance and boundary railings along the northern boundary of the site are within the applicant's landholding. Having regard to the planning history relating to the right of way and the evidence submitted on appeal relating to the right-of way and its relationship to the new revised entrance to Lakeview House, I consider a refusal of permission could not be sustained in this instance, because the right of way is located outside of the boundaries of the subject site. The grounds of appeal relating to legal consent should be dismissed by the Board, because the applicant is married to the named person on the right-of-way, and in my opinion the grounds of appeal relating to legal consent are misleading.

The Area Engineer from the planning authority had no objection in principle to the proposed entrance. However, the grounds of the appeal raised concerns regarding the **sightlines** at the proposed entrance, particularly having regard to the position of the new access located beside the right-of-way access previously refused under planning reference 19/6279 (ABP Ref: 309027-20) due to inadequate sightlines.

Under reference number **19/6279 (ABP Ref: 309027-20)** the appellants, Christian and Isena Pohl, sought to develop a vehicular access road to serve the existing dwelling on the subject site, Lakeview House and potential future development lands owned by both parties to the rear of their houses. It was concluded in the

assessment of the case, the existing access to Lakeview House, was adequate to serve the existing dwelling, though not serve the lands to the rear. Under the current proposal the new access is setback into the subject site with a curved wall and railing, creating a wider gap between the applicant's property and the opposing side of the roadway, which in turns improves the current visibility at the access and will ultimately create a safer junction with improved sightlines. I

The existing access is onto Millmount Road, a busy urban road in Mullingar, with a busy junction on the opposite side of the road (auburn Road) to the subject access. The heavy traffic ensures speeds are curtailed, and traffic turning movements are cautious.

The appellants maintain the development proposal contravenes **Objective CPO 16.35 of the Westmeath County Development Plan**. This policy is under the Development Management Standards Policy Objectives of the plan, relating to Traffic Management and Road Safety. Having examined CPO 16.35 I do not consider the policy is relevant to the current proposal. A Road Safety Audit is not required or a Traffic and Transport Assessment. The proposal is for revisions to an existing domestic access. There is no material increase in the traffic associated with the proposed development.

Section 7.10.6 of the Mullingar LAP 2014-2020 (as extended) relates to the Built Heritage of Mullingar. This has regard to Protected Structures and to the six Architectural Conservation Areas in the town. The latter includes Millmount Road ACA. Policies P-BH3 and P-BH7, are to protect Mullingar's built heritage and streetscapes including in the ACA and individual buildings of historical, architectural, artistic interest. The new revised access and railings are similar in design and specification to the existing entrance. The separation distance to Lakeview House from the northern boundary and access is reduced under this current proposal. However, the revised separation distance remains adequate, and will not materially alter the setting of the Protected Structure. I would consider that this proposal as currently presented, would not detract from the character of the streetscape and would not detract from the curtilage of the Protected Structure on either side of the existing access.

Other Matters

Any alleged unauthorised developments on the subject site, including the use of the premises as a solicitors practice, are a matter for the enforcement section of the planning authority. Under the current applicant, two unauthorised structures which were the subject of Section 5 Referrals, are currently under assessment for retention. The unauthorised flagpole has been removed from the site. The planning application was deemed to be valid by the planning authority.

7.4 Appropriate Assessment

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend the decision to grant planning permission for the proposed development be upheld by An Bord Pleanála and that the proposed flagpole be refused in a split decision.

9.0 Reasons and Considerations

Having regard to:

- the significant curtilage and setbacks afforded to Lakeview House a Protected Structure, it is considered the revised access arrangements and new northern site boundary will detract from the heritage value of the dwelling or the streetscape,
- the revised access arrangements would be generally acceptable in terms of traffic safety and convenience.
- The scale, design and specification associated with the new extensions and additions are in keeping with the architectural integrity and scale of the primary dwelling on the site

It is considered the proposed development and retention of the sunroom will not detract from the visual or residential amenities of the area, and the proposed new access arrangements will be acceptable in traffic safety terms, and would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The revised entrance shall be constructed in accordance with the plans and particulars lodged 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 within one month of this order. In default of such an agreement the matter shall be referred to An Bord Pleanála for agreement.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Details of the proposed kerbing and surface finishes of the access/entrance traversing the area of the public footpath shall be agreed in writing with the planning authority within one month of this order. In default of such an agreement the matter shall be referred to An Bord Pleanála for agreement.</p> <p>Reason: In the interest of visual amenity and traffic safety.</p>
3.	<p>Details of proposed gates / pillars / boundary treatment at the existing entrance shall be agreed in writing with the planning authority within one month of the date of this order. In default of such an agreement the matter shall be referred to An Bord Pleanála for agreement.</p> <p>Reason: In the interest of visual amenity and traffic safety.</p>
4.	<p>Details of all surface water drainage at the entrance shall be agreed with the planning within one month of this order. In default of such an agreement the matter shall be referred to An Bord Pleanála for agreement.</p> <p>Reason: In the interests of public health and traffic safety.</p>

5.	<p>The grant of the permission excludes the proposed flagpole to the front of the Protected Structure.</p> <p>Reason: In the interest of visual amenity and to protection of the built heritage.</p>
	<p><i>Section 34(13) A person shall not be entitled solely by reason of a permission under this section to carry out any development.</i></p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Caryn Coogan
 Planning Inspector

1st of September 2023