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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 11

AN BORD PLEANÁLA
LDG- 043372-21
ABP- _____
07 SEP 2021
Fee: € 220 Type: cheque
Time: _____ By: post

1st September 2021

Re: Application for Declaration of "Exempted Development" Part 1, Section 5, Planning and Development Act 2000(am ended) whether the increasing in height of a rear boundary wall by an additional 0.6m at No. 8 An Rian, Termonfeckin Road, Drogheda, Co. Louth is or is not exempt development within the meaning of the Planning and Development Act, 2000(as amended) Planning Authority. Louth County Council.

Dear Sir/Madam,

I have been engaged by Tadas Makauskas, owner of 8 An Rian, Termonfeckin Road, Drogheda, Co. Louth to appeal the decision of Louth Co. Co. in relation to the increase in height of the above rear boundary wall. Planning permission was granted to Lorrac Developments for 17 no. dwelling units under Planning Ref. No 10510115 and an extension of time was granted under planning ref. no. 15575. The plans submitted as part of the application showed a section of the wall to the rear of my client's property as having a height of 2.2m. However the plans didn't indicate from which side this elevation is shown as the height of the wall measured from my client's rear yard(private open space) was only 1.5m approx. There is a continuous and considerable fall from the rear of his dwelling to the wall which further exasperates his privacy problem. Consequently my client and also his neighbour increased the height of the wall by approximately 0.6m. So basically the wall height measures 2.2m on my client's side and this is in line with the permission granted and affords him the privacy which he fully deserves.

It would have been accepted at planning stage that the wall would have been the same height measured from either side and if not a section through the wall should have been provided which would have shown that the wall was actually a retaining wall in part. From perusal of the road and house floor levels submitted with the application it would appear that the estate was built at a higher level (0.6m possibly) than that which was granted and this is what has caused the discrepancy on both sides of the wall. No level appears as having been provided at the entrance to the estate from the Termon Abbey road. It would seem that my client is now being victimised for protecting his privacy while the reason for the wall height increase was not his doing.

Finally under the Planning and Development Regulations 2001, Schedule 2, Part 1, Class 5 a rear boundary wall can be constructed to a height of 2m without planning permission. The increase in height does not contravene a condition of planning as was already mentioned above the wall measured from inside was only 1.5m high. The road to the rear of my Client's dwelling is very busy at times due to the nearby school and the use of double decker buses and I ask the Board to rule favourably on this issue particularly as the height increase has no detrimental effect on anybody and is virtually unnoticeable to passersby.

Yours Faithfully


John Dineen

Enclosures:

Cheque in the sum of €220
Copy of Council's decision.



Tadas Makauskas,
c/o John Dineen,
Cordoogan,
Monasterboice,
Co. Louth.

12th August, 2021.

RE: Ref. S5.2021/17

Re: Application for Declaration of "Exempted Development" Part 1, Section 5, Planning & Development Act 2000 (as amended) whether the increasing in height of a rear boundary wall by an additional 0.6 metres at No. 8 An Rian, Termonfeckin Road, Drogheda, Co. Louth is or is not exempt development within the meaning of the Planning and Development Act, 2000 (as amended)

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 22nd July, 2021 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows:-

WHEREAS the question has arisen as to whether the increasing in height by 0.6 metres of a rear boundary wall is or is not exempt from the requirement to obtain planning permission.

AND WHEREAS the said question was referred to Louth County Council by the applicant, Tadas Makauskas.

AND WHEREAS Louth County Council, in considering this reference, had particular regard to:-

- (a) The definition of 'development' in Section 3 of the Planning and Development Act 2000 (as amended)
- (b) Article 9 (1), Schedule 2, Part 1, Class 5 of the Planning and Development Regulations 2001 (as amended)
- (c) The planning history of the subject site and conditions contained therein.

AND WHEREAS Louth County Council has concluded that:-

- (a) The proposed increasing in height of the rear boundary wall of No. 8 An Rian, Termonfeckin Road, Drogheda, Co. Louth constitutes development,
- (b) That the proposed increase in the height of the wall would contravene a condition of planning permission file ref. no. 10/510115.


NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the development is **development and is not exempted development**.

In Summary

A Declaration of Exemption is hereby REFUSED for the proposed increasing in height of 0.6 metres of a rear boundary wall at No. 8 An Rian, Termonfeckin Road, Drogheda, Co. Louth.

This decision may be referred by you to An Bord Pleanala for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,



Celine Breen
Planning Section.

