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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 20/554**

**Appeal** by Mimi Keogh care of Conor Furey and Associates Limited of Olde World Cottage, Rathaskar Road, Naas, County Kildare against the decision made on the 22<sup>nd</sup> day of July, 2020 by Kildare County Council to refuse permission for development comprising retention of (a) extension to the rear of the existing semi-detached dwelling on the site consisting of a ground floor dining room and first floor bedroom total floor area 51.5 square metres and (b) a domestic garage to the rear of the site measuring 15.9 square metres at Kill West, Kill, County Kildare in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT** permission for retention of the extension to the rear of the existing semi-detached dwelling, consisting of ground floor dining room and first floor bedroom in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for a domestic garage to the rear based on the reasons and considerations marked (2) under.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations (1)**

Having regard to the provisions of the current Development Plan for the area and to the siting and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or depreciate the value of properties in the vicinity and would, therefore, be in accordance 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 amended by the further plans and particulars received by An Bord Pleanála on the 18<sup>th</sup> day of August, 2020, 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. Water supply and drainage arrangements, including the 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 to ensure a proper standard of development.

3. The external finishes shall harmonise in colour and texture with the existing finishes on the house.

**Reason:** In the interest of visual amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

## **Reasons and Considerations (2)**

Having regard to the provisions set out at Table 17.5 of the Kildare County Development Plan 2017-2023 which provides for three-bedroomed dwellings to have a minimum of 60 square metres of private open space, the configuration of the site, the extent of development to be retained on site and the residual usable private open space available, it is considered that the proposed domestic garage would result in a significant deficiency in the provision of private open space, would lead to a diminution of the residential amenity of the existing dwelling and would, therefore, result in overdevelopment of a restricted site.

In deciding not to accept the Inspector's recommendation to grant permission for the domestic garage to the rear of the property, the Board considered that the front curtilage car parking area was not a satisfactory private open space and that the overall curtilage, therefore, remains deficient in the provision of the required 60 square metres of private open space.

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**Dave Walsh**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**