

An
Bord
Pleanála

Board Direction
BD-010860-22
ABP-311481-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/06/2022.

The Board decided to make a split decision, to

- (1) Grant retention permission, for the following reasons and considerations and subject to the following conditions for the unauthorised garage to the rear of the existing domestic garage, in accordance with the submitted plans and particulars

and

- (2) refuse permission for proposed change of use of the existing original permitted garage to a family flat / granny flat

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations (1)

Having regard to the provisions of the *Kildare County Development Plan 2017-2023*, including the design, location, nature, and size of the proposed domestic garage, it is considered that, subject to compliance with the conditions below, the development does not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development to be retained shall be in accordance with the plans and particulars lodged with the application 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - a) The garage shall be used for domestic purposes only and shall remain ancillary to the dwelling.
 - b) The domestic garage shall not be used for human habitation for any commercial use or carrying out any trade.

Reason: In the interest of clarity.

3. 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.

4. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety.

5. The developer shall pay to the planning authority a financial contribution of €1,031.62.00 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 three months from the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

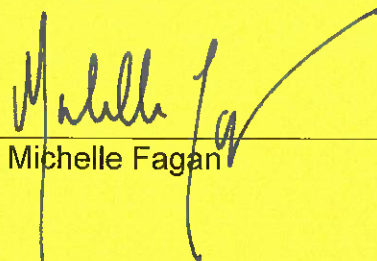
provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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.

Reasons and Considerations (2)

Having regard to the provisions of the Kildare County Development Plan 2017-2023, including Section 17.4.9 'Family Flat', which requires that a proposed granny flat be linked directly to the main dwelling by a connecting door, it is considered that the proposed development would not be in accordance with the relevant Development Plan policy, and would seriously injure the amenities and character of the area. It would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:



Michelle Fagan

Date: 10/06/2022

Note: Having regard to the paucity of information on the file in relation to wastewater treatment and disposal facilities, the Board is not satisfied that the proposed development, particularly in conjunction with other existing wastewater systems in the area, would not give rise to a risk of groundwater pollution. It is considered, therefore, that the proposed development would be prejudicial to public health. However, this is a new issue and given the substantive nature of the reason for refusal above, the Board decided not to pursue this matter.

