

An
Bord
Pleanála

Board Direction
BD-017635-24
ABP-319188-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/09/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Kildare Development Plan 2023-2029 it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of the area, nor by virtue of the use of the sheds be incompatible with the residential context within which it is located. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28th day of August 2023 and the 19th day of January 2024, 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 three months from the date of this Order and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the sheds shall be for domestic purposes only and shall remain ancillary to the apartment units. The sheds shall not be used for human habitation, for any commercial use or for the purposes of carrying out any trade. The sheds shall not be let or sold separately to the apartment dwellings.

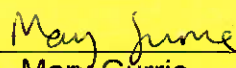
Reason: In the interests of protecting the residential amenity of the area.

3. 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 public health.

Note: In relation to the concerns raised in the grounds of appeal that set out that the sheds are not a communal resource and are not owned by the management company, the Board noted that these are matters of a civil nature and in this regard, the Board further noted the provisions of Section 34(13) of the Planning and Development Act, as amended which provides that 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Board Member


Mary Gurrie

Date: 27/09/2024