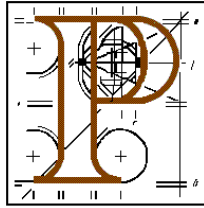


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kilkenny County

Planning Register Reference Number: 15/716

An Bord Pleanála Reference Number: PL 10.246438

APPEAL by Tom and Philomena Shiel of 305 Johnswell Road, Kilkenny against the decision made on the 22nd day of March, 2016 by Kilkenny County Council to grant subject to conditions a permission to Bobby Dowling of 304 Johnswell Road, Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of extension to rear of dwelling at to include bathroom, hallway, utility, separate toilet and wash/hand basin, and conservatory, and retention of freestanding conservatory, mobile home (inhabitable), and sheds to rear and site, all at 304 Johnswell Road, Kilkenny as amended by the revised public notice received by the planning authority on the 29th day of February, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

Having regard to the established residential use on the site, the pattern of development in the area, and the design and layout of the proposed development and the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars submitted on the 29th day of February, 2016, 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. Prior to the commencement of development, revised floor plans of the proposed extension conforming to elevation plans as submitted and details of windows to be provided to extension shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity.

- 3 (1) The kennels to be retained shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any commercial or business purpose.
- (2) The kennelling of dogs on the site shall be restricted solely to the kennel building.

- (3) No more than five dogs shall be accommodated within the kennels at any time.

Reason: In the interest of residential amenity and public health.

4. Details of the management of foul waste shall be submitted to, and agreed in writing with, the planning authority within one month from the date of this order. The kennels shall thereafter be maintained in accordance with the agreed details.

Reason: In the interest of residential amenity and public health.

5. No additional buildings or structures for the housing or keeping of animals shall be constructed on site without a prior grant of planning permission.

Reason: To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.

6. (1) The domestic store/shed, shall be used for purposes ancillary to the enjoyment of the dwellinghouse as such and shall not be used for human habitation.

(2) The mobile home shall be removed from the lands within six months from the date of this order.

Reason: In the interest of residential amenity.

7. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development and to prevent pollution

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 to those Regulations shall take place within the curtilage off the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

- 9 The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

10. The developer shall pay to the planning authority a financial contribution 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 prior to commencement of development 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

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

Dated this day of 2016.