

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/595

An Bord Pleanála Reference Number: PL 09.246640

APPEAL by Thomas Droney of 59 Abbeyfield, Kilcock, County Kildare against the decision made on the 21st day of March, 2016 by Kildare County Council to grant subject to conditions a permission to Merlon Developments Limited care of McCrossan O'Rourke Manning Architects of Albert Place West, Harcourt Lane, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: An amendment to a previously approved scheme granted permission under planning register reference number 03/1698 (An Bord Pleanála appeal reference number PL 09.207374), as subsequently amended by permissions granted under planning register reference number 05/1697, 05/3052, 06/734, 06/2260, 09/1424, 09/1153 and 12/421. The amendments propose modifications to the scheme layout by replacing a total of 121 number permitted dwellings, numbered 1-32, Block G, Ryebriidge Grove comprising: 12 number two bed Type L units, 10 number three bed Type J Duplex Units over 10 number two bed Type I Ground Floor Apartments in a three-storey block; and numbered 1-45, Ryebriidge View comprising the following: two storey terraced dwellings: 11 number three bed Type A houses, three number three bed Type A1 houses and seven number four bed Type A2 houses, eight number three bed Type B houses, three number four bed Type E houses, three number four bed Type E1 houses, two number four bed Type F houses and eight number two bed Type K Apartments in two-storey blocks; and numbered 1-44, Ryebriidge Gardens comprising: three-storey blocks containing 16 number three bed Type J Duplex Units over 16 number two bed Type I Ground Floor Apartments and 12 number two bed Type L units, for a new arrangement of 72 number two-

storey dwellings comprising 48 number three bed Type B1 semi-detached houses, six number four bed Type G semi-detached houses, two number four bed Type G1 detached houses, eight number four bed Type G4 semi-detached houses, six number four bed Type G5 detached houses and two number four bed Type G6 semi-detached houses and with all houses containing on curtilage car parking and including modifications/realignment of the approved access roads/services to serve the new dwellings plus associated site development works including boundary treatments and landscaping works all located on a 4.203 hectare (10.38 acres) site at the development now known as Ryebridge, at Boycetown, Commons East, Kilcock, County Kildare.

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 30 and the reason therefor.

REASONS AND CONSIDERATIONS

The Board considered that condition numbered 30 should be removed as the wording of the condition provides for an access at a location removed from the appeal site, on lands previously granted permission for residential development under planning register reference number 03/1698 appeal reference number PL.09.207374 and would be contrary to condition number 2 (d) of the said permission which requires such linkages to be provided. Therefore, the inclusion of condition number 30 in this instance is not relevant and is, therefore, considered unnecessary and unreasonable in this instance.

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.

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

Dated this day of 2016.