

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kilkenny County

Planning Register Reference Number: 16/421

An Bord Pleanála Reference Number: PL 10.247496

APPEAL by Madeleine Carroll of 3 Beech Park, Castle Road, Kilkenny against the decision made on the 5th day of October, 2016 by Kilkenny County Council to grant subject to conditions a permission to Pat Wallace care of Bluett and O'Donoghue Architects of 2 Saint John Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of two number two-storey semi-detached houses, related boundary wall treatment, turning bay and separate entrance to "Fanad House", connection to drainage systems and all associated site works, all at Fanad House, Bennettsbridge Road, Kilkenny.

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 planning history of the site, to the pattern of development in the area and to the design and layout of the proposal, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of traffic safety and convenience and would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the extant permission on the site as well as to the suburban location and considered that the proposal would be acceptable in terms of its impacts on residential amenity.

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 submitted on the 13th day of September, 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 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. The existing south and south-eastern hedgerow boundary with mature trees and the south-western boundary shall be retained and maintained by the developer. The existing laurel hedgerow with neighbouring houses 3, 4 and 5 Beech Park shall be maintained at no higher than 2.5 metres.

Reason: To provide screening for the proposed development and in the interest of the residential amenities of neighbouring dwellings.

3. Prior to widening the existing entrance onto the public road or footpath the developer shall obtain a road opening license from the office of the senior engineer, Kilkenny City. All works carried out shall be to the satisfaction of the area engineer and shall be at the expense of the developer.

Reason: In the interest of proper planning and sustainable development.

4. Water supply and drainage arrangements, including 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.

5. Prior to commencement of development, a suitable qualified arborist shall be employed by the developer to identify the root protection area of the mature beech tree located proximate to the site corner and to recommend suitable measure to protect same to be implemented by the developer. This root protection area shall at least be suitable protected with a sturdy fence and no construction traffic shall be allowed on same or spoil heaped upon same. The hard standing area to the front of the house shall be repositioned away from the root protection area. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the existing proximate mature beech tree.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

8. 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 2017.