

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kildare County

Planning Register Reference Number: 16/823

An Bord Pleanála Reference Number: PL 09.248060

APPEAL by Thomas Moore of Grangebeg, Dunlavin, County Kildare against the decision made on the 31st day of January, 2017 by Kildare County Council to grant subject to conditions a permission to Andrea Moore of Grangebeg, Dunlavin, County Kildare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (a) Construction of new dormer dwelling, (b) new vehicle entrance, (c) domestic garage, (d) new treatment system and percolation along with all associated site development and facilitating works, all at Grangebeg, Dunlavin, County Kildare.

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 provisions of the Kildare County Development Plan 2017-2023, the planning history, the single storey nature of the proposed development and the pattern of development in the area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not injure the residential amenities of the area, would not be prejudicial to public health by reason of surface or ground water contamination and 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 noted and concurred with the planning authority's assessment of the site characteristics and considered that the proposed development addressed the previous reasons for refusal.

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 the 5th day of January, 2017, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain

so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

- 3. (a) The external wall finishes of the proposed dwelling house shall have a neutral coloured nap plaster render, using colours such as grey or off-white.
- (b) The roof colour of the proposed dwelling house shall be blue-black, or slate grey using tiles or slates. The colour of the ridge tiles/cappings shall be the same as the colour of the roof.
- (c) White uPVC shall not be used for windows, external doors and rainwater goods

Reason: In the interest of visual amenity.

- 4. All existing planting (hedgerow and trees) on and bounding the site shall be retained and maintained, except at the proposed entrance and where altered or amended by conditions in this permission.

Reason: In the interest of visual amenity and traffic safety.

- 5. (a) Prior to commencement of development a detailed landscaping plan shall be prepared for the overall site, submitted to, and agreed in writing with, the planning authority. Such landscaping

shall be carried out within the first planting season following the commencement of the development.

- (b) A timber post and rail fence shall be erected around the perimeter of the site.
- (c) All new boundary and screen planting on the site shall comprise indigenous hedgerow and tree species to the area.

Reason: In the interest of the rural character and visual amenity of the area.

- 6. No surface water run-off from the site shall be discharged onto the public road.

Reason: In the interest of traffic safety.

- 7. Only clean uncontaminated surface water from the development shall be discharged to the surface water system. Only foul sewage and soiled water from the development shall be discharged to the foul treatment system.

Reason: In the interest of public health, to avoid pollution and to ensure proper development.

- 8. All surface water shall be collected and disposed of to soakways, water system designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365 and provided with inspection manhole covers.

Reason: To ensure proper servicing of the proposed development.

- 9. Roadside drainage shall be provided at the entrance which shall discharge to soakways or water system on site. The roadside drainage along the road frontage shall not be impaired and shall discharge to the grass verge which shall be lowered and levelled to the road level and

provided with water run-off cuttings as directed by the Roads Authority. Roadside drains, where present, shall be retained except at the entrance where they shall be piped with a single pipe or culvert corresponding to the dimensions of the drain cross section.

Reason: In the interest of traffic safety and proper development.

10. (a) The treated effluent from the Oakstown BAF wastewater treatment system shall be discharged to a polishing filter, which shall be designed and constructed in accordance with the document entitled “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)” - Environmental Protection Agency, 2009.
- (b) The polishing filter shall be located not nearer than 10 metres from the dwelling, not nearer than 10 metres from any other dwelling, not nearer than 10 metres from any watercourse/stream, not nearer than three metres from the site boundary, not nearer than four metres from a road or slope break/cut and not nearer than 40 metres from any water supply source unless such source is from a public piped supply. (See Table B.3, P62, “Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)” – Environmental Protection Agency, 2009 and Department of the Environment and Local Government/Environmental Protection Agency/Geological Survey of Ireland “Groundwater Protection Responses for On-Site Wastewater Systems for Single Houses” for suggested minimum distances from a well).
- (c) A suitably qualified engineer familiar with the Site Characterisation Form prepared for the site shall design the polishing filter, supervise its construction and submit certification to the planning authority that all works have been completed in compliance with the requirements of the “Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)”, Environmental Protection Agency, 2009.
- (d) With regard to all other aspects of the wastewater treatment system installation, the I.S. EN 12566-3:2005 and Site Suitability Report dated the 27th day of July, 2016 shall be followed.

- (e) With regard to all other aspects of the polishing filter construction, the Site Characterisation Form dated the 10th day of October, 2013 shall be followed.

Reason: In the interest of public health, to avoid pollution and to ensure proper development.

11. 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.