



An
Bord
Pleanála

**Board Order
PL 09.248190**

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 16/1307

Appeal by Boldnote Developments Limited care of Demesne Architects of Desmond House, Main Street, Maynooth, County Kildare against the decision made on the 17th day of February, 2017 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Construction of a 279 square metres two-storey, four bedroom detached dwelling, a new site entrance as well as all associated site works and landscaping. The proposed new site 14 (on existing open space/woodland to the north of Site 12) is to replace the former site 14 (to the south of Site 12) which due to the discovery of archaeological remains will not be built on and will be returned to woodland, all at 14 Temple Wood, Carton Demesne, Maynooth, County Kildare. The proposed development is in the vicinity of Carton House, associated outhouses, stables and yards which are protected structures. No works are proposed which directly affect these structures.

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 overall site and to the nature and scale and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or be out of character with the setting of Carton Demesne. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 received by An Bord Pleanála on the 16th day of March, 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. The former site 14 shall be reserved as a common area for the development and landscaped as shown on drawing number (03) 010 submitted to An Bord Pleanála on the 16th day of March, 2017.

Reason: In the interest of residential amenity.

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 21st day of June, 2013 under planning register reference number 12/555, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the 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.

7. 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 Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

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

8. 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, and protection measures for the trees identified for preservation within the site.

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

9. The landscaping scheme shown on drawing numbers (03) 010 and (03) 011, as submitted to An Bord Pleanála on the 16th day of March, 2017, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

