



An  
Bord  
Pleanála

**Board Order**  
**PL 09.248843**

---

## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 17/122**

**Appeal** by Brendan and Marian Darby care of Thornton O'Connor Town Planning Limited of Paradigm House, Dundrum Office Park, Main Street, Dundrum, Dublin against the decision made on the 12<sup>th</sup> day of June, 2017 by Kildare County Council to grant subject to conditions a permission to John Morrissey of 4 Green Road, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (A) Retention of works/extensions and alterations to existing house previously permitted under planning register reference number 14/378 which include for extensions to front and rear of existing house, (B) retention of modifications to existing roof to include for dormer floor level with habitable accommodation, increase in height (circa 450 millimetres), velux roof lights and all associated site works, (C) all associated site development works and (D) permission to complete the works at 4 Green Road, Newbridge, 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 nature and location of the development for which retention is sought, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity. The development for which retention is sought 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, amended by the further plans and particulars submitted to the planning authority on the 17<sup>th</sup> day of May, 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. 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.

4. The rooflights located in the western facing slope of the roof, shall be carried out in accordance with details which shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To prevent overlooking of adjoining residential property.

5. No part of the development, including fascia boards, soffits, gutters, drainpipes or other rainwater goods shall at any time overhang or encroach onto the neighbouring properties.

**Reason:** To protect the amenities of the adjoining property.

6. 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.

7. Water supply and drainage arrangements, including the attenuation and 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.

8. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed house shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

**Reason:** In order to prevent overdevelopment of the site in the interest of residential amenity.

9. 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 residential amenities of property in the vicinity.

