



An
Bord
Pleanála

Board Order
PL 09.248953

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/525

Appeal by Mikey Connors care of MDG-AT of Unit W4-D1, Ladytown Business Park, Naas, County Kildare against the decision made on the 4th day of July, 2017 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: New single storey dwellinghouse (to rear of existing two-storey house), site entrance, landscaping and all associated site development works at 6 Devoy Terrace, Naas, 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 location of the site on residentially zoned lands in the Naas Town Development Plan and to the compliance with the development management standards for infill development in the Kildare County Development Plan 2017-2023, to the pattern of development in the area and to the acceptable scale and design of the dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in haphazard backland development or seriously injure the residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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, 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. 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.

3. The dwelling shall be occupied as a single dwelling unit and shall not be subdivided or used for any commercial purposes.

Reason: In the interest of residential amenity.

4. 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. In this regard:

(a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits.

Prior to commencement of development, detailed proposals for surface water management in accordance with the requirements of the planning authority shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

5. Prior to commencement of development, revised drawings shall be submitted to, and agreed in writing with, the planning authority incorporating a more detailed landscaping scheme for the site, generally as indicated in the submission received by An Bord Pleanála on the 31st day of July, 2017. The scheme shall include measures for protection of existing hedgerows during the construction stage.

Reason: In the interest of residential amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

7. 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 interests of public safety and residential amenity.

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 the 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