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Bord  
Pleanála

**Board Order**  
**PL 09.249282**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 17/761**

**Appeal** by Loughbollard Residents' Association care of Jim Craughwell of 99 The Avenue, Loughbollard Close, County Kildare against the decision made on the 24<sup>th</sup> day of August, 2017 by Kildare County Council to grant subject to conditions a permission to Peter Sweeney care of Liam Cullen of 44 Ballinteer Crescent, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Subdivision of the site and the construction of one number two-storey dwelling (floor area 87.8 square metres square) adjoining existing dwellinghouse, new pedestrian entrance to the front of site to match existing entrance, demolition of existing garage to rear of the existing property for the construction of an open plan car parking area for three number car parking spaces and associated turning area, construction of a two metres high boundary to rear of the existing and proposed dwellings with pedestrian access from the proposed car parking area, construction of 1.8 metres high boundary wall between the existing and proposed dwellings and associated drainage and site works, all at 79 The Walk, Loughbollard, Clane, 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 planning history of the site, the residential zoning of the site under the Clane Local Area Plan 2017 – 2023, and compliance with the development standards as set out in the Kildare County Development Plan 2017 – 2023, it is considered that the proposed development, subject to compliance with the conditions set out below, would not detract from the character of the area or the pattern of development in the vicinity, would not seriously injure the residential amenities of the area and would be acceptable in terms of pedestrian and traffic safety. 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. The proposed development shall be amended as follows:
  - (a) the proposed development shall be set back from the existing concrete post and panel western boundary by one metre,
  - (b) the existing Fire Hydrant shall be relocated at the developer's expense, from the footprint for the car parking spaces to the laneway, to the planning authority's satisfaction.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of visual and residential amenity.

3. 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.

4. 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.

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

6. 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 and traffic safety and convenience.

7. Both rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

**Reason:** In the interest of residential and visual amenity.

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, parking for contractors and off-site disposal of construction/demolition waste.

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

9. The existing shed/garage shall be demolished as proposed and the area made good and resurfaced to match the materials used in this area of the cul-de-sac.

**Reason:** In the interest of residential and visual amenity.

