



An
Bord
Pleanála

Board Order
PL 10.249366

Planning and Development Acts 2000 to 2017

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 17/160

Appeal by Brian and Dawn Fahey of 41 Michael Street, Kilkenny against the decision made on the 11th day of September, 2017 by Kilkenny County Council to grant subject to conditions a permission to Edward Lennon care of Ivor O'Brien and Associates of 11 Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: 1. Retention of the demolition of existing extension, 2. retention permission for laying of foundation and construction of blockwork, and 3. permission for construction and completion of extension to the rear of existing dwellinghouse and all associated site development works at 40 Michael Street, Kilkenny.

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 Kilkenny City and Environs Development Plan 2014 – 2020 and the Best Practice Guidelines, entitled Quality Housing for Sustainable Communities issued by the Department of the Environment, Heritage and Local Government in 2007, it is considered that the proposed development would not seriously injure the visual and residential amenities of the area or of adjacent dwellings and would not seriously injure the residential amenities of future occupiers. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of June, 2017 and the 16th day of August, 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 retained, 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 extension 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. 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.

4. 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.

5. 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 noise management measures and off-site disposal of construction/demolition waste.

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

