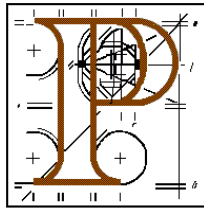


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Kildare County Council

Planning Register Reference Number: 17/882

An Bord Pleanála Reference Number: ABP-300019-17

Appeal by Patrick E. Feighan of 38 Hartwell Green, Kill, County Kildare against the decision made on the 27th day of September, 2017 by Kildare County Council to grant subject to conditions a permission to Rory McKiernan of 33 The Avenue, Newtown Manor, Kill, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erection of four bed detached two storey dwellinghouse with single storey rear annex in side garden, new vehicular access to proposed house and repositioned vehicular access to existing house, new internal sub-dividing party boundary wall and all ancillary site works at 33 The Avenue, Newtown Manor, Kill, 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 provisions of the current Kildare County Development Plan 2017-2023, to the pattern of development and planning history in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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. 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.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. The windows on the northern elevation at first floor level shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

6. The footpath in front of the proposed vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the applicant's own expense.

Reason: In the interest of pedestrian safety.

7. Prior to the commencement of development, revised floor plans indicating the provision of storage facilities in compliance with the provisions of the Kildare County Development Plan 2017-2023, Chapter 17 Development Management Standards, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of proper planning and sustainable development.

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

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

9. 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 2018.