



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/1385

Appeal by George Donohue of 75 Glendara, Kill, County Kildare against the decision made on the 9th day of February, 2018 by Kildare County Council to grant subject to conditions a permission to Cavan Developments care of Fenton Associates of Unit 13, The Seapoint Building, 44 to 45 Clontarf Road, Clontarf, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention, completion and modifications of two number three-bed semi-detached dormer bungalows, on a site area of 0.056 hectares. The retention permission being sought consists of modifications to the permitted house types, alterations to the site layouts, that is, the reorientation of the two houses and driveways of Site Numbers 9 and 10, together with new boundary wall to the side of Site Number 9 and all associated site developments works. The effect of the proposed development will be a modification to part of an extant permission granted under planning register reference numbers 07/1474, 12/963 and 17/1008, at Kilheale Manor, Hartwell Road, 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 design and layout of the subject development and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area, would not be contrary to the provisions of the Kildare County Development Plan 2017 to 2023, and 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, 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. This permission relates solely to the two new houses that are the subject of this application.

Reason: In the interest of clarity.

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 be erected on the site or within the rear garden area without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

4. Apart from the departure authorised by this permission, the development shall remain in accordance with the terms and conditions of the previous permissions relating to the site, namely the parent permission planning registration number 07/1474 as extended by permission granted under 12/963 and 17/1008 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure proper servicing of the development.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.