



Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/878

Appeal by Randal Hill and Martine O'Connor of 71 Loughminane Green, Green Road, Kildare, County Kildare against the decision made on the 7th day of March, 2018 by Kildare County Council to grant subject to conditions a permission to Joseph Doran care of CROSS of 11 An Crois, Allenwood, Naas, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Two number two-storey semi-detached two-bedroom houses and connections to existing foul sewer and all associated site works at 70 Loughminane Green, Kildare, 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 residential zoning of the site, as set out in the Kildare Town Local Area Plan 2012 to 2018, and to compliance with the development standards, as set out in the Kildare County Development Plan 2017 to 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 mixed pattern of development in the vicinity, and 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, as amended by the further plans and particulars submitted on the 13th day of October, 2017 and the 8th day of February, 2018, 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 store room windows on the first floor and the landing windows of both houses shall be fixed with permanent opaque glazing.
 - (b) The existing concrete post and timber panel fence along the northern boundary shall be removed and replaced by a concrete block wall, two metres in height, from a point in line with the proposed front building line of the proposed house to the end of the rear garden of this house. Alternatively, a concrete block wall, two metres in height, shall be provided inside the proposed dwelling site for Number 70A (that is, to the south of the panel fence), from a point in line with the proposed front building line of the proposed house to the end of the rear garden of this house.

(c) The proposed concrete post and timber panel fence between the proposed two rear gardens of house numbers 70 and 70A shall be replaced by a concrete block wall, two metres in height, to the end of the rear gardens of these houses.

(d) All concrete block walls shall be rendered and capped.

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 residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. 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 interests of public safety and residential amenity.

6. 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.

7. 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 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

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.