



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/800

Appeal by Liam O’Flaherty of 7 The Seven Springs, Newbridge, County Kildare and by others against the decision made on the 27th day of March, 2018 by Kildare County Council to grant subject to conditions a permission to Gary and Marie Brennan care of Brennan Architecture of 34 Moorefield Drive, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Extension and alterations including first floor extension to the side including rooflights at the front, rooflight to existing roof at front, upgrade of existing windows, alterations to existing window opes, new ground floor window opes, patent render external wall insulation, new single storey flat roof extension to the rear with parapet detail, flat roof storage shed at rear together with associated site works, all at Number 6 The Seven Springs, Newbridge, 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 and the Newbridge Area Local Area Plan, 2013-2019, and having regard to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, including modifications to the design and extent of the development, the proposed development would not seriously injure the residential amenities of adjoining property and 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 further plans and particulars submitted to the planning authority on the 5th day of March, 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 proposed first floor en-suite shall be accommodated within the depth of the existing house. The roof of the extension shall not oversail the existing rear wall of the house and shall maintain the eaves and lines of the existing roof. The proposed high level windows in the oversailing en-suite shall be omitted and shall be replaced by a new window in the rear wall of the first floor extension.
 - (b) The overall external height of the proposed single storey extension shall be reduced so that it is a maximum of 3.51 metres.
 - (c) The proposed shed, associated rear four-metre high garden boundary wall and the proposed courtyard and associated walls and window seat shall be omitted.

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 interests of visual and residential amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. 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 take place within the curtilage of the house, or within or bounding the rear garden area, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area, and to allow the planning authority to assess the impact of any such structures on the residential amenity of neighbouring properties through the statutory planning process.

5. The external finishes of the proposed extension, including roof tiles/slates of the proposed first floor extension, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

6. 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.

Philip Jones

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

Dated this day of 2018.