



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/254.

Appeal by Pat and Aida Grant care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 4th day of May, 2018 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Retention of existing detached timber structure on the site. Permission is sought for an extension (or link) from the aforementioned detached timber structure on the site to the main cottage on site (note the extension was previously approved by An Bord Pleanála under planning reference number PL09.243283). The extension/link element will function as a living room. The timber structure and the link element together will become an extension of the existing cottage and the completed development will function as one single dwelling. Also, permission is sought to provide a new interconnecting door from the extension/link to the main cottage and to replace the existing timber finish with a rendered fibre cement board finish and all associated site works at 386 Ballyoulster, Celbridge, 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 planning history of the site, to the proposal to integrate a detached single storey timber structure for which retention is sought, with an existing dwelling on the site by means of a link extension and new cladding materials to provide for a single dwelling, and to the enhanced boundary treatments between the proposed development site and adjacent properties, it is considered that the proposed development and the development proposed for retention, subject to compliance with the conditions set out below, would not give rise to overlooking or detract from the visual amenity of the area or the residential amenity of property in the vicinity of the site. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 29th day of May 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 window on the south-eastern elevation serving the sunroom in the timber structure to be retained shall be blocked up. Revised plans showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials 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. 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 amenities of property in the vicinity.

5. 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.

6. The existing dwelling on site, the proposed link extension and the timber structure proposed to be retained shall be jointly occupied as a single residential unit and the subsequent extended area of the original dwelling on site shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling.

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

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

Dated this day of 2018.