



Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 17/566

Appeal by Robert and Veronica Blackmore of Tower Road, Banagher, Piltown, County Kilkenny against the decision made on the 15th day of May, 2018 by Kilkenny County Council to grant subject to conditions a permission to Lorraine Walsh of Banagher, Piltown, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission to change the use of an existing store to a dwelling house and including all necessary works at Banagher, Piltown, County Kilkenny.

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 Kilkenny County Development Plan, 2014 - 2020, to the pattern of existing and permitted development in the vicinity and area and to the information submitted as part of the planning application, together with the information submitted with the appeal, the Board is satisfied that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the policy requirements of the Plan. It is further considered that the design and scale of the proposed development would not seriously injure the existing residential amenities or general character of the area 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 the further plans and particulars submitted on the 13th day of February, 2018, the 19th day of April, 2018 and the 16th day of July, 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 existing first floor window in the front/north elevation shall be retained in terms of its current size and scale.
 - (b) No permission is granted for a first-floor window in the rear/southern gable elevation.
 - (c) The first floor layout as presented as Revision 5 (Rev 5) is hereby permitted except for proposed bedroom number 2. In this regard, the wardrobe and the main bedroom area will be reversed and the rooflight to service proposed bedroom number 2 shall be included on the eastern roof plane, with a small rooflight for the wardrobe to be included on the western roof plane.

- (d) Full details of finishes, including windows and doors, shall be submitted for the written agreement of the planning authority.

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. Prior to the commencement of any development on site, details of an agreement with Irish Water for connections to public services in the area shall be submitted to the planning authority.

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

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

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

5. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, 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

Stephen Bohan

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

Dated this day of 2018.