



Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 18/384

Appeal by Madeleine Carroll of 3 Beech Park, Castle Road, Kilkenny against the decision made on the 31st day of July, 2018 by Kilkenny County Council to grant subject to conditions a permission to Sarah and Frances Wallace care of Bluett and O'Donoghue of 2 John Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Take notice that permission was granted for a pair of semi-detached two-storey houses by order of An Bord Pleanála reference number PL 10.247496 (Kilkenny County Council planning register reference number 16/421). That development comprised; construction of two number two-storey semi-detached houses, related boundary wall treatment, turning bay and separate entrance to "Fanad House", connection to drainage systems and all associated site works, all at Fanad House, Bennettsbridge Road, Kilkenny. Take further notice that a planning application is to be made by Ms. Frances Wallace and Ms. Sarah Wallace (daughters of Mr. Pat Wallace) for amendments to the permitted design. The proposed amendments consist of; (a) alterations to the design of the roof so as to provide for habitable accommodation [an additional bedroom (no. 4), ensuite shower, wc, linen

press, stairs], (b) gable windows (obscure glass) and dormer windows (combined) facing Bennettsbridge Road,(c) amendments to the pattern of windows on the front and side elevations, (d) canopy over the front doors, (e) ground floor only extension to the side and rear of the southern unit and to the rear of the northern unit and (f) improvements to the design of the forecourt areas and all associated site works; all at south side of the lands at "Fanad House" Guesthouse, Bennettsbridge Road, 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 residential zoning objective for the area and the pattern of development in the area, to the planning history of the site and to the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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, 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:

the room indicated as a Sun Room on the southern side of the southern dwelling shall be omitted and no part of the permitted development shall be sited within 5 metres of the southern site boundary.

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 of residential amenity.

3. The existing hedgerow and tree planting along the south and south-western site boundaries shall be retained and maintained by the developer and the existing laurel hedgerow adjoining numbers 3, 4 and 5 Beech Park shall be maintained at a height of no more than 2.5 metres.

Reason: To screen the proposed development and to protect the residential amenities of adjoining properties.

4. 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.

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. Prior to the commencement of development, the developer shall submit details of the attenuation and disposal of surface water on site for the written agreement of the planning authority.

Reason: In the interest of public health.

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. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1500 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.

8. All gable end windows above first floor level shall be fitted and thereafter permanently maintained with obscure glazing.

Reason: In the interest of residential amenity.

9. Prior to commencement of development, an accurate survey of the mature beech tree located at the south-east corner of the site shall be carried out by an arborist or landscape architect. The survey shall show the root protection area for this tree and measures for its protection during the construction works and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

10. 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.

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

Dated this day of 2019.