



An
Bord
Pleanála

Board Order
ABP-302894-18

Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 18/402.

Appeal by Alan Galibert care of Masterplan Associates of 14A Knockmeenagh Road, Newlands Cross, Dublin against the decision made on the 2nd day of October, 2018 by Kilkenny County Council to refuse permission for the proposed development.

Proposed Development: A new two-storey extension to the side of the existing semi-detached dwelling, single storey extension to the side and rear, internal alterations, external finish to match existing, screen wall to front garden and associated site works at 7 Ashbrook, Rockshire Road, Mountsion, Ferrybank, 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 nature and scale of the proposed development and to the established character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining or adjacent residential property by reason of overlooking or overshadowing, would not adversely impact upon the visual amenities of the area and would 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 received by the planning authority on the 18th day of September, 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 window at first floor level to the rear of the property serving en-suite accommodation shall be bottom hinged and glazed with obscure glass.

Reason: In order to prevent overlooking of adjoining property.

3. The proportions of proposed window at first floor level serving bedroom accommodation shall be amended to provide for a window that matches the window serving the existing adjoining box bedroom in terms of overall scale and proportions of window openings. Prior to the commencement of development, revised drawings reflecting this requirement shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. The external finishes of the proposed extension shall match those of the existing dwelling in terms of materials, colour and texture.

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.

Reason: In the interest of public health.

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 the 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.

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

Dated this day of 2019.