



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1125

Appeal by Andrew and Caroline Wallace of 821a Brackna, Athy, County Kildare against the decision made on the 7th day of November, 2018 by Kildare County Council to grant subject to conditions a permission to Krzysztof and Joanna Falkiewicz care of MCD Civil Engineering Consultants Limited of Stanhope Street, Athy, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of recessed entrance to public roadway, retention of window to north-west elevation of cottage, demolition of sheds and outbuildings to rear of dwelling and construction of new single storey domestic garage/store to rear of cottage and all ancillary site development works at 821 Raheenaderragh, Athy, 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 location of the site and to the compliance with the development standards in the Kildare County Development Plan 2017-2023, to the acceptable scale and design of the alterations to be retained and of the garage/store to be constructed, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the garage/store shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed garage store shall be amended as follows:
 - (a) The finished floor level shall be lowered by 300 millimetres
 - (b) The pitch of the roof shall be altered from 35 to 25 degrees with the overall ridge height not exceeding of 3.95 metres.

Revised plans 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 protecting the residential amenity of adjacent properties.

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

Reason: To restrict the use of the property in the interest of residential 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. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety.

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.

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

Dated this day of 2019.