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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 18/476**

**Appeal** by Stephen O'Hara of Rathsnagadan, Instioge, County Kilkenny against the decision made on the 22<sup>nd</sup> day of January, 2019 by Kilkenny County Council to grant subject to conditions a permission to Myles and Imelda Thorn care of Isabel Barros Architects of Rosemount Business Park, Sinnottstown Lane, Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of the following revisions/changes to planning register reference number 16/841: (1) Demolition and reconstruction of existing house with similar external appearance, reconfigured layout, raised ground floor level and increased ridge height, (2) increased ridge height and raised entrance level to side extension (hall), (3) minor changes to windows, to include resizing, location and window frame design, (4) fibre cement roof slates replaced by stone roof slates and (5) walls with dark grey paint replaced by white paint and all associated ancillary works at Ballinagoth Quay, Rathsnagadan, Instioge, 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 pattern of development in the area and to the scale, nature and design of the works to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the development proposed for retention is not directly connected with or necessary to the management of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Site which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on this European Site in view of the site's conservation objectives. The Board was satisfied that the development proposed to be retained, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), or any other European Site, in view of the site's conservation objectives.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of of December, 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This grant of permission relates to retention of revisions and changes to a development granted planning permission under the parent permission, planning register reference number 16/841. This permission is conditional on all conditions being complied with in accordance with the terms and conditions of the parent permission, planning register reference number 16/841.

**Reason:** In the interest of clarity.

3. 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 within two months of the date of this Order 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.

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**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**