



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/15

Appeal by Michael Hoey of 152 Crann Nua, Portarlinton, County Laois against the decision made on the 7th day of March, 2019 by Kildare County Council to grant subject to conditions a permission to Karin Klinkenbergh care of DH Architectural of Clownings, Newbridge, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Removal of existing domestic sheds/storage buildings from the site, (b) construction of four number four-bedroom dormer style dwellings (181 square metres floor area), (c) new roadway and vehicle access onto public road and connection to main foul sewer and water services, along with all facilitating and associated site development works. Permission is also being sought for the alteration and extension of the existing single storey cottage on site to include (d) the removal of existing single storey extensions to the side and rear of the existing cottage and the construction of a new single storey extension to the sides and rear of the existing cottage, consisting of new kitchen/dining/living area, two number bedrooms and bathrooms and connecting corridor and (e) removal of existing entrance to the public road and provision of a new vehicle access via proposed new estate roadway along with all facilitating and associated site development works at Mullantine, Rathangan, 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:

- (a) the Kildare County Development Plan 2017-2023 according to which the areas within the site are subject to the zoning objective B - Existing Residential - 'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services',
- (b) the Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in 2009, recommending higher densities on serviced lands,

- (c) the location on under-utilised land within a well serviced, outer suburban area with a wide range of services, amenities and facilities,
- (d) the submissions from Irish Water,
- (e) the established pattern and character of existing development in the area, and
- (f) the design, form, height, materials and external finishes for the dwellings, the internal layout of the proposed residential units and private open space provision,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the national strategic policy and local development policies and objectives for the area, would not seriously injure the integrity, setting and character of the existing cottage, or the visual and residential amenities of the area, would not pose a risk to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the propose 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 variation in brick finishes proposed to the front elevations shall be restricted to two styles as follows:
 - (a) Style 2 as indicated on the Elevations and Typical Section Plan drawing number KK-18-P-06 received by the planning authority on the 11th day of January 2019.
 - (b) Brick only to the inner front gable (containing the window of study/bedroom number 2) of the front elevation. The outer gable (containing the sitting room window) shall be white sand and cement napp finish.

All soldier course of brick shall be omitted from all windows and doors, with the exception of those installed in walls with a brick finish.

Otherwise the external finishes of the proposed dwellings shall be consistent with drawings received by the planning authority on the 11th day of January, 2019.

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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Prior to the commencement of the development, the applicant shall submit and agree in writing proposals of increased on-site attenuation in accordance with the Greater Dublin Regional Code of Practice for Drainage Works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

4. The applicant shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

5. 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.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets and the standards of the planning authority for such road/footpath works.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

8. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. (a) All landscaping shall be on lands within the control of the developer and shall be carried out in accordance with the Site Layout Plan/contiguous elevation drawing number KK-18-P-03 received by the planning authority on 11th day of January, 2019. The developer shall construct a 1 metre high berm to the northern boundary upon which the proposed landscaping shall be planted and the proposed fence erected.
- (b) The rear party boundaries of the proposed dwellings shall be 2 metres high block work walls capped and plastered on both sides.
- (c) The southern boundary shall be a 1.8 metres high green metal mesh fence.

Reason: In the interest of visual amenity.

10. All of the houses shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. 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.

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.