



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/106

Appeal by Peter and Lara O'Connor of 39 Old Chapel Wood, Caragh, Naas, County Kildare against the decision made on the 2nd day of April, 2019 by Kildare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of existing single storey extensions to side and rear of house and existing timber fence to top of side boundary wall at 39 Old Chapel Wood, Caragh, Naas, County Kildare.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

2. Within six months of the date of the final grant of permission, the following amendment to the development shall be made and photographic evidence of this shall be submitted to the planning authority for its written acknowledgement, no later than one month of that date:
 - Reduction in height of the wooden fence along northern boundary of rear garden of the house to a maximum of two metres.

Reason: In the interest of visual and residential amenity.

Reasons and Considerations

It is considered that the door providing access to the front of the extension (containing utility room accommodation) to be retained to the side of the dwelling will continue in use to provide access for domestic purposes only to an existing dwelling, will not generate movements substantially different to the side passage of the house that existed prior to the completion of the extension and its continued use will not give rise to significant nuisance in the context of an established residential area, would be in keeping with the established character and pattern of development in the vicinity of the site and, therefore, the retention of the door would not seriously injure the residential or visual amenities of the area.

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.

Stephen Bohan

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

Dated this day of 2019.