



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/281

Appeal by Agnes Smyth care of Paul Redmond Architectural Services Limited of 50 River Forest View, Leixlip, County Kildare against the decision made on the 8th day of May, 2019 by Kildare County Council in relation to an application by Agnes Smyth for permission for retention of (1) change of use of lands to side of house from public amenity to private open space, and (2) erection of a fence to the boundary of the site, and (3) for the installation of a paved drive-in to the front and side of the house at 607 River Forest, Leixlip, County Kildare in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the retention of the installation of a paved drive-in to the front and side of the house and to refuse permission for the retention of change of use of lands to side of house from public amenity to private open space, and erection of a fence to the boundary of the site).

Decision

GRANT permission for the retention of the installation of the paved drive-in to the front and side of the house in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the retention of the change of use of lands to side of house from public amenity to private open space and erection of a fence to the boundary of the site based on the reasons and considerations marked (2) under.

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 (1)

Retention permission is granted having regard to the scale, location and pattern of development in the area. It is considered that, subject to compliance with the conditions set out below, the proposed retention of the paved drive-in to the front and side of the house would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The paved drive-in shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Use of the paved area shall be for purposes incidental to the enjoyment of the dwellinghouse.

Reason: To clarify the permission in the interest of residential amenity.

Reasons and Considerations (2)

The proposed development would result in the enclosure of an area of public open space which would detract from the open character of the estate. It is considered that the retention of the fence and the use of the area of ground as part of the curtilage of the dwelling would seriously injure the amenities of the area and of property in the vicinity and would set an undesirable precedent for similar such development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019