



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/245

Appeal by Kathleen Foley of 8 Elm Park, Kildare Town, County Kildare against the decision made on the 2nd day of December 2019, by Kildare County Council to grant subject to conditions a permission to John Walshe Senior of 513 Fair Green Road, Kildare Town, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention for change of use from domestic garage (25 square metres exempt development), to a bedroom, bathroom and hall also retention for a single storey extension 23.8 square metres (kitchen/dining/living) to the front and permission to construct a single storey extension to the side (bedroom, hall) with subdivision of the site with all associated site works all in rear garden of 513 Fair Green Road, Kildare Town, County Kildare as amended by the revised public notices received by the planning authority on the 6th day of November 2019 as follows: retention of a one bedroom dwelling (48.8 square metres) and permission for single storey extension (12.3 square metres) to side, all in rear garden with subdivision of site and all associated site works at 513 Fairgreen Road, Kildare Town, 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 provisions of the Kildare County Development Plan 2017-2023 and the Kildare Town Local Area Plan 2012-2018, and the nature and scale of the development in an established residential area in an urban centre, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would be acceptable in terms of the residential amenity for occupants and would not seriously injure the residential amenities of property in the vicinity. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29th day of October, 2019 and the 6th day of November, 2019 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 carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within eight weeks of the date of this Order a revised site layout plan accurately setting out the position of the house on site shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of clarity.

3. Within eight weeks of the date of this Order details of the materials, colours and textures of external finishes shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. 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.

5. Within three months of the date of this Order, the applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 2020