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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 19/211**

**Appeal** by Catherine Hayes and Neal Johnson care of AKM Design of Unit 4, Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 17<sup>th</sup> day of December, 2019 by Kildare County Council to refuse permission to the said Catherine Hayes and Neal Johnson for the proposed development.

**Proposed Development:** Construction of a two-storey dwelling (227 square metres) incorporating living room, kitchen/dining, study, utility to ground floor with four bedrooms and bathroom to first floor together with ancillary accommodation and shed (12 square metres) to the rear. The proposed development includes the widening of the existing entrance, boundary walls, drainage and associated site works, as revised by the further public notice received by the planning authority on the 20<sup>th</sup> day of November, 2019 consisting of revised design consisting of changes to the first-floor windows to include louvres and internal alterations to the layout. Increase the rear open space of 282 Old Greenfield, all at 282 Old Greenfield, Maynooth, 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 location of the proposed development and to the pattern of development in the area which includes dwellings of one and a half and two storeys, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the Inspector that the issue of overlooking (which was central to the reason for refusal by the planning authority) could be addressed by means of conditioned modifications, but did not share the view of the Inspector that the proposed dwelling would be incongruous in terms of design or would be out of character with the streetscape.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 21<sup>st</sup> day of October, 2019, and by plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> day of January, 2020, 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 fenestration to Bedroom 2, as shown on Drawing Number PL100, 'Proposed Plans and Section' dated January 2020, and received by An Bord Pleanála on the 22<sup>nd</sup> day of January, 2020, shall be removed from the northern elevation and shall be replaced with fenestration onto the eastern elevation of the proposed dwelling. Details setting out this change shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of 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 and services.

**Reason:** In the interest of public health.

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

**Reason:** In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) Existing trees, hedgerows, shrubs, specifying which are proposed for retention as features of the site landscaping.

- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species.
  - (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
  - (v) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Boundary treatment details at the proposed dwelling.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

9. Proposals for a house name and/or numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the house name and/or number, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility.

10. 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

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

**Dated this            day of            2020.**