



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/23

Appeal by Richard Mair and Gary Doherty care of Dempsey Architects of Apartment 13 'Liffey', Cois Abhainn, Sallins Road, Clane, County Kildare against the decision made on the 4th day of March, 2020 by Kildare County Council to refuse a permission for the proposed development.

Proposed Development: (a) Retention permission to retain the internal subdivision of the dwelling into two separate dwellings (bungalow and cottage) and therefore to remove condition number 6 included on the grant of permission under planning register reference number 1352/83 and also to retain the separating boundaries within the property of each dwelling; (b) retention permission for the conversion of the first floor of the bungalow to habitable accommodation, internal and external alterations; (c) permission for change of use of the existing garage to a playroom with lobby linkage to the bungalow; (d) permission for the building up of the existing pedestrian and vehicular entrances to the bungalow, raising of the front boundary wall to 1.5 metres high and construction of a new relocated splayed gated entrance to the property from the R-403 public road at 218 Bawnogues Green's Cross, New Road, Straffan, 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 planning history of the subject site, and that the extension to the rear of the cottage was granted under planning register reference number 1352/83, the availability of public water supply and sewerage facilities to serve the development, it is considered that, subject to compliance with the conditions set out below, the development for which retention and permission is sought would not seriously injure the visual or residential amenities of the area, would be acceptable in traffic safety terms, and would be in accordance with the provisions of the current Kildare County Development Plan. The development proposed for retention and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (i) The use of the garage shall be incidental to the use of the dwelling house on site and it shall not be used for the keeping of animals or for any commercial purposes.
 - (ii) The yard/car parking area to the west of the bungalow shall be exclusively used for domestic purposes only.

Reason: In the interest of clarity.

3. The entrance gates to the bungalow shall be set back not less than three metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

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

6. 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 the 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.

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

Dated this day of 2020