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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/75**

**APPEAL** by John Bergin care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny and by James and Thomas Hughes care of Nextgen Design and Build Limited of Suite 10110, 27 Upper Pembroke Street, Dublin against the decision made on the 3<sup>rd</sup> day of April, 2020 by Kilkenny County Council to grant subject to conditions a permission to Joan and Amit Levy care of Joan Levy of 9 Lintown Drive, Lintown Hall Estate, Kilkenny.

**Proposed Development** (1) Retention permission for a metal clad storage shed. (2) Permission for the construction of a story and a half style dwelling served by the public sewer, and all associated site works. (3) Permission for a separate single-story modular dwelling to be used as temporary accommodation during the construction of the main dwelling, all at Leggettsrath West, County Kilkenny.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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**

1. The proposed dwelling on this site, along with a temporary accommodation unit and the retention of the storage shed represents a disorderly piecemeal approach to planning on residential zoned lands, which would in turn set an unwanted precedent for haphazard, disorderly development in this urban area. It is considered, therefore, that the proposed development would be prejudicial to the residential amenity and orderly development of this residentially zoned urban site.
2. The proposed development would endanger public safety by reason of traffic hazard on this extremely narrow laneway with no scope to turn a vehicle, where sightlines would be restricted from the proposed entrance.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the three buildings proposed for retention and development on this long, narrow plot would represent inappropriate and piecemeal development of this backland site and that, in the absence of permission for a dwelling, the retention of the existing shed would not be feasible, as it would have no ancillary residential purpose. In addition, the Board considered that access routes to the site were substandard and facilitating construction traffic via these routes would represent a traffic hazard in the absence of modifications to their design, which are on lands outside the control of the applicant.

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**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**