



Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 19/683

Appeal by Edward and Eileen Kennedy of Kilkenny Street, Freshford, County Kilkenny against the decision made on the 27th day of March, 2020 by Kilkenny County Council to grant subject to conditions a permission to Cliodhna O'Reilly care of Reddy Architecture and Urbanism of 41 Dean Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to previously approved planning permission, planning register reference number 17/64, including changes to the site layout plan, refurbishment and extension of the existing dwelling, including plan and elevational changes, change of house types on sites numbers 5 and 6 and all associated site works at Kilkenny Street, Freshford, County Kilkenny.

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 Kilkenny County Development Plan 2014-2020, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed amendments to the site layout would be relatively minor in the context of the permitted development, the refurbishment and extension of the existing house would be a positive development for the streetscape and the urban fabric of the village and the revised house types proposed would have no undue adverse impact on the residential amenity of the adjacent property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th day of March, 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 development shall be carried out and completed in accordance with the relevant terms and conditions of the permission granted under planning register reference number 17/64, except as amended in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. All 19th Century buildings shall be roofed in natural slate, Irish or Welsh, new or salvage. Prior to commencement of the refurbishment and extension works to the existing house, samples and details of same shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual amenity and conservation of the built heritage setting.

5. 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.