



An
Bord
Pleanála

Board Order ABP-308349-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/331

Appeal by Gerard and Joanne Nolan care of Nialas Design and Build Limited of 18 Corbally Green, Westbrook Lawns, Tallaght, Dublin against the decision made on the 9th day of September, 2020 by Kildare County Council to grant subject to conditions a permission to Lee Phelan care of A.J. Whittaker and Associates of 55 Ludford Drive, Ballinteer, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of first floor extension to rear with attic storage space over at 4 The Park, Newtown Manor, Kill, 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 condition 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 design, scale and height of the proposed development, the existing building on site and the pattern of development within the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the residential amenities of neighbouring properties by reason of overlooking or overshadowing. The proposed development would be in accordance with the land use objective pertaining to the site and with the policies and objective of the current Kildare County Development Plan in relation to extensions and alterations. 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 to the planning authority on the 14th day of August, 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 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 and to ensure a proper standard of development.

3. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interest of sustainable waste management.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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 amenities of property in the vicinity.

5. The converted attic space shall be used for storage purposes only and shall not be used for human habitation, or any other purpose without a prior grant of planning permission.

Reason: In order to safeguard the amenities of property in the vicinity and in the interest of the proper planning and sustainable development of the area.

6. The second-floor attic gable window on the southern (rear) elevation shall be omitted.

Reason: To prevent overlooking of adjoining residential property.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2021.