

Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/452

Appeal by Beechpark Residents Association care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 22nd day of October, 2020 by Kilkenny County Council to refuse/to grant permission/outline permission to Frances Wallace care of Bluett and O'Donoghue of 2 John Street, Kilkenny for development comprising retention of variations to the design of the residence permitted under planning register reference number P.18/384 consisting of: (a) re-alignment of part of side boundary wall of rear garden, (b) re-positioning of external door and window openings to side and rear elevations at ground level, (c) inclusion of three number additional rooflights on rear roof pitches, (d) modifications of the roof profile and overall ridge height at Number 2 Radharc na Pairc, Bennettsbridge Road, Kilkenny in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of variations to the design of the residence permitted under planning register reference number P.18/384 consisting of: (a) re-alignment of part of side boundary wall of rear garden, (b) re-positioning of external door and window openings to side and rear elevations at ground level and (c) inclusion of three number additional rooflights on rear roof pitches in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of (d) modifications of the roof profile and overall ridge height based on the reasons and considerations marked (2) under

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)

Having regard to the provisions of the Kilkenny City and Environs Development Plan 2014-2020, the 'Existing Residential' zoning objective for the area, the planning history of the site, and to the nature and extent of the development for which retention permission is sought, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought would not seriously injure the residential or visual amenities of the area. 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 25th day of September, 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.

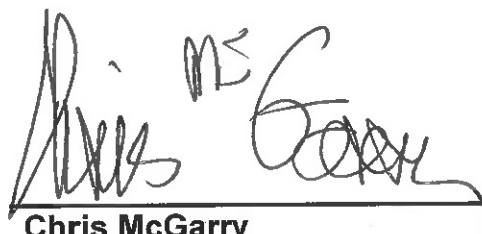
2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 17/01/2019 under appeal reference number ABP-302425-18, planning register reference number 18/834 and any agreements entered into thereunder.

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

Reasons and Considerations (2)

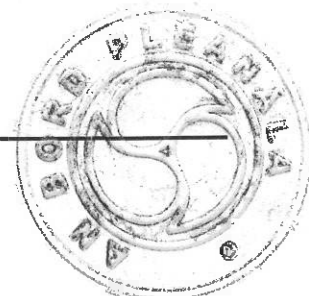
Having regard to the information submitted with the application and the appeal, the Board is not satisfied that the roof of the adjoining semi-detached house, to which the modified roof of the subject application would be affixed, is not unauthorised. In the absence of details on file providing certainty as to the consent status of the roof of the adjoining semi-detached house, it would not be appropriate for the Board to grant retention permission in this instance.

In deciding not to accept the Inspector's recommendation to grant retention permission, the Board shared the view of the Inspector in relation to the acceptability of the side boundary wall, external door, window openings and additional rooflight elements for which retention permission was sought, but considered that on the basis of the information submitted with the application and the appeal, it was not satisfied that the roof of the adjoining semi-detached house, to which the modified roof of the subject application would be affixed, was not unauthorised. In the absence of certainty on this matter the Board determined that it would not be appropriate to grant retention permission for the modified roof profile and overall ridge height when the relationship of this element of the development to the authorised form of the roof of the adjoining house may not be finalised.



Chris McGarry

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



Dated this 24th day of June 2021