



An
Bord
Pleanála

Board Order
ABP-309239-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/1109

Appeal by Patrick and Sarah Kerr care of Patrick M. Kerr Architecture of 39A Maynooth Road, Celbridge, County Kildare against the decision made on the 15th day of December, 2020 by Kildare County Council to grant subject to conditions a permission to Simon Rand and Nicola Ward care of Flynn Architects of 11 Saint Joseph's Avenue, Clonliffe Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing single storey rear kitchen return to the existing two-storey (dormer type) two-bedroom house, and construction of a new two-storey rear extension to tie into the existing roof. The new extension will include an enlarged kitchen dining and living area to ground level, and will comprise an additional bedroom (master bedroom) at first floor level. The proposal includes for three new rooflights to the rear, and includes all necessary site works, including minor landscaping, drainage, and other ancillary works, all at 18 Cill Dara Close, Celbridge, 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 design, scale and height of the proposed development, to the existing building on site and to the pattern of development in the area, it is considered that the proposed development would not adversely impact on the residential amenities of neighbouring properties by reason of adverse overlooking or overshadowing. It is considered that the proposed development would be in accordance with the underlying land use zoning objective for the site and with the policies and objectives, as set out in the current Development Plan for the area in relation to domestic 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 on the 1st day of December, 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. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

4. The external finishes of the proposed extension shall be in accordance with the details submitted with the application to the planning authority.

Reason: In the interest of visual amenity.

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 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.



Terry Prendergast

Member of An Bord Pleanála

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

Dated this 27th day of April 2021.