

Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/834

Appeal by Tom and Marian Prendergast care of Byrne and McCabe Design Limited of Upper Main Street, Graignamanagh, County Kilkenny against the decision made on the 2nd day of February, 2021 by Kilkenny County Council to grant subject to conditions a permission to Barry Murphy care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Indefinite retention of first floor balcony and for permission for the erection of two number glazed balcony side screens and a glazed rear facing panel at 4 Broguemaker Hill, Thomastown, 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 design and layout of the development, the existing building on site and the pattern of development within the area, it is considered that the proposed development (as amended), subject to compliance with the conditions set out below, would not adversely impact on the residential amenities of neighbouring properties by reason of overlooking or overshadowing. The development proposed for retention and the proposed development are considered to be in accordance with the underlying land use zoning objective pertaining to the site and with the policies and objectives of the Kilkenny County Development Plan 2014 – 2020 (as varied) in relation to extensions and alterations. The proposed development for retention and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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.


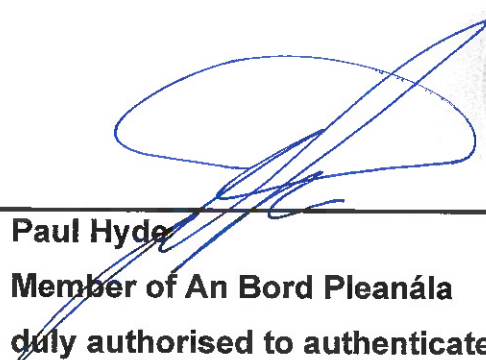
Reason: In the interest of clarity.

2. Within eight weeks from the date of this Order, all works set out in Drawing Number-PP-03 submitted with the application received by the planning authority on the 3rd day of December, 2020 shall be carried out in full. The balcony feature shall be fitted with 1.8-metre-tall opaque glazed panels on the northern, southern, and western sides. Photographic evidence of the insertion of the glazed panels shall be submitted to the planning authority within seven days of their erection.

Reason: To minimise overlooking of adjoining residential properties.

3. 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.



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

Dated this 16th day of June 2021