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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 21/198**

**APPEAL** by James and Thomas Hughes care of Nextgen Design and Build Limited of Suite 10110, 27 Upper Pembroke Street, Dublin and by John Bergin care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 12<sup>th</sup> day of May, 2021 by Kilkenny County Council to grant subject to conditions a permission to Joan and Amit Levy of 9 Lintown Drive, Lintown Hall Estate, Kilkenny.

**Proposed Development** (1) Retention permission for a metal clad garage/storage shed. (2) Permission for the construction of a storey and a half style dwelling served by the public sewer and all associated site works, all at Leggettsrath West, County Kilkenny.

### **Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations 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**

1. The proposed dwelling and the retention of the storage shed on this site represents a disorderly piecemeal approach to planning on residential zoned lands, which would in turn set an unwanted precedent for haphazard, disorderly development in this urban area. It is considered that the proposed development would, therefore, be prejudicial to the residential amenity and orderly development of this residentially zoned urban site and would not be in accordance with the proper planning and sustainable development of the area.
2. The proposed development would endanger public safety by reason of a traffic hazard on this extremely narrow laneway with no scope to turn a vehicle and where sightlines would be restricted from the proposed entrance.

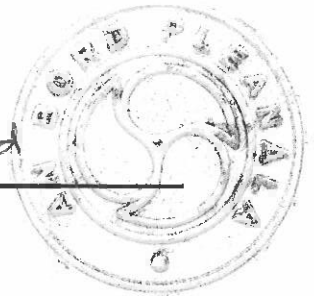
In deciding not to accept the Inspector's recommendation to grant permission, the Board did not consider that the previous reasons, as set out in the Board's decision to refuse permission under An Bord Pleanála reference number ABP-307161-20, had been adequately overcome. The Board considered that the buildings for retention and the proposed development on this long, narrow plot which requires a long winding access way to the house would represent inappropriate and piecemeal development of this backland site. Furthermore, the Board considered, in the context of a refusal for a dwelling on the site, that the retention of the existing shed would be unacceptable as it would have no ancillary residential purpose. The Board also considered that the access routes to the site were substandard in terms of road width to facilitate construction and operational traffic and that the proposed development would, therefore, endanger public safety by reason of pedestrian and traffic hazard.

*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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



Dated this *25<sup>th</sup>* day of *April* 2022.