

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/128

Appeal by Louise and Eammon Kieran of 66 Newtown Park, Leixlip, County Kildare against the decision made on the 27th day of May, 2021 by Kildare County Council to grant subject to conditions a permission to Paul and Martha Hegarty of 63 Newtown Park, Leixlip, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of first floor extension to existing dwelling. The extension will comprise of stairwell, one number bedroom, en-suite, storage room, hotpress, bathroom and study room at 63 Newtown Park, Leixlip, County Kildare. The proposed development was revised by further public notices received by the planning authority on the 4th day of May, 2021.

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 development, the existing building on site and the pattern of development within the area, the Board 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 adverse overlooking or overshadowing. The development proposals are in accordance with the underlying land use zoning objective pertaining to the site and with the policies and objectives 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 20th day of April 2021, 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 converted attic space, except for the front (south) facing bedroom shall be used for storage purposes only and shall not be used for human habitation, or any other purpose, without the benefit of planning permission.

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

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.

4. Construction and demolition waste shall be managed in accordance with a construction traffic, 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.

5. (a) 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.
- (b) Noise levels during construction shall not exceed 65 dB (A), Leq. 30 minutes and the peak noise shall not exceed 75dB (A), when measured at any point off site.

Reason: In order to safeguard the amenities of property in the vicinity.

6. Prior to commencement of development, details of the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

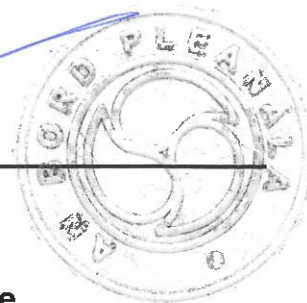
7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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



Paul Hyde

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



Dated this 11th day of October 2021.