



An
Bord
Pleanála

Board Order
ABP-311173-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/772

Appeal by Denis and Mary Donegan care of Patrick M. Kerr Architecture of 39A Maynooth Road, Celbridge, County Kildare in relation to the application by Kildare County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 10 of its decision made on the 22nd day of July, 2021.

Proposed Development: Planning permission for development which will consist of the extension, alteration and change of use of existing single storey detached former creche building to provide new one bedroom (plus study) family flat, to include single storey pitched roof rear extension to replace existing small shed, for flat roof glazed link extension connecting new family flat to rear of existing semi detached two storey dwelling house, for new pedestrian and vehicular entrance off side boundary, for new car parking space to side and other associated internal and external alterations to facilitate works including new drainage connections, works to site boundaries, landscaping etc. all located at and to the rear of number 5 Glendara, Kill, County Kildare.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 10 and directs the said Council to REMOVE condition number 10 and the reasons therefor.

Reasons and Considerations

It is considered that the planning authority incorrectly applied the terms of the Kildare County Development Contribution Scheme 2015-2022, including Section 8 (ii) which provides that no development contributions arise in relation to domestic extensions of 40 square metres or less and Section 12 (g) which provides that no development contributions are payable for a proposed change of use where no new/upgraded services or infrastructure or significant intensification of demand on existing infrastructure arises.

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.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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



Dated this 8th day of Feb. 2022.