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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 21/1020**

**Appeal** by Karl and Celine Finlay care of Fitzpatrick Draughting Limited of 4 Stocking Wood Drive, Rathfarnham, Dublin against the decision made on the 31<sup>st</sup> day of August, 2021 by Kildare County Council in relation to an application by the said Karl and Celine Finlay for permission for (1) retention of the unapproved single storey garage to rear of existing garage, (2) conversion of existing original approved garage into a full granny flat for a family member, and (3) all ancillary site work; all work to be carried out on land at 1 Clogheraun Brook, Staplestown, Donadea, County Kildare in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for (1) retention of the unapproved single storey garage to rear of existing garage and (3) all ancillary site work and to refuse permission for (2) conversion of existing original approved garage into a full granny flat for a family member).

**Decision**

**GRANT permission for retention of the unapproved single storey garage to rear of existing garage in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for conversion of existing original approved garage into a full granny flat for a family member based on the reasons and considerations marked (2) under.**

### **Reasons and Considerations (1)**

Having regard to the provisions of the Kildare County Development Plan 2017-2023, including the design, location, nature, and size of the proposed domestic garage, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be retained 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.

**Reason:** In the interest of clarity.

2. (a) The garage shall be used for domestic purposes only and shall remain ancillary to the dwelling.
- (b) The domestic garage shall not be used for human habitation for any commercial use or carrying out any trade.

**Reason:** In the interest of clarity.

3. Water supply and drainage arrangements, including 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. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of traffic safety.

5. The developer shall pay to the planning authority a financial contribution of €1,031.62 (one thousand and thirty one euro sixty-two cent) 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 within three months from the date of this order 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. The application of any indexation required by this condition 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.

**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.

## Reasons and Considerations (2)

Having regard to the provisions of the Kildare County Development Plan 2017-2023, including Section 17.4.9 'Family Flat', which requires that a proposed granny flat be linked directly to the main dwelling by a connecting door, it is considered that the proposed development would be contrary to the relevant policy as set out in the Development Plan, and would seriously injure the amenities and character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 13<sup>th</sup> day of June 2022.

