



An
Bord
Pleanála

Board Order
ABP-311931-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/1228

Appeal by John Murphy of 100 Beatty Grove, Celbridge, County Kildare against the decision made on the 19th day of October, 2021 by Kildare County Council to grant subject to conditions a permission to Juzer Lotya care of Devaney Williams Architects of Stream House, Main Street, Celbridge, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: 1. Retention of a single storey living room extension to the rear of detached dwelling; 2. retention of a part constructed single storey roofed structure to the side of existing dwelling and permission to complete the structure; 3. retention of foundation for new shed to the rear and permission to complete the shed and all associated site works; all at 99 Beatty Grove, Celbridge, County Kildare.

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.

Reasons and Considerations

Having regard to the location of the subject development within an existing residential area, to the infill residential zoning objective for the area, to the existing buildings on site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would not seriously injure the residential amenities of the area or the amenities of property in the vicinity and would be in keeping with the established character of the area. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 within three months from the date of this order and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) This permission shall not be construed as any form of consent to carry out works to any of the established site boundaries.

DN

- (b) The location of the domestic shed hereby permitted shall be relocated on site so that no above-ground or above-foundation elements of the shed shall be located within 0.5 metres of the northern (rear) boundary of the site, nor 1.3 metres of the eastern (side) boundary of the site. A revised layout plan showing this altered location shall be submitted to, and agreed in writing with, the planning authority prior to the re-commencement of any further works on site.

Reason: In the interest of clarity and to ensure the protection of residential amenities of the area.

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. The external finishes of the extension shall be the same as those of the existing dwelling in respect of colour and texture. The shed shall be finished in accordance with details submitted.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 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. Noise levels during construction shall not exceed 65 dB(A), Leq, 30 minutes and the peak noise shall not exceed 75 dB(A), when measured at any point off site.

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

6. 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 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. 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.



Dave Walsh

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

Dated this *19th* day of *May* 2022.