

An
Bord
Pleanála

Board Order
ABP-312438-22

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/1483

Appeal by John and Denise O'Neill of 3 The Grove, Brownstown, The Curragh, County Kildare against the decision made on the 8th day of December, 2021 by Kildare County Council to grant subject to conditions a permission to The Adroit Company Limited care of Daly Hudson Building Surveying and Architecture of Dunmurray Road, Kildare Town, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of four number two-storey semi-detached dwellings with associated landscaping, car parking, vehicular access, connection to existing services and all ancillary works at Brownstown Lower, The Curragh, County Kildare as amended by the revised public notices received by the planning authority on the 19th day of November, 2021 which consisted of the Construction of four number two-storey semi-detached dwellings with associated landscaping, car parking, vehicular access, connection to existing services and all ancillary works. The significant further information consisted of revised site layout and change of number of dwelling units on site from four units to two units.

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 proposed development within the 'Rural Settlement' of Brownstown and the objectives for this area as set out in the Kildare County Development Plan 2023-2029 and having regard to the small scale and infill nature of the proposed development site and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. 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 received on the 28th day of October, 2021, and the revised public notices received on the 19th day of November, 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.

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2. The permitted development provides for two number units only as detailed on site layout plan drawing number FI-004 Rev Number 001 received by the planning authority on the 28th day of October, 2021.

Reason: In the interest of clarity.

3. (a) Prior to the first occupation of each of the units within the scheme, the Applicant/Developer shall submit details for the written agreement of the planning authority, to show compliance with the category of local demand as outlined at Policy V OG1 Volume 2 Part 2 of the Kildare County Development Plan 2023-2029.
- (b) Prior to occupation of any unit the Applicant/Developer shall obtain a certificate of compliance for each of the units from a qualified and indemnified architect/engineer/solicitor to indicate how the dwelling complies with such category. The person issuing said certificate shall take full responsibility for ensuring compliance.
- (c) The planning authority may make such investigation as necessary to ensure compliance with this condition and may take appropriate action where deemed necessary.
- (d) The planning authority will consent to any sale of the property by a lending institution in exercise of its powers as mortgagee and likewise consent to any sale by any person deriving title from the lending institution. Approval to the sale of the property in any other circumstances will be considered on its merits by Kildare County Council.

Reason: To ensure that the proposed development complies with the provisions of the Kildare County Development Plan 2023-2029 regarding development of Villages and Rural Settlements in the interest of the proper planning and sustainable development of the area.

4. The proposed dwellings shall form part of the existing residential development of The Grove and the existing house number scheme within The Grove shall be extended to include the proposed units. Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority a site layout plan detailing the house number system in accordance with the requirements of this condition. No publicity material shall be erected / published in advance of this agreement.

Reason: In the interest of urban legibility.

5. External roof and wall finishes shall accord, in so far as practicable, with those of existing dwellings within The Grove. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Boundary treatment and landscaping shall be as indicated on revised documentation received by the planning authority on the 28th day of October, 2021. The boundary between the existing and proposed dwellings shall be concrete block wall 1.8 metres-2 metres high or concrete post and concrete panel fencing. No wooden fencing is permitted. Boundary walls to the rear shall be a minimum 1.8 metres high and shall be constructed as capped, rendered concrete block or brick wall. Prior to the commencement of development details of the boundaries shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of clarity and residential amenity.

7. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann (formally Irish Water).

Reason: In the interest of public health.

9. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in May 2019.

Reason: In the interest of amenity and of traffic and pedestrian safety.

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11. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

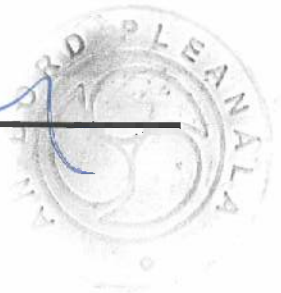
15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Martina Hennessy

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



Dated this 18th day of May 2023