

An
Bord
Pleanála

Board Order

ABP -313898-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/266

Appeal by John and Ruth Page of 28 The Grove, Simmonstown, Celbridge, County Kildare and by Brian Leydon of 48 The Grove, Celbridge, County Kildare against the decision made on the 1st day of June, 2022 by Kildare County Council to grant permission subject to conditions to Jonathan and Aileen Talbot care of Eco Design and Management of Unit 18, The Walk, Louisa Valley, Leixlip, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Demolition of existing detached shed and boiler house in the rear garden, (b) construct a new first floor side extension with modifications to front elevation, (c) single storey rear extension, (d) attic conversion to storage space with a rear dormer and a roof light on the front elevation, (e) new window and relocated door on ground floor side elevation, slight relocation of first floor rear bedroom window at first floor, (f) new wood burning stove internally with a stainless steel flue pipe seen externally on rear elevation and (g) new detached shed store equipped with outdoor bathroom and log store with pitched roof at the end of the rear garden all at 49 The 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 residential zoning objective, the nature, scale, and design of the development (as amended) it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not adversely affect the residential or visual amenities of the area or the character of the streetscape. 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 further plans and particulars received by the planning authority on the 10th day of May 2022, with particular reference to Drawing Talbot 002. 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 existing dwelling and proposed extensions shall be jointly occupied as a single residential unit and the extension shall not be sold, let, or otherwise transferred or conveyed save as part of the dwelling.



Reason: To restrict the use of the extension, in the interest of residential amenity.

3. The outbuilding hereby permitted shall be used for domestic purposes only and shall remain ancillary to the dwelling. It shall not be used for human habitation, for any commercial use or for the carrying out of any trade. The structure shall not be let or sold separately to the dwelling.

Reason: In the interests of clarity and to regulate the use of the development, in the interests of the proper planning and sustainable development of the area.

4. The proposed development shall be amended as follows:
 - (a) The first-floor extension to the front of the dwelling and the external walls of the modified front porch shall be amended to incorporate a painted render finish in lieu of the proposed brick finish.
 - (b) A proposed permanent finish shall be agreed with the planning authority for the top half of the rear (northwestern) elevation of the shed.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing within the planning authority prior to the commencement of development.

Reason: In the interest of architectural harmony and visual amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed extension and garage 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. The proposed development shall not encroach on or overhang any third-party property.

Reason: In the interest of clarity.

7. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. 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.

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

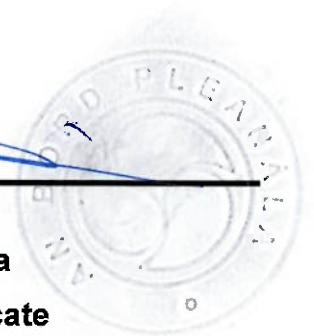
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Liam Bergin

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



Dated this 17th day of October 2023