

An
Bord
Pleanála

Board Order ABP-314430-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

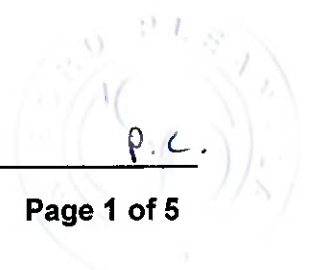
Planning Register Reference Number: 22/753

Appeal by Louise and John Murphy care of Paul C. Mealy Architects Limited of 11 The Courtyard, Friar's Hill, Wicklow, County Wicklow against the decision made on the 29th day of July, 2022 by Kildare County Council to grant subject to conditions a permission to Stephanie Butler care of D.C. Turley and Associates of 2 The Crescent, Piper's Hill, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Subdivision of the site and the demolition of the existing boiler house to facilitate a proposed bungalow in the rear garden of the existing house, a new driveway and the relocation of the existing entrance to form a combined entrance with the existing house, and all ancillary works to include connections to mains services, all at 506 Newtown Road, Maynooth, 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 provisions of the Kildare County Development Plan 2023-2029, including policy support for consolidation, infill and backland development as expressed through housing objective HO P6, and to the nature and scale of the proposed development, which comprises the construction of a single storey, backland dwelling, and, taking into account the urban location of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be supported by planning policy, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would, therefore, be accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out 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 prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The proposed dwelling shall be occupied as a single dwelling unit and shall not be sub-divided or used for any commercial purposes.

Reason: In the interest of residential amenity.

4. A new boundary wall shall be provided between the existing and proposed dwellings comprising of a masonry wall to be capped and rendered on both sides. The wall shall be no higher than 1.2 metres at the front and side of the existing dwelling as far as the step back in the side façade at which point a 1.8 to two metres high wall shall be provided for the remainder of the boundary. A 1.8 to two metres high-capped and rendered masonry wall shall be provided along the east and south boundaries.

Reason: In the interest of residential amenity.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann and shall adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Uisce Éireann standards, codes and practices.

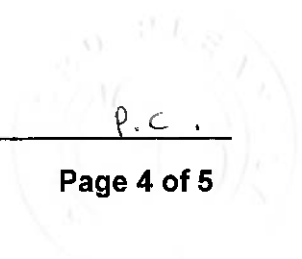
Reason: In the interest of public health.

7. The entrance to site shall be part of a shared recessed entrance and shall be constructed generally in accordance with drawing number E3639-2 (Entrance Details for Planning Purposes – Kildare County Council Roads Design Section) and Site Layout Plan drawing number A01 (received by the planning authority with the planning application), and the final details shall be in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety.


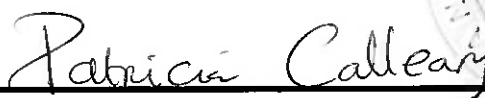
8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential 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 the 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.



Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 02 day of November 2023.