

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1272

Appeal by Brian and Lisa Kelly of 2 Moyglare Grove, Mariavilla, Maynooth, County Kildare and by others against the decision made on the 19th day of December, 2022 by Kildare County Council to grant subject to conditions a permission to Alvaro Blasco care of Paul Redmond Architectural Services Limited of 50 River Forest View, Leixlip, County Kildare in accordance with plans and particulars lodged with the said Council:

Proposed Development: New vehicular and pedestrian access and parking spaces to proposed new private tennis court to side of existing house along with the erection of a new 2.4 metres high chain-link fence surround with additional 1.0-metre-high netting (3.4 metres total) and all associated site works, all at land adjacent to 1 Moyglare Green, Mariavilla, 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 policies and objectives, as set out in the Kildare County Development Plan 2023 – 2029 and to the nature of the design of the proposed development, 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 in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the planning authority that the amenity use was 'open for consideration' and was not specifically limited to amenity that is publicly accessible.

Conditions

1. (a) The 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 development shall be carried out and completed in accordance with the agreed particulars.

- (b) The requested additional four car parking spaces and ancillary proposed new vehicular access to tennis roadway at front, are not included in this grant of permission.

Reason: In the interest of clarity and to protect the future use of these lands for agricultural uses or for other uses that are open for consideration.

2. The tennis court shall be ancillary to the existing dwelling at Number 1 Moyglare Green and shall not be used for commercial use. There shall be no charge for entry to the tennis court and the tennis court shall be for private use only.

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

3. The applicant shall ensure that no lighting/floodlights are provided on the site to ensure that the public roadway and the residential amenity of surrounding properties are protected.

Reason: To ensure the protection of the visual amenities of neighbouring properties.

4. The use of the tennis court shall be confined to between the hours of 0900 and 2100 from Mondays to Saturdays inclusive and to between the hours of 0930 and 2000 on Sundays and public holidays. Any alterations to these times shall be subject to the prior written approval of the planning authority.

Reason: To protect the residential amenity of the area.

5. The developer shall ensure that:

- (a) The development shall not impair existing land or road drainage;
- (b) No spoil, dirt, debris or other materials shall be deposited on the public road, footpath or verge by machinery or vehicles travelling to or from the development site during construction phase;
- (c) No building material or plant shall be used or stored on the public footpath or road.

Reason: To prevent interference with existing land or road drainage and in the interest of proper planning and development.

6. The applicant shall be responsible for the re-location of all existing services/utilities, kerbing and dropping of public footpath as required to facilitate the proposed development.

Reason: In the interest of proper planning and sustainable development.



7. The developer shall ensure that:

- (a) All surface water shall be collected and disposed of to soakaways or surface water system.
- (b) No surface water run-off from the site shall be allowed to discharge onto the public road.

Reason: In the interest of public health, to avoid pollution and to ensure proper development.

8. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.



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

Dated this 05th day of April 2024.