

**An
Bord
Pleanála**

**Board Order
ABP-315626-23**

Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 22/710

APPEAL by International Systems and Equipment Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 20th day of December, 2022 by Kilkenny County Council to refuse permission.

Proposed Development: Change of use from office to retail plus permission for external signage at River View House, Dublin Road, Kilkenny. River View House is located within the John Street Architectural Conservation Area.

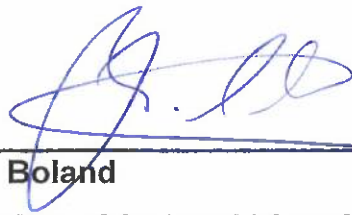
Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The Board was satisfied that the proposed development would not adversely impact on the amenities of the area. However, the Board considered that the proposed use as a bicycle shop (retail) would be contrary to the stated zoning category (Residential) and corresponding objective 'To protect, provide and improve residential amenities' as set out in the Kilkenny City and County Development Plan 2021-2027 as it is neither a use that is 'permitted' nor 'open for consideration' within this zoning category. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with the Inspector as set out in his report that, subject to compliance with conditions, the proposed change of use would respect the existing character of the area, would not seriously injure the residential or visual amenity of property in the vicinity and would be acceptable in terms of traffic safety. However, the Board was satisfied that the reasons and considerations in the Inspector's report would not overcome the single matter at issue, that the retail use proposed is not a use that is included in either 'permitted' or 'open for consideration' uses within the zoning category of the statutory plan for the area.



Joe Boland

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 25th day of May 2023.