



An
Bord
Pleanála

Board Order
ABP-316028-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/797

Appeal by Richard and Jessica Bielenberg care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin and by Seamus Breslin care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin against the decision made on the 13th day of February, 2023 by Kildare County Council to grant subject to conditions a permission to Paul and Martina Wright care of H2B Architects of Kildalkey, Moyview, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of single storey car port and home gym to front, side of existing house, permission for two-storey extension to front, side and rear of existing house, also single storey sunroom to rear of house with existing balcony extending over roof space and all associated site works, all at 10 Leinster Wood, Carton House, Maynooth, County Kildare.

OB

Decision

GRANT permission for the above 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 scale, form and design of the development proposed to be retained, and the proposed side and rear extensions, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenities of the existing building and surrounding streetscape. The development proposed to be retained and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19th day of January, 2023, 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 retained, carried out and completed in accordance with the agreed particulars.

OS

Reason: In the interest of clarity.

2. Prior to commencement of the proposed side and rear extensions, revised plans shall be submitted to the planning authority for written agreement indicating the removal of the proposed window on the first-floor side (north-eastern) elevation serving the extended bedroom area.

Reason: In the interest of residential amenity.

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

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.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, inclusive, between 0800 and 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.

DB

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

6. 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.


Oonagh Buckley

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

Dated this *3rd* day of *July* 2023.



