



An
Bord
Pleanála

Board Order
ABP-316996-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 23/136

Appeal by Sean and Margaret Crerar of Tullylost, Rathangan, County Kildare against the decision made on the 11th day of April, 2023 by Kildare County Council to grant subject to conditions a permission to Kevin Gorry care of Kildare Architects and Design Limited of Abbey House, White Abbey Road, Kildare Town, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention permission is sought for modifications to partly constructed dwelling as granted planning reference 20/477. Planning Permission is sought for completion of dwelling with modifications to that granted planning reference 20/477 and completion of all associated site works in accordance with planning reference 20/477 at Tullylost, Rathangan, 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, the proposed nature and scale of the modifications to the permitted dwelling, and the location of the adjoining property, 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. 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, 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.

Reason: In the interest of clarity.

2. (a) The permission shall expire on the date of expiry of permission granted under register reference 20/447. All works shall be carried out prior to this date.
(b) The conditions of register reference 20/447 (the original permission for the development) shall apply to this development, except where altered or amended by conditions in this permission.

Reason: In the interests of clarity and orderly development as the application was a modification to the previous permission.

3. Within two months of the date of this permission, the applicant shall submit a comprehensive planting and landscape plan including boundary treatment to all boundaries and planting to entranceway (in lieu of post and rail fencing) for the written agreement of the planning authority. The planting and landscaping shall be carried out in full no later than the next planting season. Any tree, shrub or hedge planted in accordance with this condition which are removed, die or become severely damaged within three years of planting shall be replaced within the next planting season.

Reason: In the interest of residential amenity.

4. 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.



Mary Henchy

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

Dated this *27th* day of *June* 2024.