



Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1416

Appeal by Michael Grace care of Elliot Designs of Sea Breeze Studio, Duncannon, County Wexford against the decision made on the 2nd day of May, 2023 by Kildare County Council to grant subject to conditions a permission to Nollag Conneely and Helen Martin care of Daly Hudson Building Surveying and Architecture of Dunmurray Road, Kildare Town, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Construction of storey and a half extension to side and rear of existing dwelling. (2) Single-storey link extension between dwelling and proposed extension. (3) Alterations and renovations to existing dwelling including, reconfigured floor layout and new doors and window positions to elevations. (4) Decommissioning of original sub-standard septic tank. (5) Installation of new wastewater treatment system (6) and all associated site works at Penley Cottage, Dunnstown, Brannockstown, 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 of the Kildare County Development Plan 2023-2029, and the nature and scale of the proposed development 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 not seriously injure the amenities of the area or property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development inclusive of siteworks and access enhancements shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 6th day of April 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.
Reason: In the interest of public health.

3. Details of the external finishes of 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.

4. The applicant shall decommission, remove and dispose of the existing wastewater treatment system and pipework in line with the Waste Management Act 1996-2016.
Reason: In the interests of public health and environmental sustainability.

5. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted with the application and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (p.e.≤ 10) – Environmental Protection Agency 2021.

(b) Staged Photographs of the installation and commissioning shall be supplied to the Local Authority along with a commissioning certificate prior to first occupation.
Reason: In the interests of public health and environmental sustainability

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 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.

7. Site development and building works shall be carried out between the hours of 0800 to 1800 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

Stewart Logan

Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *7th* day of *March* 2024.