

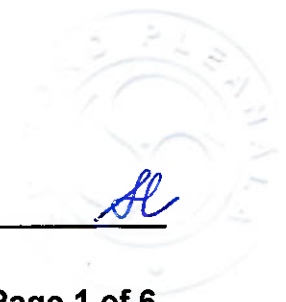
Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/951

Appeal by Siobhan Conneely of Mullacash, Naas, County Kildare against the decision made on the 4th day of May, 2023 by Kildare County Council to grant subject to conditions a permission to Charlie Donnelly care of McGrane and Partners Limited of Paradigm House, Dundrum Office Park, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of a one bedroom, single storey 'granny flat' dwelling, including provision for parking and all other ancillary site works at Robinhill, Mullacash, Naas, County Kildare as revised by significant further information for a one storey extension to the side of the existing house to incorporate a 'granny flat' received by the planning authority on the 25th day of November 2022 and revised significant further information received by the planning authority on the 14th day of April 2023 regarding the proposed upgrade to the wastewater treatment system.



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, objectives and zoning which applies to the site under the Kildare County Development Plan, 2023–2029, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development, would not seriously injure the character or the visual amenities of the area, would not seriously injure the amenities of residential property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. 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 as amended by the further plans and particulars submitted on the 21st day of November 2022, on the 10th day of January 2023 and on the 16th day of March 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. The proposed "granny flat" extension shall be used solely for residential purposes and shall be occupied by a member of the family of the occupier of the principal dwelling on site. It shall not be separated from the principal dwelling through sale, lease or otherwise and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity and in order to comply with the objectives of the current Development Plan for the area.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture and shall be in accordance with the drawings received on the 21st day of November, 2022.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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 amenities of properties in the vicinity.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

7.
 - (a) Within one month of the date of this Order and for written agreement of the planning authority, the applicant shall submit the new Site Suitability Report for a P8 wastewater treatment system.
 - (b) The existing Biogreen PE6 wastewater treatment system shall be decommissioned, removed, and disposed of in accordance with the Waste Management Acts 1996 (as amended), and the regulations made thereunder.
 - (c) All foul waste and soiled water shall discharge to the onsite P8 wastewater treatment system as part of the submitted and approved operational and layout plans.
 - (d) The P8 wastewater treatment system shall be designed and installed strictly in accordance with the approved layout plans by suitably trained and competent persons as per the 2021 EPA "Code of Practice for Domestic Wastewater Treatment Systems" (Population Equivalent ≤ 10).

- (e) Staged photographs of the installation and commissioning stages of the wastewater treatment system shall be supplied to the planning authority together with a commissioning certificate by a suitably competent professional for approval prior to occupation of the property.

- (f) A maintenance agreement shall be entered into and maintained between the property owner and a suitably competent contractor for the annual maintenance of the wastewater treatment system in accordance with the manufacturer's guidelines. A copy of the initial maintenance agreement shall be supplied to the planning authority prior to occupation.

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution.

8. 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.



Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *8th* day of *March* 2024

