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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 23/87**

**Appeal** by Kelby Developments Limited care of John J. Cross of 11 An Crois, Allenwood, County Kildare against the decision made on the 8<sup>th</sup> day of June, 2023 by Laois County Council in relation to an application by Kelby Developments Limited for (a) retention of the existing dry dash and brickwork external wall finishes to houses numbers 54, 54A, 55, 55A, 56, 56A, 57, 57A, 58 and 58A, and (b) permission for the omission of a boundary treatment type consisting a 500 millimetres high railing on a 250 millimetres high wall along the entire front boundary, that was previously granted under planning register reference number 127/690, all at 54, 54A, 55, 55A, 56, 56A, 57, 57A, 58 and 58A Lake Drive, Kilminchy, Portlaoise County Laois in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of the existing dry dash and brickwork external wall finishes to houses numbers 54, 54A, 55, 55A, 56, 56A, 57, 57A 58 and 58A and to refuse permission for the omission of a boundary treatment type consisting a 500 millimetres high railing on a 250 millimetres high wall along the entire front boundary, that was previously granted under planning register reference number 127/690).

## **Decision**

**GRANT permission for retention of the existing dry dash and brickwork external wall finishes to houses numbers 54, 54A, 55, 55A, 56, 56A, 57, 57A, 58 and 58A in accordance with the said plans and particulars based on the reasons and considerations marked (1) under.**

**REFUSE permission for the omission of a boundary treatment type consisting a 500 millimetres high railing on a 250 millimetres high wall along the entire front boundary, that was previously granted under planning register reference number 127/690 based on the reasons and considerations marked (2) under.**

## **Reasons and Considerations (1)**

The retention of the existing dry dash and brick finish as constructed finishes to houses numbers 54, 54A, 55, 55A, 56, 56A, 57, 57A, 58 and 58A are acceptable and would be in accordance with the wider development.

## Reasons and Considerations (2)

The omission of the specified front fencing boundary treatment consisting of a 500 millimetres high railing on a 250 millimetres high wall along the entire front boundary to the gardens of houses numbers 54, 54A, 55, 55A, 56, 56A, 57, 57A, 58 and 58A Lake Drive, Kilminchy would constitute a permanent diminution in the residential amenities of the permitted dwellings and would be likely to lead to an ad hoc approach to the provision of such boundaries, impacting on the visual amenities of the area and would be contrary to the Development Management Standard for Residential Development, DM HS 10, of the Laois County Development Plan 2021 – 2027. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



**Mick Long**

**Member of An Bord Pleanála**

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

Dated this *22<sup>nd</sup>* day of *April* 2024.