



An
Bord
Pleanála

Board Order ABP-317715-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 22/738

Appeal by Paddy Holden care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 19th day of July, 2023 by Kilkenny County Council in relation to an application for permission for (a) the construction of a detached single storey home office and a detached garage, (b) permission to retain timber boundary fence on site, including all associated site works at Pottlerath, Kilmanagh, County Kilkenny as amended by the revised public notices received by the planning authority on the 23rd day of June, 2023 which included the retention of a single storey lean-to structure, which is located beside the existing domestic garage and which is used exclusively for household purposes. The revisions also includes the provision of stone on the rear wall of the proposed garage as well as additional landscaping to the south and east of this proposed garage building in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for (a) the construction of a detached single storey home office including all associated site works and retention of works to the rear of the existing shed and to refuse permission for detached garage and (b) retention of timber boundary fence on site, including all associated site works.

P.C.

Decision

GRANT permission for (a) the construction of a detached single storey home office and a detached garage including all associated site works and retention of an extension to the rear of the existing shed in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for retention of timber boundary fence on site, including all associated site works based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the established residential use on the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the wider area, and would, therefore, be in accordance with the proper planning and sustainable development in 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 submitted on the 23rd day of June 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.

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 to 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 'Home Office' and 'Detached Garage' structures shall be used for the use and enjoyment of the inhabitants of the dwelling and shall not facilitate any trade or commercial entity or involve access from members of the public beyond that described in the planning application documents.

Reason: In the interest of orderly development.

5. The existing solid timber fence along the northern boundary shall be removed in its entirety within two months of the date of this Board Order and a new post and rail timber fence shall be erected in continuation of the eastern boundary and with a setback of at least 0.6 metres from the road edge and at a height not exceeding 1.2 metres above road level. A planting scheme shall be located behind this fence to be agreed in writing with the planning authority along with a schedule timeframe.

Reason: In the interests of proper planning and sustainable development.

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.

P.C.

Reasons and Considerations (2)

The timber fencing is considered to be a discordant and obtrusive feature within this rural area and detracts from the visual amenities and landscape character of the area. In terms of road safety, the presence of a permanent solid structure endangers pedestrians and drivers due to its proximity to the road edge and restricts the horizontal and vertical visibility envelopes at the bend of the shared public roadway and would, therefore, constitute a traffic hazard.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 16 day of April 2024