

An
Bord
Pleanála

Board Order
ABP-318539-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1511

Appeal by Craig and Noreen Ennis of 4 Hawthorn Drive, Rathangan Road, Monasterevin, County Kildare against the decision made on the 7th day of November, 2023 by Kildare County Council to grant subject to conditions a permission to Joe Higginbotham care of Pauline Stynes of Esker Hill, Kildangan, Monasterevin, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a storey and a half type extension to the existing single storey dwelling with single storey link corridor, demolition of the existing outbuildings and replacement with new domestic garage and all associated site works at Old Grange, Monasterevin, 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 established use of the site for residential purposes and the design 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 amenity of adjoining property, or the visual 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, as amended by the further plans and particulars submitted on the 12th day of July, 2023 and the 12th day of October, 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. Prior to the commencement of any development on the site, the developer shall submit revised drawings for the written agreement of the planning authority incorporating the following:
 - (a) omission of the proposed external door on the existing porch of the cottage and its replacement with a suitable window,

(b) a reduction in the size of the proposed garage to 40 square metres, and

(c) the precise location of the proposed garage on the site.

Reason: In the interest of clarity and to regulate the proposed development on the site.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. The proposed garage shall be used solely for purposes associated with the use of the dwelling house and shall not at any time be used for commercial, industrial or agricultural purposes.

Reason: In the interest of residential amenity.

5. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

6. 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.

7. Details of the external finishes of the proposed development, including the garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. The developer shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from the site shall be drawn or deposited onto the public road. Any damage to the public road during construction works shall be repaired at the developer's expense.

Reason: To avoid a traffic hazard and protect public property.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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: To safeguard the amenities of property in the vicinity.

10. 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

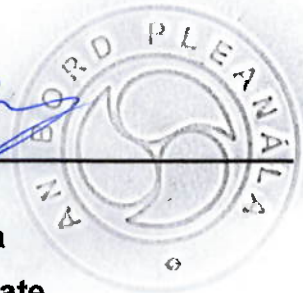
subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála determine the 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.



Stephen Brophy

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



Dated this 19th day of June 2024.