

An  
Bord  
Pleanála

## Board Order ABP-318641-23

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 23/224**

**Appeal** by Thomas Deegan of Broadleas, Ballymore Eustace, County Kildare against the decision made on the 27<sup>th</sup> day of November, 2023 by Kildare County Council to grant subject to conditions a permission to Brian and Stephanie Conroy care of Dara Challoner of 121 Glendara, Kill, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (i) Permission for a one-storey, three bedroom house of 120 square metres and a shed to rear of the proposed house, as well as associated site works, all to the rear of existing dwelling. (ii) Permission for restoration to front yard of protected structure to original form by removal of recently built railings and gate at the Old Garda Station, Barrack Street, Ballymore Eustace, County Kildare. The existing dwelling building is a Protected Structure), as amended by the revised public notice received by the planning authority on the 7<sup>th</sup> day of November, 2022 providing for the following: moving the proposed house and associated shed 7840 millimetres further back from the existing house towards the rear of the site.

## 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 design, scale and layout of the proposed development, the pattern of development in the area and the provisions of the Kildare County Development Plan 2023-2029 including Village Centre zoning and Objectives V BE1 and V BE3 which support new development that enhances the village scape and encourage infill and backland development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be supported by policy and objectives in the development plan, would not seriously injure the residential amenities of the area or the amenities of property in the vicinity, would not detract from the character or setting of the Protected Structure on the site, and would be acceptable in terms of traffic 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 completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the planning authority on the 19<sup>th</sup> 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 commencement of development, the developer shall submit the following to the planning authority for written agreement:
- (a) a Construction Management Plan (to include details of how interfaces with third party property are to be protected during construction and a method statement for the proposed development), and
  - (b) a pre and post condition survey of the side/eastern gable wall of the dwelling to the west of the site (to be carried out by a qualified engineer/surveyor). The scope of the pre and post survey shall also include services (water and foul sewer).

**Reason:** In the interest of proper planning and sustainable development.

3. The external finishes to the proposed development shall be as indicated on drawing number P2000 and drawing number P2001, unless otherwise agreed with the planning authority prior to commencement of development.  
Render/plaster finishes shall be neutral in colour.

**Reason:** In the interest of visual amenity.

4. Prior to commencement of development, details of all proposed boundary treatments shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To protect the character and setting of the Protected Structure on the site.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Prior to commencement of development, the developer shall submit the following to the planning authority for written agreement;
- (a) details of soakaway(s), including drainage calculations, in accordance with BRE365, and
  - (b) details of SuDS measures.

Surface water run-off from the site shall be discharged to appropriately designed soakaway(s) and shall not discharge to adjacent property.

**Reason:** In the interest of proper planning and sustainable development.

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

8. Proposals for naming/numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of urban legibility.

9. The shed structure hereby permitted shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.

**Reason:** In the interest of clarity.

10. 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 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 property in the vicinity.

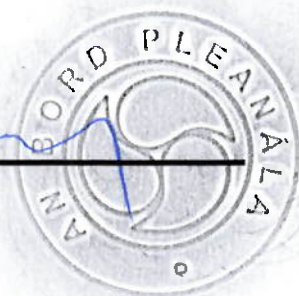
11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

12. 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.

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



Dated this 4<sup>th</sup> day of July 2024