

An  
Bord  
Pleanála

## Board Order ABP-321016-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 24/60363**

**Appeal** by P.J. Norton care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 23<sup>rd</sup> day of September, 2024 by Kilkenny County Council to refuse permission.

**Proposed Development:** Indefinite retention of a single storey one-bedroom flat and permission for partial demolition of the existing porch and utility room of the family flat plus other alterations to the existing structure, all at the rear of 43 Michael Street, Kilkenny. 43 Michael Street is located within the Michael Street/Wolfe Tone Street Architectural Conservation Area.

### **Decision**

**GRANT permission for the above development based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the information submitted with the planning application and the appeal, and the design, nature and reduction in scale and size of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would be in accordance with the land use zoning for the area, would not seriously injure the visual or residential amenities of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

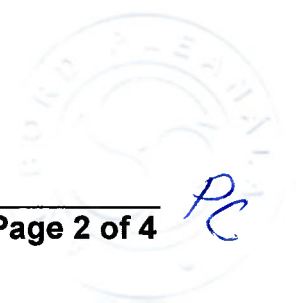
## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2. Within twelve months of the date of this Order, all works proposed to the family flat, as shown on the plans and particulars lodged with the planning application, shall be completed in full.

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



3. The family flat proposed to be retained shall be jointly occupied as a single residential unit with the main dwelling and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the family flat in the interest of residential amenity.

4. The existing bed and breakfast/dwelling shall not be used for overnight guest accommodation unless the house is also occupied by the owner or a member of the owner/occupier's family, unless the change of use of the house to exclusively overnight guest accommodation is authorised by a prior grant of planning permission.

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

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

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. 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 within three months from the date of this Order 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.

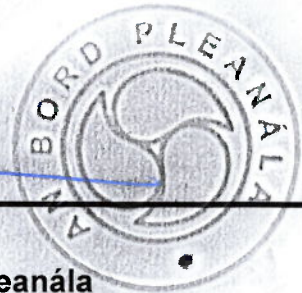
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Paul Caprani**

**Member of An Bord Pleanála**

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



**Dated this 18<sup>th</sup> day of March 2025.**