



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322396-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 24/60163**

**Appeal** by Eugene Orr of 17 Shandon Park, Dublin Road, Kilkenny and by John Gowen of 18 Shandon Park, Dublin Road, Kilkenny against the decision made on the 3<sup>rd</sup> day of April, 2025 by Kilkenny County Council to grant subject to conditions a permission to Tony and Bronagh Treacy care of Byrne and McCabe Design Limited of Upper Main Street, Graiguenamanagh, County Kilkenny in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Erection of a dwellinghouse, connection to existing services and all associated site works, all at 16 Shandon Park, Dublin Road, Kilkenny as revised by the further public notices received by the planning authority on the 7<sup>th</sup> day of March 2025 which included revised site boundaries, revised dwelling position, revised dwelling design, and retention of the existing shed to the rear of the existing dwelling and all associated site works.

## **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, nature and scale of the proposed development and the development proposed to be retained in an area zoned as Existing Residential, the pattern and character of development in the vicinity, the policies of the Kilkenny City and County Development Plan 2021-2027, as well as national guidance, including the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property and would be acceptable in terms of pedestrian and traffic safety. The proposed development and development proposed to be retained 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, as amended by the further plans and particulars received by the planning authority on the 7<sup>th</sup> day of March, 2025, 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. The glazing on the windows at first floor on the side elevations shall incorporate frosted or obscure glazing.

**Reason:** In the interest of protecting the residential amenities of adjoining residential properties.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

4. Prior to commencement of development:

- (a) The developer shall agree the finishes of the footpath between the public road and the new entrance gates/wall with the planning authority.
- (b) The developer shall ensure that the height of the boundary wall and gate piers over the full extent of the boundary does not exceed 900 millimetres. Existing landscaping/hedging shall be set back behind the wall or removed to ensure there is adequate inter-visibility at the back of the footpath between pedestrians and vehicles egressing the driveway and to eliminate encroachment of vegetation into the footpath space.
- (c) The entrance gates shall not open outwards towards the public road.

**Reason:** In the interest of traffic and pedestrian safety.

5. Water supply and drainage requirements, including surface water collection and disposal, 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. The developer shall enter into water and wastewater connection agreements with Uisce Éireann.

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



7. Details of the materials, colours and textures of all 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.

8. 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 interest of visual and residential amenity.

9. 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.

10. The developer shall submit to the planning authority for agreement a numbering scheme to serve the proposed development.

**Reason:** In the interest of orderly street naming and numbering, to enhance urban legibility and to retain local place name associations.

11. 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 Coimisiún 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.

*Mary Gurrie*  
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Mary Gurrie

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission



Dated this *25* day of *August* 2025.