



An
Bord
Pleanála

Board Direction
BD-002779-19
ABP-303298-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 9th 2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, issued by the Department of the Environment, Heritage and Local Government in May 2009, and Policy MD 1 of the Kildare County Development Plan 2017-2023, seek to ensure that a wide variety of adaptable housing types, sizes and tenures are provided. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. The National Planning Framework recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future. The proposed development, which is characterised predominantly by three and four bed, detached and semi-detached housing and provides for a very limited number of one and two bed roomed units, would fail to comply with national and planning authority policy, as outlined above, and would be contrary to these Ministerial Guidelines, and would,

therefore, be contrary to the proper planning and sustainable development of the area.

2. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form and layout; fails to provide high quality usable open spaces; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013, and involves two vehicular accesses into the adjoining Earl’s Court housing estate. It is considered that the proposed development would, therefore, seriously injure the residential amenities of future occupants, and would endanger public safety by reason of traffic hazard, particularly to pedestrians within the Earl’s Court estate, and would be contrary to the proper planning and sustainable development of the area.

Note 1: In arriving at its decision, the Board had regard to the report of the Chief Executive of Kildare County Council, and was not satisfied that the applicant had adequately demonstrated that the proposed development, and in particular houses number 63 to 71, would not have an adverse impact on the setting of the National Monument of Kill Hill. However, as the matter had not been specifically raised by the Department of Culture, Heritage and the Gaeltacht, the Board decided not to include this as a further reason for refusal.

Note 2. In modifying the wording of refusal reason number 2 from that recommended by the Inspector, to include reference to the two vehicular accesses that are proposed between the subject site and the existing Earl’s Court housing

estate, the Board had regard to its previous decision on this site, under reference number ABP-300558-18, which specifically referred to the need to provide for pedestrian and cycle, but not vehicular, access from the lands through the adjoining estate, in the interests of pedestrian and traffic safety. In this context, the Board noted the concerns expressed by the residents of this existing estate, did not concur with the view of the Inspector on the matter, and considered that the issue of traffic hazard, particularly to pedestrians within this long-established estate, was significant. The Board is satisfied that the subject site can be accessed by vehicular traffic through the proposed improved junction at Kill Hill Lane, following the necessary comprehensive re-design of the overall lands that would be available for development following the archaeological constraints, and that national policy on permeability can be complied with through pedestrian and cycle links to the adjoining estate, without the need for vehicular connectivity, in the particular circumstances of this case.

Note 3. The Board noted the significant concerns expressed by the planning authority's Water Services Section, in Appendix B of the Chief Executive's Report, that the proposed engineering design in relation to surface water drainage was inadequate and would require amendments that would have the potential for significant changes to the proposed drainage design and site layout. Furthermore, the Board noted that these matters had been raised by the planning authority's representatives at the pre-application consultation meeting on September 11th 2018, but would appear not to have been fully resolved by the applicant with the planning authority prior to the submission of the present application. While deciding not to include this matter as a further reason for refusal in this Order, the Board noted that any future application for development on this site will need to have these issues clarified and addressed.

[Please issue a copy of this Direction with the Board Order to the parties and observers]

Board Member

Date: 9th April 2019

Philip Jones