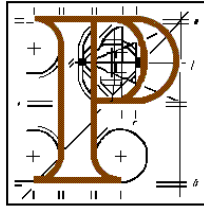


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kilkenny County

Planning Register Reference Number: 15/50

An Bord Pleanála Reference Number: PL 10.245441

APPEAL by Anne and Dick Shortall of 24 Deans Court, Kilkenny against the decision made on the 11th day of August, 2015 by Kilkenny County Council to grant subject to conditions a permission to Torca Developments Limited care of Gittens Murray Architects Limited of 5 William Street, Kilkenny.

PROPOSED DEVELOPMENT: Construction of a 25-unit residential housing estate at (former James Stephens Gaelic Athletic Association Club practice pitch) to comprise as follows: 17 number four bedroom two-storey detached houses, six number four bedroom two storey semi-detached houses and two number two bedroom bungalows, new vehicular and pedestrian access to public road, 0.128 hectares of amenity landscaped pocket park with children's play area, demolition of existing single storey changing rooms and all associated site development works and boundary treatments. The development site adjoins: 1. Saint Joseph's Convent which is a protected structure (National Inventory Reference Number 12002001). 2. Saint Joseph's Convent School which is a protected structure (National Inventory Reference Number 12002002). All at the former James Stephens Gaelic Athletic Association Club practice pitch) Nuncio Road, Deansground, Kilkenny. A revised public notice was received by the planning authority on the 16th day of July, 2015 as follows: The proposal has been revised to provide a 32-unit residential housing estate, to comprise as follows: 10 number four bedroom three-storey detached houses, 22 number three bedroom three-storey semi-detached/terraced houses and all ancillary works.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Having regard to the location of the proposed development proximate to the centre of Kilkenny and to the Existing Residential zoning for the site, the Board considered that the proposed layout did not sufficiently incorporate the design principles enunciated in the Design Manual for Urban Roads and Streets (DMURS) issued jointly by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2014. In particular, the Board considered that the provision of excessive corner splay radii at the entrance to the estate together with the provision of an excessive vehicular carriageway width, would lead to an environment inimical to pedestrian priority, would facilitate excessive car speeds within the estate and would result in a lack of pedestrian safety and would create a sense of car dominance within the estate. The Board further considered, notwithstanding the desire to provide open space at an area to the front of the site, that the failure to provide any building frontage onto Nuncio Road, and the over-reliance on off-street parking within the estate leading to the development of a street form without any proper sense of enclosure as recommended in paragraph 4.2.1 of the Design Manual for Urban Roads and Streets (DMURS), would militate against the development of a sense of place either on the approach to, or within, the proposed development. Furthermore, the Board was not satisfied that increased pedestrian permeability, as recommended in the Design Manual for Urban Roads and Streets (DMURS) could not have been provided between the proposed development and surrounding developments. The proposed development would, therefore, seriously injure the amenities of residents in the vicinity and within the proposed estate, would not be acceptable in terms of pedestrian priority and would not be in accordance with the proper planning and sustainable development of the area.

2. Notwithstanding the low density pattern of development in the area, the Board considered that the proposed development was not developed at a sufficiently high density to provide for an attractive urban form given the proximity of the site to the centre of Kilkenny and, therefore, considered that the proposed development would not comply sufficiently with Government Guidelines, particularly the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Community and Local Government in May, 2009. The proposed development would, therefore, be contrary to the said Ministerial guidelines and to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the importance of complying with Government Guidelines, did not consider that an attractive sense of place would be created by the proposed development and considered that the proposed development would be excessively car dominated.

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

Dated this day of 2016.