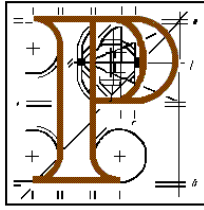


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/525

An Bord Pleanála Reference Number: PL 09.245471

APPEAL by Phillip Farrelly care of Derek Whyte Urban and Rural Design and Planning Consultancy of Great Connell, Newbridge, County Kildare against the decision made on the 14th day of August, 2015 by Kildare County Council to refuse permission.

PROPOSED DEVELOPMENT: Construction of detached dormer house, single storey domestic garage, secondary effluent treatment system and all associated site works, all at Barberstown Upper, Maynooth, County Kildare.

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. The subject site is located in an Area under Strong Urban Influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in an area designated as Rural Housing Policy Zone 1, as set out in Map 4.1 of the Kildare County Development Plan 2011-2017, where housing is restricted to persons demonstrating local need in accordance with the provisions of rural housing policy RH 4 of the Plan. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a rural house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in this area and the inefficient provision of public services and infrastructure, would materially contravene the provisions of the Guidelines and of the Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Policy RH5 of the Kildare County Development Plan 2011 – 2017 seeks to ensure that development complies with normal siting and design considerations, including the capacity of the area to absorb further development. Policy RH11 of the Development Plan seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements. Having regard to the planning history in the vicinity of this site, and the emerging pattern of random residential development in this area, the Board considers that the proposed development would contribute to an increasing pattern of suburbanisation in a rural area that is under significant development pressure, would constitute backland development that would be out of character with the existing pattern of rural development, would exacerbate an emerging linear pattern of development in this area, and would, therefore, contravene the provisions of Policies RH5 and RH11 of the Development Plan, and would be contrary to the proper planning and development of the area.

3. Having regard to the planning history of the site and in the vicinity, the nature of the fill material constituting the ground conditions on site, the variation in soil test results evident on planning history files on this site and in the vicinity, the proliferation of wastewater treatment plants in the area and their proximity, the proximity of a well, and the identification of this area by the Environmental Protection Area as being at very high risk from domestic waste water pollution, it is considered that the proposed development would be prejudicial to public health and would give rise to a risk of environmental pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the nature, scale, height, massing and design of the proposed development, including the complex form and roof profile with multiple gable end projections, and the array of fenestration proposed, it is considered that the proposed development would fail to integrate appropriately with its physical surroundings, would contravene the provisions of the Rural Design Guidelines set out in the Kildare County Development Plan 2011 – 2017, and would, therefore, contravene the provisions of Policy RH 5 of the Plan in these respects. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.