

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

Planning Register Reference Number: 15/815

An Bord Pleanála Reference Number: PL 09.246113

APPEAL by Noel Foster care of Derek Whyte of Great Connell, Newbridge, County Kildare against the decision made on the 13th day of January, 2016 by Kildare County Council to grant subject to conditions a permission to Michael Geraghty Junior of Hill Cottage, Newtownmacabe, Maynooth, County Kildare.

PROPOSED DEVELOPMENT: Construction of a bungalow, detached domestic garage, effluent treatment system, and all ancillary site works 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. 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 existing pattern of random residential development in this area, it is considered that the proposed development would contribute to an increasing pattern of suburbanisation in a rural area that is under significant development pressure, 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, which policies are considered to be reasonable, in the light of the location of the site 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing housing in the area, it is considered that the proposed development would reinforce a pattern of undesirable haphazard piecemeal development, constituting an excessive density of housing development in this rural area extending the concentration of housing associated with the junction at the Regional Road R406, which would seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable 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 proliferation of waste water treatment plants in the area, associated with the existing level of haphazard housing in the vicinity, 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.

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

Dated this day of 2016.