

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kildare County**

**Planning Register Reference Number: 16/186**

An Bord Pleanála Reference Number: PL 09.247087

**APPEAL** by Thomas and Anne Devaney of Newtown, Eadestown, Naas, County Kildare against the decision made on the 19<sup>th</sup> day of July, 2016 by Kildare County Council to grant subject to conditions permission to Robert Catterson care of Conor Furey and Associates Limited of Olde World Cottage, Rathasker Road, Naas, County Kildare.

**PROPOSED DEVELOPMENT:** Demolition of an existing domestic garage, kennels and dog enclosure and construction of a four bedroom single-storey dwelling, with ground floor living area and attic storage overhead, the formation of a new vehicular access, the installation of a packaged wastewater treatment plant and polishing filter, relocation of an existing post and rail fence to form a new site boundary and a connection to the public mains water supply together with all other ancillary works to serve the proposed dwelling. Removal of an existing sewerage treatment system, and the installation of a new packaged treatment system including polishing filter, along with new connection to the public mains water supply to serve the existing dwelling at "Coole", Newtown, Eadestown, Naas, 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 RH 5 of the planning authority, as set out in the Kildare County Development Plan 2011 – 2017, is to ensure that, notwithstanding compliance with the local need criteria, applicants comply with all other normal siting and design considerations, including the capacity of the area to absorb further development. In conjunction with the level of existing development in the vicinity, it is considered that the proposed house would exacerbate an excessive density of development in a rural area lacking certain public services and community facilities, would contribute to the increasing suburbanisation of the area, and would contravene Policy RH 5 of the Development Plan, which policy is considered reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would exacerbate a serious pattern of undesirable ribbon development in this rural area, and would, therefore, contravene the provisions of the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, resulting in both visual impact and a multiplicity of vehicular entrances on a rural road, and would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would exacerbate an excessive concentration of development dependent on on-site disposal of foul effluent in an area that is identified by the Environmental Protection Agency as being at high risk from domestic waste water pollution. The proposed development, taken in conjunction with the level of existing development in the vicinity, would, therefore, result in a risk of pollution and would be prejudicial to public health.

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

**Dated this            day of            2016.**