



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/796

APPEAL by Niall Donnelly care of David Mulcahy Planning Consultants Limited of 67 Old The Old Mill Race, Athgarvan, County Kildare against the decision made on the 27th day of August, 2018 by Kildare County Council to refuse permission to the said Niall Donnelly.

Proposed Development: New single storey four bedroom house, including 5 number rooflights to rear, solar panels to rear, new domestic road entrance, new well, foul drainage and percolation area, surface water soakaway, landscaping, and all ancillary works, all at Oughterard, Straffan, County Kildare,

Decision

REFUSE permission for the above proposed development in accordance with 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 site of the proposed development is located along a designated scenic route in the Kildare County Development Plan 2017-2023 (Route No. 11 Table 14.5 refers). The site is also located proximate to a ridgeline within a relatively open and visually exposed landscape. Notwithstanding the extensive landscaping schedule included as part of the proposed development, it is considered that the proposed development, by reason of its nature and scale, would constitute a visually obtrusive feature in the landscape, would seriously injure the visual amenities of the area, would be contrary to the policy of the planning authority, as set out in the Development Plan, in relation to the preservation of Scenic Routes and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to National Policy Objective No 19 of the National Planning Framework (February 2018), the location of the site within 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 where housing is restricted to persons demonstrating local need in accordance with the Kildare County Development Plan 2017-2023, 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 house at this location. The proposed development, in the absence of any identified locally based need for the house, would contravene housing policy as set out in Section 4.12.7 of the Development Plan and in the national Guidelines, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the “Sustainable Rural Housing Guidelines for Planning Authorities” and to the proper planning and sustainable development of the area

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.