



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st day of December 2018 by McCourt Investments Limited care of JFOC Architects, 11a Greenmount House, Harold's Cross, Dublin 6W.

Proposed Development:

A permission for a strategic housing development at Kill Hill and Earl's Court, Kill, County Kildare.

The proposed development will consist of 136 number dwellings, one number vehicular link at Kill Hill Lane, two number vehicular connections to The Avenue, Earl's Court, a further pedestrian link at number 16 The Green, Earl's Court, the provision of a new Heritage Trail, and all associated and ancillary site development works.

The proposed dwelling types are:

- Type A, 15 number, 143 square metres, two-storey, four-bed.
- Type A1, one number, 143 square metres, two-storey, four-bed.
- Type B – Optional, 46 number, 114 square metres or 143.7 square metres, two-storey or 2.5-storey, three-bed or four-bed

- Type C, eight number, 111 square metres, two-storey, three-bed
- Type G, four number, 120 square metres 1.5-storey (dormer), three-bed
- Type H, two number, 134 square metres 1.5-storey (dormer), four-bed
- Type J, two number, 55 square metres, first floor, one-bed maisonette
- Type K, two number, 58 square metres, ground floor, one-bed maisonette
- Type J1, two number, 55 square metres, first floor, one-bed maisonette
- Type K1, two number, 58 square metres, ground floor, one-bed maisonette
- Type M, eight number, 107 square metres, two-storey, three-bed
- Type M1, 19 number, 104 square metres, two-storey, three-bed
- Type N, 16 number, 81 square metres, two-storey, two-bed
- Type N1, nine number, 88 square metres, two-storey, two-bed

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 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, and Policy MD 1 of the Kildare County Development Plan 2017-2023, seek to ensure that a wide variety of adaptable housing types, sizes and tenures are provided. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. The National Planning Framework recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future. The proposed development, which is characterised predominantly by three and four bed, detached and semi-detached housing and provides for a very limited number of one and two bedroomed units, would fail to comply with national and planning authority policy, as outlined above, and would be contrary to these Ministerial Guidelines, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form and layout; fails to provide high quality usable open spaces; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed

scheme, being dominated by roads, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013, and involves two vehicular accesses into the adjoining Earl's Court housing estate. It is considered that the proposed development would, therefore, seriously injure the residential amenities of future occupants, would endanger public safety by reason of traffic hazard, particularly to pedestrians within the Earl's Court estate, and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019