



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1429

APPEAL by Kiri Lowry and Lorcan O’Sullivan care of AKM Design of Unit 4, Orchard Business Park, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 28th day of January, 2019 by Kildare County Council to refuse permission.

Proposed Development: Removal of condition number 2 of previous planning register reference number 86/884 relating to sterilization of lands, that is, sterilization of this applicant's site and construction of a new detached dormer type dwelling and single storey detached domestic garage/shed with access from public road via new recessed shared entrance arrangement (shared with applicant's parents), installation of new proprietary waste water treatment system and associated site works and landscaping, at Firmount West, Clane 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 proposed development would result in an extension of the already significant density and haphazard nature of residential development in Firmount West and the rural area to the north of Firmount crossroads; and would exacerbate the existing pattern of ribbon development on the local road onto which access is proposed. The proposed development would, therefore, be contrary to Policy RH 9 (iv) of the Kildare County Development Plan, 2017-2023 relating to the capacity of the area to accommodate further development with particular regard to the creation of ribbon development and exacerbation of existing haphazard or piecemeal development patterns, to Policy RH 10 relating to the control of piecemeal and haphazard development in rural areas close to urban settlements and to Policy RH 12 which seeks to discourage ribbon development, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would materially contravene a condition attached to a permission for development (Kildare County Council planning register reference number 86/884) which restricted development to a single house on a site which included the current appeal site and the site of the existing developed house to the west. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to 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 2005, and in Rural Housing Policy Zone 1, as set out in Map 4.4 of the Kildare County Development Plan 2017-2023, and to National Policy Objective 19 of the National Planning Framework (February, 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant does not comply with National Policy Objective 19. The proposed development, in the absence of any identified locally based need for a house, 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 contravene the provisions of the National Planning Framework and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.