



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/718

APPEAL by Gareth and Aaran McHale care of Tom Phillips of 80 Harcourt Street, Dublin against the decision made on the 11th day of July, 2019 by Kildare County Council to refuse permission.

Proposed Development: Completion of existing development to replace previously proposed estate design (register reference number: 07/300028 - now expired) for 86 units (13 houses completed) with revised design that follows the established pattern of the development around four green spaces. Proposed development shall consist of one four bedroom two-storey detached house, 58 three bedroom two-storey semi-detached houses in four designs, four number three bedroom two-storey terraced houses, four number two bedroom two-storey terraced houses and a crèche (260 square metres) with two number two bedroom apartments over and for all associated roads, paths, boundary walls and services on and under land. This application is for phase 1 only consisting of 69 residential units and the crèche. Phase 2 shall be subject to a further application and shall consist of a further 54 units bringing the proposed overall total number of units across the site to 136 units (123 proposed plus 13 completed), all at Prusselstown Green, Athy, County Kildare. Further public notices were received by the planning authority on the

17th day of May, 2019 which included the following: alterations to the design of House Type A1, alterations to the siting and orientation of Units Numbers 1-4 The Park, Units Numbers 1-4 The Court, Units Numbers 1-2 The Crescent and Units Numbers 23-24 The Crescent and the crèche/apartment building, alterations to Units Numbers 1-4 The Park to become House Type A (Numbers 1-3 and A1 (Number 4) units in place of House Type B1, alterations to Units Numbers 1, 17 and 24 The Crescent to become a House Type A1 in place of House Type B1, alterations to Units Numbers 2, 18 and 23 The Crescent to become a House Type A in place of House Type B1, alteration to Unit Number 51 The Park to become House Type A in place of House Type A1, alterations to the layout of Unit Number 14 The Way House Type C, alterations to vehicular, pedestrian and cyclist routes, alterations to on-street visitor car parking and crèche set-down area, amended red line boundary to provide for public lighting on Geraldine Road, alterations to associated hard and soft landscaping works including boundary treatments, alterations to proposed infrastructural services provision and related pipework, and development works above and below ground and the preparation and submission of a Natura impact statement.

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 density of the proposed development, which includes for sixty-nine residential units on a site of 3.87 hectares, would be contrary to the “Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in May, 2009 as they relate to cities and towns, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. It is considered that the proposed development would not be developed at a sufficient density, would not constitute a sustainable use of lands within the designated ‘Moderate Sustainable Growth Town’ of Athy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which includes for a predominance of three-bedroomed housing, would be contrary to the “Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities”, and the accompanying Urban Design Manual, issued by the Department of the Environment, Heritage and Local Government in May, 2009, which encourage a range of housing types, and would contravene Policy MD 1 and Objective MDO 1 of the Kildare County Development Plan 2017-2023 which seek to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in order to support a variety of household types. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from different social and income groups and recognises that a neighbourhood with a good mix of unit types will feature houses of varying sizes. The National Planning Framework published in February, 2018 by the Department of Housing, Planning and Local Government, also 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 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 2020.