



Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/227

Appeal by Pdraic Ryan care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 15th day of June, 2020 by Kildare County Council to refuse permission for development comprising the construction of 18 number new two storey dwellings (17 number generally to the rear and side of Glebe House and one number part barrel vaulted roof dwelling to the side/north east of Glebe House on the site of the existing barn being demolished adjacent to New Road) together with the demolition of a modern single storey extension to the side/south west of Glebe House, the conversion and refurbishment of Glebe House and associated extensions and outhouse (currently a two storey over basement dwelling divided into five number dwellings and associated accommodation), to create four number two-bed apartments with associated accommodation and outhouse for bin/bicycle/general storage, the conversion and refurbishment of the existing two storey detached Coach House (currently divided into three number dwellings) adjacent to Glebe House (to include the demolition of the modern single storey extension to the rear of the Coach House), to create a one bed dwelling. The vehicle entrance to the site will be through the existing site entrance opposite Scoil Bhríde National School on New Road. The works will also include the demolition of an existing one bed single storey detached dwelling to the rear of Glebe House and the demolition of an existing unauthorised single storey Boiler house built adjacent to the north western boundary of the site. The 18 number new dwellings

will consist of the following: three number Type A, two-storey detached, four bed dwellings; one number Type B, two-storey detached, four bed dwelling, with part barrel vaulted roof, on the site of the existing haybarn being demolished; six number Type C, two-storey and part single storey semi-detached, four bed dwellings; two number Type D, two-storey and part single storey detached, four bed dwellings; three number Type E and one number Type EI, two-storey and part single storey semi-detached, three bed dwellings; one number Type F, two-storey and part single storey detached, five bed dwelling; one number Type H, two-storey and part single storey detached, five bed dwelling; the provision of solar photovoltaic panels (PV) on the roofs of the new dwellings and the existing Coach House, the provision of all associated and ancillary siteworks, boundary treatments and landscaping works to include the reinstatement of some historical pathways to the front of Glebe House, the conversion of the existing site entrance and driveway (to the front of Glebe House and adjacent to The Beeches housing development) into a pedestrian/cycle route accessing Glebe House, the adjacent buildings and also the proposed development. Glebe House is listed on the Record of Protected Structures in the Kildare County Development Plan 2017-2023, all on site at Glebe House, New Road, Straffan, County Kildare in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the demolition of the modern single storey extension to the side/south west of Glebe House, the single storey detached dwelling to the rear of Glebe House and the boiler house adjacent to the north west corner of the site, and the conversion and refurbishment of Glebe House and associated extensions and outhouse to create four number apartments and the conversion and refurbishment of the Coach House to create a one bed dwelling in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for 18 number new dwellings and associated development in the grounds of Glebe House based on the reasons and considerations marked (2) under.

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)

Having regard to the nature and design of the proposed development, the location of the site in the village of Straffan, the zoning objective for the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with current Development Plan policies and objectives for the area, would not seriously injure the integrity, setting and character of the protected structure, Glebe House, or the visual or the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on appeal to An Bord Pleanála on the 10th of July 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Access to the proposed development shall be via the existing access arrangements to Glebe House.

Reason: In the interest of orderly development.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of any external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenities.

6. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

7. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Reasons and Considerations (2)

Having regard to the dominance and character of the suburban-type housing proposed, combined with the overall design and layout, it is considered that the proposed development would be an inappropriate form of development which would have a negative visual impact on the character and setting of the Protected Structure (RPS number B14-23), NIAH Ref: 11809006, Glebe House, and would, therefore, be contrary to Policy PS 2 of the Kildare County Development Plan 2017-2023 which seeks to protect the special character of the proposed structures from inappropriate development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the 18 new dwelling houses, the Board did not agree that the proposed housing layout and design, which it considered to be suburban in character and inappropriate for this sensitive site, would not seriously injure the integrity, setting and character of the protected structure.

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

Dated this day of 2021.