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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 20/162**

**APPEAL** by Killross Properties Limited care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 23<sup>rd</sup> day of June 2020 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** Amendments to a previously permitted development under Kildare County Council Reference 16/282 (An Bord Pleanála Reference PL09.247909) through the omission of seven number permitted houses (House Numbers 100 to 106, comprising four number four bedroom and three number three bedroom houses) and the replacement thereof with a part three, part four storey apartment block (to provide 32 number apartments, comprising 10 number one bed; 18 number two bed and four number three bed units) together with alterations to the previously permitted site layout to include: (i) a revised road layout and associated pedestrian and cycle link; (ii) omission of a previously permitted ancillary car park associated with the permitted crèche and replacement with a shared ancillary surface car park to provide 44 number car parking spaces (to include 32 number dedicated spaces for the proposed apartments; 8 number visitor spaces and 4 number dedicated spaces for use by the crèche). An additional 2 dedicated crèche parking spaces are provided opposite the crèche on the northern side of the access road ('The Gardens') serving the larger development; (iii) omission of a permitted public open space/park (measuring

approximately 242 square metres) at the southern end of the site and integration thereof with the proposed communal open space serving the proposed apartment block; (iv) provision of an enclosed waste/bin store to the south of the proposed apartment block and covered bicycle storage (providing 32 number cycle storage spaces) for use of the residents of the apartment block; (v) provision for 18 number visitor bicycle storage spaces in a position to the north of the proposed apartment block. Other works include the provision of communal open space; associated landscaping and infrastructure provision to include access roads (and associated pedestrian footpaths/cycle paths) serving the proposed development which align and integrate with the permitted road network/layout under planning permission reference 16/282 (An Bord Pleanála Reference PL09.247909) at Westfield, Green Lane, Leixlip, 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 appeal site comprises a small infill site within an established residential area and is located on lands that are zoned Objective B (Existing Residential/Infill) under the provisions of the Leixlip Local Area Plan 2020-2023, where the stated objective is ‘to protect and improve the amenity of established residential communities and promote sustainable intensification’. Having regard to the scale of the proposed development, its proximity to site boundaries and adjoining properties, particularly the houses to the east and north-east in The Park, Westfield, it is considered that, notwithstanding the proposed design alterations including the screening of living room windows and balconies, the proposed development would have a significant negative impact on the residential amenities of these adjoining properties by reason of overlooking, overbearing visual impact and loss of privacy, and that the design alterations proposed to the apartment units are such that they would lead to an overall poor standard of residential amenity for future occupants of the apartment units on the eastern side of the proposed block due to lack of daylight and sub-standard outlook from living accommodation. The proposed development would, therefore, constitute overdevelopment of the site that would be contrary to Objective B (Existing Residential/Infill) zoning of the site, and would result in a form of development that would seriously injure the amenities and depreciate the value of properties in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of inadequate provision of car parking to serve the development and particularly the permitted crèche use on the adjoining site to the west, would lead to pressure for parking and traffic movements in the immediate environs of the site that would lead to traffic congestion and haphazard parking. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2021.**