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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 20/1369**

**APPEAL** by NL Dublin Estate Property Holdings Limited care of Delphi Architects and Planners of 13 Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin against the decision made on the 14<sup>th</sup> day of January, 2021 by Kildare County Council to refuse permission.

**Proposed Development:** A permission for a mixed development which consists of the demolition of the existing buildings on site (total demolition 335.2 square metres) and the construction of a three-storey building facing onto Main Street, accommodating two number apartments, comprised of one number one bed apartment and one number two bed apartment. The three-storey building will provide for a single office/retail unit at ground floor (85.5 square metres). The proposed development provides for 11 number two-storey townhouses, comprised of seven number three bed units and four number four bed units. Vehicular access to the development will be from Main Street, with 25 number car parking spaces and 15 number bicycle spaces provided. The development also provides for all associated site development works, hard and soft landscaping, boundary treatments, ground floor refuse/storage areas (20.4 square metres) and associated signage all on a site of 0.34 hectare on lands at Main Street, Donaghcumper, Celbridge, 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 site is located within a proposed Architectural Conservation Area as set out in the Celbridge Local Area Plan 2017-2023 and is in close proximity to several Protected Structures as set out in the Kildare County Development Plan 2017-2023. It also adjoins the River Liffey corridor, which is characterised as 'Class 4 Special Sensitivity' in the Development Plan. Having regard to the existing character and prevailing pattern of development, it is considered that the proposed townhouses, by reason of their overall layout and design, including significantly raised site levels, inappropriate orientation, and proximity to the River Liffey, would seriously detract from the architectural character of surrounding properties and the landscape setting along the river. Furthermore, the proposed new building along Main Street would seriously detract from the character of the existing streetscape by reason of its inappropriate form, scale and design, and would not justify the demolition of the existing building. The proposed development would, therefore, adversely affect the architectural character and setting of surrounding properties, would seriously injure the visual

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amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development involves the construction of dwellings and other significant works in areas that are at risk of flooding. Having regard to the inappropriate flood mitigation measures proposed, including the excessive raising of site levels and the inappropriate design and location of the flood storage measures, the Board is not satisfied that the proposed development adequately addresses the risk of flooding either on the proposed development site itself, or on other lands. The proposed development would, therefore, constitute an unacceptable risk of flooding to future occupants and adjoining lands, would be prejudicial to public health and safety, and would be contrary to the proper planning and sustainable development of the area.

3. Objective GIO 1.6 of the Celbridge Local Area Plan 2017-2023 aims to maintain a biodiversity protection zone of not less than 15 metres from the top bank of the River Liffey and of not less than 10 metres from the top bank of smaller watercourses in Celbridge. This objective is considered reasonable having regard to the characteristics and sensitivities of the site. Having regard to the significant extent of works proposed within these zones along the River Liffey and Toni River, it is considered that the proposed development would be contrary to the aims of the Celbridge Local Area Plan to protect local biodiversity value and would be contrary to the proper planning and sustainable development of the area.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this 26<sup>th</sup> day of October 2021