

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/748

APPEAL by Arlene O'Malley care of dot architecture of 6 Castlesize Drive, Sallins, County Kildare against the decision made on the 19th day of July, 2021 by Kildare County Council to refuse permission.

Proposed Development: The subdivision of the existing site, and construction of a new single storey four bedroom dwelling including new vehicular driveway access, the installation of a proprietary wastewater treatment system and percolation area, and all associated site drainage, landscaping and ancillary site works at a site at Derrycrib, Donadea, Naas, 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

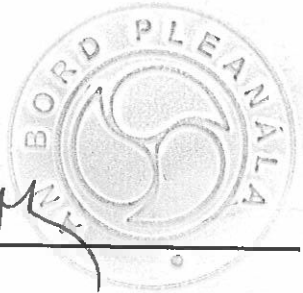
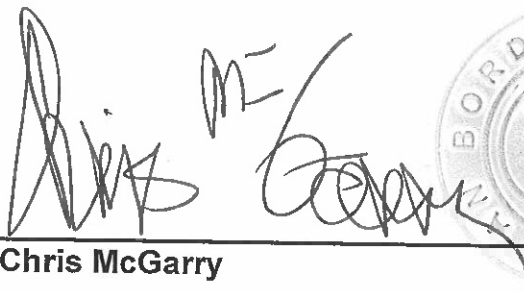
submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Policy RH9(iv) of the Kildare County Development Plan 2017-2023 seeks to ensure that, notwithstanding compliance with the local need criteria, applicants must comply with all other normal siting and design considerations, including the capacity of the area to absorb further development. The policy is considered reasonable. It is considered that the proposed development, when taken in conjunction with existing development in the vicinity of the site, would consolidate and contribute to the build-up of ribbon development in an open rural area and would be in conflict with this development plan policy. The proposed development would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. Furthermore, policies RH10 and RH12 of the Kildare County Development Plan 2017-2023, seek to control the piecemeal and haphazard development of rural areas close to urban centres and settlements, and to discourage ribbon development, respectively. It is considered that the proposed development would contribute to an increasing pattern of suburbanisation in a rural area that is under significant development pressure and that it would exacerbate further piecemeal residential development in the area. The proposed development would, therefore, be contrary to the provisions of Policies RH9(iv), RH10 and RH12 of the current County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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2. Having regard to poor percolation characteristics of the site in conjunction with a proliferation of domestic treatment systems in the vicinity, the Board is not satisfied on the basis of the information submitted with the planning application and the appeal, that the effluent from the development can be satisfactorily treated and disposed of on-site notwithstanding the proposed use of a proprietary wastewater treatment system. In this regard, the Board is not satisfied that the proposed development, by itself or in conjunction with existing development in the vicinity, would not have an adverse effect on the environment by reason of the risk of groundwater pollution. It is considered that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 17th day of February 2022