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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 22/131**

**APPEAL** by Eugene McGuinness and others of 40 Bishop Birch Place, Kilkenny and by others against the decision made on the 2<sup>nd</sup> day of March, 2023 by Kilkenny County Council to grant subject to conditions permission to MJ McGuinness care of Bluet and O'Donoghue of 1 Chancery Street, Dublin.

**Proposed Development:** (1) Demolition of existing public house/restaurant and residential building, all existing out-offices, warehouse and other buildings, yard slabs, certain boundary walls and alterations to walls retained. (2) Four-level apartment building comprising entrance hall/lift shaft/stairwell, 11 number one-bedroom apartments and balconies, seven number two-bedroom apartments and balconies, three number three-bedroom apartments and balconies, waste management room, electrical and building services accommodation, rooftop plant room, one number 'own-door' office unit on the ground floor and associated private open space/cycle park, boundary walls, etc. (3) Terrace of three number three-storey, three-bedroom dwellinghouses with private open spaces, boundary walls, etc. (4) 'Own door' three-level apartment building with two number two-bedroom ground-floor apartments, boundary walls and open space, six number one-bedroom apartments in total on the first and second floors, all with balconies. External covered stairs and galleries, waste management bay. (5) Roads and paths including widening of the 'car road' at the rear (east side) of the site southwards as far as

Assumption Place, shared space, hard and soft landscaping paving, connections to adjoining open spaces, site services comprising surface water disposal and attenuation system (SUDS), foul drainage disposal system to existing mains, water services from existing Irish Water mains, fire hydrants, street lighting etc. underground cables and ducts and all associated site works; all located at the (former) McGuinness Public House, restaurant, dwelling, out offices and yard at 11/12 O'Loughlin Road, Kilkenny R95N25X and adjacent Eircode addresses each side and to the rear).

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

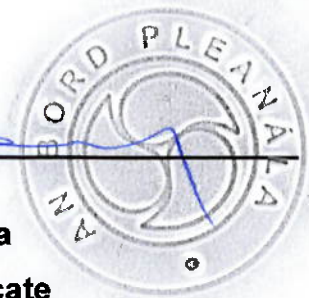
## **Reasons and Considerations**

1. Having regard to the site location, the relevant provisions in the Kilkenny City and County Development Plan 2021-2027, including objective 6A which seeks to ensure the creation of attractive, liveable, well designed, high quality urban places and Section 13.4.1 which sets out requirements regarding residential density, it is considered that the proposed development, by reason of its height, scale, massing and density at this prominent site, on O'Loughlin Road, adjacent to two areas of open space and established two-storey dwellings, would constitute an overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity. Furthermore, the Board considered the development, as proposed, would be out of character with the pattern of development in the vicinity, would be substandard in its form, would not successfully respond to its setting, including proposed interfaces with areas of public open space and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Specific Planning Policy Requirement 4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2022 (updated in March, 2023), taking particular account of the low level of dual aspect apartments proposed, the lack of communal open space, the absence of windows in some bedrooms and the overall layout of the scheme, it is considered that the proposed accommodation would be substandard and would seriously injure the residential amenity of future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the site's zoning as set out in the Kilkenny City and County Development Plan 2021-2027, for which the objective is to protect, provide, and improve residential amenities, and the location of the site adjoining an existing residential estate, the Board was not satisfied that a justification for the proposed office element of the development had been made. The proposed development would, therefore, contravene the said Development Plan zoning objective and would be contrary to the proper planning and sustainable development of the area.



**Martina Hennessy**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this 13<sup>th</sup> day of June 2024.