

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 23/60065

APPEAL by Áine Ryan and Shane Burke care of Áine Ryan Consulting of 29 Chestnut Crescent, Rath Ullórd, Bonnettsrath Road, Kilkenny and by others against the decision made on the 3rd day of November, 2023 by Kilkenny County Council to grant subject to conditions a permission to Madill Property Limited care of Reddy Architecture and Urbanism of 41 Dean Street, Kilkenny in accordance with the plans and particulars lodged with the said Council.

Proposed Development: 53 dwelling units consisting of 11 number houses (two number house Type C five bedroom detached houses, one number Type E four bedroom semi-detached house, one number Type F four bedroom semi-detached house, five number House Type H – four detached bedroom houses, one number Type J three bedroom semi-detached house, one number Type K three bedroom semi-detached house), 24 number duplex units (12 number three bed dwellings and 12 number one bed dwellings), one number three-storey mixed use retail/apartment building (four number two bed apartments over ground floor retail/restaurant use) and one number four-storey apartment building (14 number two bed apartments), one number single storey facilities management building, one number communal refuse storage pavilion, modification of existing roundabout at the entrance of the site to provide a T-junction with a raised table, provision of internal roads and

footpaths including associated pedestrian crossing facilities, cycle lanes, surface level car parking, public lighting, landscaping, public open space, boundary treatments, provision of foul and surface water disposal and all associated site works at Rath Ullord, Bonnetsrath, Kilkenny, as amended by the further public notices received by the planning authority on the 25th day of September, 2023.

Decision

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

Reasons and Considerations

Having regard to the Kilkenny County Development Plan 2021-2027, the objectives of the two zoning designations at the site - Existing Low Density Residential and General Business, and the pattern of development and character of the area, it is considered that the proposed development, by reason of the height of Block A at four storeys, and the scale, massing and form of the two blocks (encompassing the apartments, duplexes and commercial unit), does not adequately respond to the natural and built context, would provide an abrupt transition between adjoining land use zones, and would be visually discordant with the character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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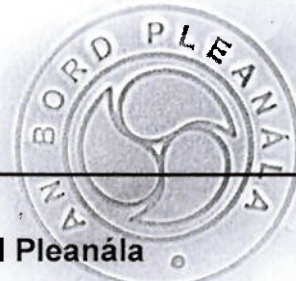
In deciding not to accept the Inspector's recommendation to grant permission, while the Board did not concur with the Inspector that the provision of a predominantly residential development would be contrary to the overall intent of the General Business zoning objective, and while recognising the need to achieve higher residential densities in appropriate locations, the Board agreed with the Inspector that the scale, massing and form of the two blocks was excessive. The Board considered however that it would be preferable, in the interest of proper planning and sustainable development, for the total site to be reconsidered as part of any future redesign rather than the Board granting permission for the quantum of the proposed development recommended by the Inspector.

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

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



Dated this *16* day of *January* 2025.