

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 2360386

APPEAL by Linda Lynch and by Novel Property Developments against the decision made on the 29th day of July 2024 by Kildare County Council to grant permission, subject to conditions, to Novel Property Developments for the proposed development.

Proposed Development: for (A) refurbishment of existing 2-bed house; (B) refurbishment and change of use of a separate adjoining building (often referred to as 'The Forge') from a nil use to retail use; (C) demolition of family flat (formerly a hair salon) which forms part of the existing 2-bed house at item A above and alterations / improvements to this existing 2-bed house including the provision of a new gable wall and roof section; (D) creation of a new vehicular access which leads to the rear of the site and the provision of ten no. car parking bays and ten bicycle spaces; (E) construction of a residential building containing two floors and the provision on 5 no. 2-bed duplex apartments, 4 no. 2-bed apartments and 2 no. 1-bed apartments therein; (F) all associated site works including but not limited to the provision of communal and private open spaces, site landscaping, boundary treatment and connections to the mains water supply, stormwater drainage and public sewerage system, at Main Street, Ballymore Eustace, County Kildare.

Decision

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

Reasons and Considerations

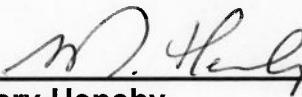
The design, scale and disposition of the proposed new structure would be contrary to Kildare County Development Plan 2023-2029 specifically policy AHP6, to protect and maintain architectural heritage and, objective AH034 that encourages high quality design. The existing structure on site, while not a protected structure, is listed on the National Architectural Inventory of Ireland and is a building of architectural merit, the design of the new structure is considered to detract from the existing structures presence on the streetscape by way of its discordant design, and its relationship with the rear of the existing structure. The proposed development would, therefore, not accord with the proper planning and sustainable development of the area.

The Commission also concluded that the following matters required further consideration:

- (a) The proposed changes to the roof structure of the existing house were not clearly detailed particularly the position of the new chimney, with the conservation report (submitted with the application) differing to the elevational drawings submitted.
- (b) The amendments made at further information stage appear to have altered the nature of the duplex units to that more akin to an own door house, the implications of this for private open space require re-evaluation.
- (c) The open space retained to serve the existing house lacks amenity due to the proximity of the new development.
- (d) The provision of public open space having regard to both Section 15.6.6 of the Development Plan and the Sustainable and Compact settlements, Guidelines for Planning Authorities.

As these are new issues the Commission may have required further information regarding these matters but due to the substantial reason for refusal the Commission considered in this instance it is not appropriate to do so.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission concurred with the Inspector that the development of this site is appropriate and that it has capacity for additional residential units, and that due to the limited size of the site, the brown field nature, and the zoning of the site the relaxation of standards (as provided for in Guidelines) may on balance be appropriate subject to the proposed development achieving the objectives of the Development Plan. The Commission concurred with both the Planning Authority and the Inspector on the matter of sight lines and parking. However, the Commission did not concur with the Inspector that the design of the proposed new structure was acceptable or that it would be screened from view from the public realm by the existing building to the front of the site. The Commission considered the design of the proposed building lacked architectural merit and determined that as proposed would detract from the character of the wider setting. The Commission having reviewed the file including the CGI's and drawings, did not consider that they demonstrated that the building would be screened by the existing building to the front from the streetscape. The Commission therefore concurred with the third parties that the development as proposed would detract from the character of the village.



Mary Henchy

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 9th day of February 2026