



An  
Bord  
Pleanála

## Board Order

**ABP-321009-24**

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 24/257**

**Appeal** by Trevor Martin of Coole, Monasterevin, County Kildare against the decision made on the 2<sup>nd</sup> day of October, 2024 by Kildare Council to refuse permission.

**Proposed Development:** Permanent subdivision of a two-room and bathroom extension from the main dwelling and to allow the subdivision to be occupied as a separate dwelling, not connected to the main dwelling, and to be able to let the subdivision as a separate dwelling, all at Coole, Monasterevin, County Kildare.

### Decision

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

## Reasons and Considerations

1. Having regard to the nature of the proposed development, the floor area of the proposed residential unit, the absence of storage area and of private amenity open space, it is considered that the proposed development would represent a substandard form of residential development, would be contrary to the standards, as set out in the Kildare County Development Plan 2023-2029, and current national guidance, as set out in the Sustainable Urban Housing: Design Standards for New Apartments (2022), in relation to apartment design standards and for safeguarding higher standards in the interest of sustainable and good quality development for the occupants of new residential apartment units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the extension, as permitted under planning register reference number 21/855, and the nature of the development permitted, which was for a retention of a change of use from a garage and fuel store to a one-bedroom granny/family flat, and condition number 3 of the said permission, which stated that 'the existing dwelling and the proposed extension shall be jointly occupied as a single housing unit and the extension shall not be subdivided from the remainder of the dwelling and sold or let as a separate dwelling unit', which is considered to be reasonable given the nature of the development applied for and permitted, it is considered that the proposed development would contravene materially the said condition and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It has not been clearly or adequately demonstrated in the documentation submitted as part of the planning application and the appeal that the separate residential unit can be adequately catered for within the existing domestic wastewater treatment system in accordance with the requirements of the EPA Code of Practice Domestic Waste Water Treatment Systems (DWWTSs) (Population Equivalent  $\leq 10$  which outlines requirements in relation to the assessment of suitability for domestic wastewater treatment systems for the proposed development and site. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



**Emer Maughan**

**Member of An Bord Pleanála**

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

Dated this 18<sup>th</sup> day of February 2025.