

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 2460892

Appeal by John Curley care of David Mulcahy Planning Consultants of 67 Old Mill Race, Athgarvan, Newbridge, County Kildare and by Heytesbury Investments ULC care of Marston Planning Consultancy of 23 Grange Park Foxrock, Dublin against the decision made on the 13th day of March, 2025 by Kildare County Council to refuse permission to Heytesbury Investments ULC for the proposed development.

Proposed Development: Amendments and modifications to the permissions granted under Planning Ref. 22/738, Ref. 23/17 and 23/99 that are: - Retention of ha-ha type wall and associated ground works, as well as all other local changes in ground levels to the front of Straffan Lodge; - Retention of the changes to the alignment of the main access road and forecourt to the front of Straffan Lodge; - Retention of the new internal service road that extends to the east of the property; - Retention of tree house structure and balcony within tree to the north-west of Straffan Lodge; - Retention of removal of unauthorised folly to the south-west of Straffan Lodge; - Retention of earth berm and landscape works close to north-eastern boundary to the east of Straffan Lodge; and - Retention of all associated hard and soft landscaping as well as all associated ancillary site development works. The proposed development was revised by further public notices received by the planning authority on the 19th day of February 2025, which consists of

replacing the existing hedging to the north-eastern boundary within the grounds of a Protected Structure, all at Straffan Lodge, Glebe, Straffan, County Kildare.

Decision

GRANT permission for:

- (a) Retention of the changes levels to the alignment of the main access road and forecourt to the front of Straffan Lodge.
- (b) Retention of the new internal service road that extend to the east of the property,
- (c) Retention of the tree house structure and balcony within the tree to the north west of Straffan Lodge.
- (d) Retention of the earth berm and landscape works close to north-eastern boundary to the east of Staffan Lodge: and
- (e) Retention of all associated incidental landscaping together with other associated ancillary site development works.

in accordance with the said plans and particulars, based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the retention of the ha-ha type wall, pillars and associated ground works based on the reasons and considerations marked (2) below.

Reasons and Considerations (1)

Having regard to the nature, scale and extent of the works listed above for retention, and the mitigation proposed by the applicant, it is considered that the retained development works, subject to compliance with the conditions set out below, would not seriously injure the character or setting of the Protected Structure at Straffan Lodge, its curtilage, or its attendant grounds. The retained works would not be harmful to the amenity of the area or of neighbouring property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, heritage, and amenity. These elements of development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development proposed for retention shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th day of February 2025, and further amended by the plans and particulars received by the An Coimisiún Pleanála on the 8th day of April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

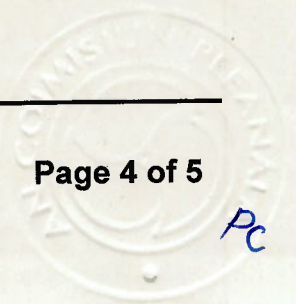
Reason: In the interest of clarity.

2. The landscaping scheme shown on drawing number 103, as submitted to the planning authority on the 14th day of February 2025 shall be carried out within the first planting season following the grant of permission. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

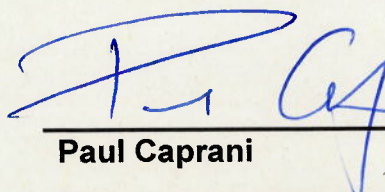
Reason: In the interest of visual amenity.

Reasons and Considerations (2)

Having regard to the scale of the works undertaken to the ha-ha feature to the front of Straffan Lodge, it is considered that the works constitute a obtrusive and incongruous feature which detracts from the context and setting of Straffan Lodge and the associated attendant grounds. It is considered therefore that the retention of the ha-ha as constructed would be contrary to Objective AH O21 which seeks to protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. The proposal would therefore be contrary to the proper planning and sustainable development of the area.



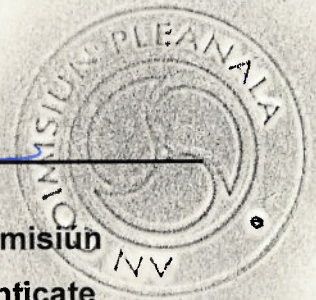
In deciding not to accept the Inspector's recommendation to grant retention of planning permission for ha-ha feature, the Commission agreed with the Inspector that the ha-ha and the associated granite capping as currently constructed is highly visible on the internal approach to Straffan Lodge. The Commission however had concerns that the remodelling of the ground to the south of the ha-ha, in order to reduce the visual impact of the works undertaken, would result in a further alteration to the contouring of the attendant grounds associated with the Protected Structure and as such would adversely impact on the setting and context of the Lodge and would exacerbate the level of intervention and modification of the Protected Structures' attendant grounds and curtilage and therefore further accentuate the deterioration of the formal setting of the protected structure.



Paul Caprani

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 25th day of July

2025.