An Coimisiún Pleanála

Commission Order
ACP-323351-25

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 2560544

APPEAL by Mulberry Properties Limited against the decision made on the 15th day of July, 2025 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Permission for a residential development of 19 dwellings comprising as follows:- four number three-storey, four-bedroom end-of-terrace houses; nine number two-storey, three-bedroom mid-terrace houses; two number two-storey, three-bedroom end-of-terrace houses and two number maisonette units containing two number one-bedroom dwellings in each; together with new vehicular and pedestrian entrance from Church Street, new ramped pedestrian connection to the Royal Canal Greenway to the south of the site, nine number additional car parking spaces, covered short-term bicycle parking area for 10 number bicycles, site landscaping including all boundary works and walls, site services and drainage, all at Church Street, Kilcock, County Kildare. The proposed development was revised by further public notices received by An Coimisiún Pleanála on the 26th day of November, 2025 referencing the submission of a Natura Impact Statement with the appeal.

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 provisions of the Kildare County Development Plan 2023-2029, including Objective HO O6 which seeks to ensure that the need to provide for sustainable residential development is balanced with, *inter alia,* the protection of existing residential amenities, and having regard to the layout, scale and design of the proposed development, and its proximity to the western boundary, it is considered that the proposal would give rise to unacceptable impacts on existing residential amenity, in the form of undue overlooking from several proposed residential units. In particular, proposed Terrace 3, by virtue of its height and positioning, in close proximity to the western boundary, and the proposal for 12 number windows at first floor level on the western elevation, would, in the absence of adequate setback from the western boundary, result in serious injury to the residential amenities of the adjacent property to the west. The Commission considered that the proposed development fails to offer an appropriate design response to the subject site, would be contrary to the development plan's Urban Design and Placemaking Policy, and in particular, Objective UD 01, which requires a high standard of urban design to be integrated into the design and layout all new development. The proposed development 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 permission, the Commission considered the original layout for the proposed development and also noted the alternative layout ("Option B") submitted by the developer, as part of the first party appeal. The Commission did not share the Inspector's stated preference for Option B and, instead, considered that the original layout offered a more considered design solution to the characteristics of the subject site. In addition, the Commission noted that the alternative layout (Option B) submitted as part of the appeal, was materially different from the original layout proposed to the planning authority. In the absence of public advertising and notification, the Commission did not consider it appropriate to assess the proposed alternative layout, having regard to the absence of an opportunity for full public participation.

MaryRose McGovern
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 19th **day of** October **2026.**