

An
Coimisiún
Pleanála

Commission Order
PL-501003-KE-26

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 2561462

Appeal by Stuart Freeman and Rachel Nolan against the decision made on the 20th day of February, 2026 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Retention planning permission for retention of log chalet to be used for habitable accommodation for a temporary period of three years at The Willows, Allenwood, County Kildare.

Decision

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

Reasons and Considerations

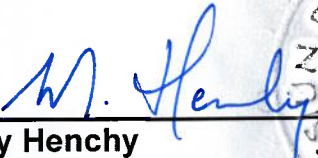
Having regard to Objective HO O6 of the Kildare County Development Plan 2023–2029, which is to ‘ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development’, and Chapter 15 of the development plan, ‘Development Management’, and the requirements for a family flat, it is considered that the chalet proposed for retention constitutes a substandard form of residential development. The structure adversely impacts the residential amenity of the adjoining property to the north due to its height, proximity to the boundary, and the presence of two windows directly overlooking that property’s private open space. The development would, therefore, materially contravene Objective HO O6 of the Kildare County Development Plan 2023-2029, set an undesirable precedent for similar substandard proposals, and would 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 disagreed with the Inspector and shared the opinion of the Planning Authority that the structure proposed for retention materially contravenes objective HO 06, due to the proximity to the boundaries with adjoining property and the design of the structure and the impact this has on the amenity of adjoining properties, which is evident from the photographs submitted by the objectors to the application. For clarity, the Commission considered the amendments proposed in the appeal submission, to the windows facing the boundary, but considered the proposed alterations would diminish the residential amenity of the structure to be retained.

Furthermore the Commission considered the structure proposed for retention does not accord with section 15.4.14, family flat, particularly with regard to relationship with the existing house, and the planning history for this site, as set out in the local authority planners report, which appears to differ to the

history of the development as detailed in the appeal submission provided in support of the need for this family flat.

Note: The Commission noted inconsistencies between the planning authority's planning history and that set out in the appeal submission. Were it not for the substantive reason for refusal the Commission may have requested further information on this matter.



Mary Henchy
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this th13 day of July 2026