



An
Bord
Pleanála

Inspector's Report

Development	Heritage centre, medical centre and pharmacy, veterinary practice, 14 houses, vehicular and pedestrian access, public open space, footpaths and site development works at Carragh Village, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	16/10
Applicant(s)	Twomilehouse Construction Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant(s)	Twomilehouse Construction Limited
Observer(s)	(1) Carmel Osborne (2) David & Suzanne Gilligan (3) Carragh View Residents Assoc (4) Mark Reilly & Brenda Sheridan (5) Ian Casey
Date of Site Inspection	27 th June 2016
Inspector	Mary Crowley

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site which has a stated area of 1.42 ha is located on the northern side of the village of Caragh, which is located approximately 5km north west of Naas, within a predominantly rural part of the county between the River Liffey and the Grand Canal on the R409. Caragh is defined as a village within the Settlement Hierarchy of the Kildare County Development Plan 2011 – 2017 and consists of a large church to the north with the school, pub and shops further south with residential development adjacent and to the rear of the commercial buildings
- 1.2 The appeal site is opposite the Church of Our Lady and St Joseph; the highest point of the village. The site is bounded to the east by the R409, Caragh View Road to the west and Caragh View residential development adjacent to the south. The lands are located on a hillside, rising northwards from the village. The eastern frontage of the site has a recently installed footpath, leading to beyond the Church, north of the junction. There is also an existing single storey dwelling adjoining the site on the eastern boundary. There is an existing single storey cottage to the east, which is excluded from this proposal and essentially interrupts the triangular nature of the site. This is referred to as Paddy's Cottage.
- 1.3 A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer the Board to the photos available to view on the appeal file.

2.0 PROPOSED DEVELOPMENT

- 2.1 This is an application for the construction of a mixed-use development (total GFA c. 3,005.7 sq.m) comprising the following:
- **Heritage Centre** (c. 111.2 sq.m). The heritage centre (1 storey) shall provide for 2 No. exhibition halls, office space, a wc, kitchen and storage space.
 - **Medical Centre and Pharmacy** (c. 203.3 sq.m). The medical centre (1 – 1.5 storeys) shall provide for a pharmacy and pharmacy store (c. 38.2 sq.m), 3 No. consulting rooms, waiting and reception area, and wc at ground floor level; and administration area, staff room, staff wc and store room at first floor level.
 - **Veterinary Practice** (c. 108.3 sq.m). The veterinary practice (1 storey) shall provide for 2 No. consulting rooms, operating room, animal washroom, reception and pet shop area, waiting area and wc.

- **14 No. Detached Houses** (c. 2,582.9 sq.m). The residential component (1 - 1.5 storeys) shall comprise 9 No. 4 bedroom units (c. 171.1 – 173.1 sq.m) and 5 No. 5 bedroom units (c. 206.2 sq.m), all with associated rear gardens.

2.3 The proposal shall also provide for vehicular and pedestrian access from the R409 and pedestrian access from the L2030; a public open space area of c. 2,025 sq.m; communal open space; new footpaths; all boundary treatment; landscaping works; necessary service connections; and all site development works

2.3 The application was accompanied by the following:

- Planning Report
- Conservation Report
- Design Statement
- Environmental Services Report
- Geotechnical Report
- Landscape Specification
- Stormbloc User Manual
- Stormcell Design and Installation Guidelines
- Stormwater Solutions Hydro Brake Details & Wayleave Agreement for Foul Sewer Discharge

3.0 INTERNAL TECHNICAL REPORTS

3.1 The **Environment Section** has no objection subject to conditions set out in their report relating to foul sewage, surface water, bunding, noise prevention, construction and waste management.

3.2 The **Chief Fire Officer** has no objection subject to conditions set out in their report relating to obtaining a Fire Safety Certificate for the heritage centre and compliance with residential standards.

3.3 The **Area Engineer** has no objection subject to conditions set out in their report relating to surface water disposal, compliance with DMURS, root management system and site development works.

3.4 The **Environmental Health Officer** has no objection subject to conditions set out in their report relating to construction best practise, hours of construction, ventilation, waste management and provision of sluice / dirty linen room.

3.5 The **Water Services Department** has no objection subject to conditions set out in their report relating to foul sewage and surface water drainage.

- 3.6 The **Transportation Department** requested the following further information:
- Road Safety Audit
 - Swept path analysis to be provided for the entire development
- 3.7 The **Conservation Officer** has no stated objection to the proposed scheme subject to a condition requiring that the vernacular cottage on site be retained and reused.
- 3.8 The **Housing Section** recommended a Part V condition be attached.
- 3.9 The **Heritage Officer** states that the cottage should be incorporated into the new development, that the two storey houses and health centre are inappropriate on the village street and that the new development is not in keeping with the rural nature of the village. Recommended that the following further information be sought:
- Details of how the cottage will be incorporated into a new scheme design in a meaningful manner
 - Revised boundary planting scheme
 - Details for the proposed heritage centre i.e. purpose, ownership arrangement etc
- 3.10 The **Local Authority Planner** stated that the submitted application differs to that presented at the pre-planning meeting but that the principle of the development proposed was acceptable given the zoning of the site. While the proposed Heritage Centre and Medical Centre / Pharmacy were acceptable it was considered that the proposed Veterinary Practise was unacceptable given its use and proximity to Paddy's Cottage. Concern was raised regarding the lack of appropriate separation distances, the height (FFL) difference between the dwellings and the potential for overlooking the private rear curtilage and accommodation of the dwellings in Caragh View. It was considered that *in order to address these concerns there would have to be a complete redesign of the scheme such as the removal of veterinary practise from its current location and a reorientation / re-design of the dwellings on site and that to request further information is not considered to be the appropriate forum in this insurance.* The Planner also concluded that AA was not required.
- 3.11 The Planner recommended that planning permission be refused for three reasons. The notification of decision to refuse planning permission issued by Kildare County Council reflects this recommendation.

4.0 EXTERNAL TECHNICAL REPORTS

- 4.1 **Irish Water** has no objection to the scheme.

- 4.2 **Iarnrod Eireann** has no objection in principle to the proposed development. Due to the proximity of the site to the main Dublin to Cork Railway the report advises of the Railway Safety Act 2005 and the requirement to take account of its obligation in the design and construction process. Further, the developer must take appropriate measures to ensure that construction traffic attempting to cross bridge OBC53 on the L2030 (900m southwest of the Caragh Church) do so in a manner that will not result in bridge strike.
- 4.3 **Inland Fisheries Ireland** advise that the site is within the catchment of the River Liffey and that the River Liffey and several of its tributaries are exceptional in supporting Atlantic Salmon, Sea Trout, Brown Trout, Freshwater Crayfish and Lamprey. Requested that all works to be completed in line with a Construction Management Plan. Further stated that it is essential that local infrastructural capacity is available to cope with increase surface and foul water generated by the development in order to protect the ecological integrity of any receiving aquatic environment. All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

5.0 OBJECTIONS / OBSERVATIONS TO THE PLANNING AUTHORITY

- 5.1 There was 12 letters of objection on the planning file from (1) Cllr Robert Power, (2) Christina Dolly, (3) Nora Hore, (4) Peter Robinson, (5) Future Analytics on behalf of Caragh View Residents Association, (6) Mark Reilly & Brenda Sheridan, (7) Ian Casey, (8) Joanne & Barry Swift, (9) Lorcan & Orla O'Rourke, (10) David & Suzanne Gilligan (11) Carmel Osbourne and (12) Dermot & Edel Wall.
- 5.2 The issues raised relate to proximity to neighbouring houses, height of the proposed dwellings, overlooking and overshadowing, visual impact, noise, boundary treatment, impact on privacy and residential amenity, storm water runoff, increased risk of flooding, traffic congestion, topography of the site, separation distances between buildings, loss of light, no consultation with local residents, depreciation of property values and density.

6.0 PLANNING AUTHORITY DECISION

- 6.1 Kildare County Council issued notification of decision to **refuse** planning permission for the following three reasons:
1. *Having regard to the composition of House Types A and B, which present all of their living accommodation to the rear, the Planning Authority is not satisfied that the scheme allows for adequate or appropriate passive surveillance of the*

development and of the open spaces provided. The layout is considered to be substandard and not in the best interest of the amenity of the future occupiers of the development and would therefore be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the configuration of the site and the varying ground levels therein, to the scale of the dwellings at 1.5 storeys high and their proposed finished floor levels vis a vis the existing dwellings on the southern boundary and the inadequate separation distance between them and to the location of living rooms within the proposed dwellings, the Planning Authority is concerned with issues of reciprocal overlooking, with the resultant impact on the residential amenity of both existing residences and future occupiers of the dwellings. To permit the proposed development would seriously injure the existing residential amenity of the area would depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.*
3. *Having regard to the proximity of the proposed Veterinary Practise to the existing cottage, the Planning Authority is not satisfied that the separation distances are adequate enough to address issues of noise and traffic associated with this aspect of the proposal. To permit the proposed development would represent a significant negative impact on the existing residential amenity enjoyed by the cottage, would depreciate the value of the property and would therefore be contrary to the proper planning and sustainable development of the area.*

7.0 PLANNING HISTORY

- 7.1 There is no evidence of any previous planning appeal on this site. There was a previous planning application on this site that may be summarised as follows:

Reg Ref 14/1096 – Kildare County Council refused planning permission for the demolition of existing single storey detached habitable dwelling known as Paddy's Cottage, (floor area c.36sqm) and construction of 27 No. dwellings with vehicular and pedestrian access from the R409 (Caragh Village Main Street) for three reasons summarised as follows:

- (1) This exclusively suburban residential scheme would materially contravene the development plan which states that suburban residential development located on the outskirts of the village will not be permitted.
- (2) Development would be seriously injurious to the visual amenity and streetscape of the area and would adversely impact the residential amenity of

adjoining properties by virtue of overlooking and overbearing appearance, would depreciate the value of property in the vicinity and would represent an undesirable precedent

- (3) Development by virtue of its layout, design and height significantly impacts on the vernacular cottage and would be contrary to the provision of the Development Plan

8.0 POLICY CONTEXT

- 8.1 The operative plan for the area is the **Kildare County Development Plan 2011 – 2017**. Caragh is designated as a ‘Village’ in the County Settlement Strategy set out in Chapter 3 of the Development Plan. The policy context for all villages and settlements is outlined in Chapter 17. Section 17.5.4 of the Plan sets out a Village Plan for Caragh and consists of specific objectives and a land use-zoning map including the following:

***VC 1:** To provide for an extension of Caragh village centre on lands zoned “A1” and “A2” (Village Centre) on Map 17.5. A range of appropriately designed and scaled retail, commercial, cultural, community and residential uses will be acceptable at these locations subject to the relevant planning criteria.*

***VC 2:** To seek the improvement of the junction identified by objective T1 on Map 17.5 as part of the development of sites A1 and A2.*

***VC 3:** To seek improvements in the provision of pedestrian and cycling facilities to the village centre as part of the development of sites A1 and A2 as deemed necessary.*

- 8.2 The relevant standards for any planning applications in the village are outlined in Chapter 19 Development Management Standards.

9.0 GROUNDS OF APPEAL

- 9.1 The first party appeal has been prepared and submitted by Brock McClure on behalf of the applicant Twomilehouse Construction. The grounds of the appeal may be summarised as follows:

- 9.2 **Refusal Reason 1 (surveillance of open space)** – The open space is fronted by 11 dwelling units and will benefit directly from the resultant activity associated with them. Equally the open space and indeed the scheme and village environment

generally, will benefit from the excellent pedestrian linkages through the site to the church and beyond. The applicant is at a loss to understand how this space could be further overlooked or indeed supervised in a village environment such as that at Caragh. Submitted that if appropriate the applicant is happy to accept a condition which relocates the living rooms to the front of the individual living units.

9.3 **Reason No 2 (residential amenity)** – Considered unacceptable that this issue was not deemed relevant on the previous planning application where 2.5 storey dwellings were proposed with uniform rear garden areas 9.1 metres. The Planning Officer on the previous application commented on two occasions that “it appears that the private open space standards meet development plan standards” and the issues of overlooking was not raised. The average garden length of Caragh View is 16m. The Development Plan does not provide specific requirements for a rear garden length of 11m, instead the overall objectives is to achieve 22m between opposing first floor windows. This is exceeded in all cases in respect of the proposed dwellings relationships to Caragh View. As the relevant guidance set back distance is achieved the applicant does not believe it is reasonable for this to be used as a specific reason for refusal in this instance and it is submitted that no undue overlooking will occur. Living rooms are at ground floor level and set back distances are more than adequate. The Board is asked to dismiss this reason for refusal. However if the Board has any further concerns regarding this issue it is asked that:

(1) A specific condition is attached allowing the applicant to modify the scheme appropriately

(2) A specific condition is attached prohibiting any exempted development being undertaken to the rear of these dwellings.

9.4 **Reason No 3 (veterinary practise)** - The inclusion of the single storey veterinary clinic arose as a direct result of the Councils requirements for active commercial frontage along the main street. Following commercial research our client ascertained that a veterinary facility (small animal practise) is much needed in this area. This development will function no differently to any other commercial practise at this location – doctor, dentist etc and a veterinary practise is often a feature of rural village life. Should the Board remain concerned with regards to the operation of this unit at this location they are invited to attach a condition restricting the hours of operation of the facility or attach a condition which requires a residential unit at this location.

9.5 **Conclusion** – Submitted that a new set of concerns and considerations have been raised, which were not highlighted at any point during the previous application or indeed pre-planning process. The reasons for refusal are not are not material

reasons for refusal in this case. The applicant is flexible as regards the Boards requirement for this site and is happy to accept modifying conditions in respect of the proposed development. However the applicant does not believe that they can revert to Kildare County Council with another reiteration of this scheme and expect a fair hearing and therefore in the absence of a grant of permission or modifying conditions would welcome at the very minimum clear and unambiguous direction from the Board.

10.0 KILDARE COUNTY COUNCIL RESPONSE TO THE THIRD PARTY APPEAL

- 10.1 The development as submitted at planning application stage differs to that presented at the pre-planning meeting, with no mention of a proposed veterinary practise. All potential applicants are advised that carrying out consultation cannot be relied upon in the formal planning process or in legal proceedings. The assessment is based on the specific development proposal before it and is not a “compare and contrast” exercise between it and a previous planning application.
- 10.2 The applicant in the grounds of appeal is suggesting ways to modify the scheme as a means of addressing the reason for refusal. Submitted that to prohibit future occupiers from their right to develop their homes under exempted development regulations, purely in order to address a significant planning issue, highlights the reason why the proposed layout is unacceptable in the first instance.
- 10.3 The Board is advised that the Planning Authority considers the site to be capable of accommodating future residential / commercial development, particularly given its current zoning. However all new development must respect the character and context of the area, including existing residential amenity. To this end, it is noted that the appeal makes no reference to the numerous submission on the file, nor indeed would it appear that any public consultation took place with local residents prior to the pre-planning meeting or lodgement of the application.

11.0 OBSERVATION TO AN BORD PLEANALA

- 11.1 There are five observations recorded on the appeal file from (1) Mark Reilly & Brenda Sheridan, (2) Future Analytics on behalf of Caragh View Residents Association, (3) Ian Casey, (4) Carmel Osbourne and (5) David & Suzanne Gilligan.
- 11.2 Essentially the Board is requested to reaffirm the decision of Kildare County Council to refuse permission for the proposed development. The issues raised in the observations relate to height / overlooking / overbearing / location / topography of site particularly proximate to the southern boundary; lack of community consultation; boundary treatment to Caragh View; separation distances & rear gardens;

overshadowing impacts & right to light by reason of the location, height and close proximity of the proposed new dwellings on the southern boundary of the scheme; surface water drainage; no flood risk assessment requested; access on to public roads; visual bulk impacts and lack of appropriate landscaping; impact on property values of adjoining properties; the design does not address all site characteristic as it fails to address the impact of the raised elevation of the units along the southern boundary with Caragh View and that there is no demand for a heritage type of building in the village

11.3 Considered that the excessive height and close proximity of the proposed houses, at the rear of existing houses will cast shadows that will remove daylight and sunlight and adversely affect an existing conservatory and back garden amenity to an unacceptable level, requested that the houses are set back minimum 35 metres from adjoining existing conservatory

11.4 Also considered vital that the applicant submit a site management plan clearly setting working times to alleviate noise at unreasonable hours, site traffic restrictions and plans to prevent debris and dust from blowing onto the adjoining properties with details and location of the site compound should also be provided.

12.0 SECTION 131 SUBMISSIONS

12.1 The Department of the Arts, Heritage and the Gaeltacht state that due to the proximity to Recorded Monuments test excavations should take place at this site in advance of development works. Wording of condition provided.

13.0 ASSESSMENT

13.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Residential Amenity
- Vehicular Access & Traffic Impact
- Boundary Treatment
- Surface Water Drainage
- Flood Risk Assessment
- Devaluation of Property
- Other Issues
 - (a) Appropriate Assessment Screening
 - (b) Development Contribution

14.0 PRINCIPLE / POLICY CONSIDERATIONS

- 14.1 The proposed development comprises the construction of a mixed-use development including a heritage centre, medical centre and pharmacy, veterinary practice and 14 No. detached houses. Caragh is designated as a 'Village' in the County Settlement Strategy set out in Chapter 3 of the Kildare County Development Plan 2011 - 2017. The appeal site is zoned "A2 Village Centre" where Objective VC 1 states that it is an objective *to provide for an extension of Caragh village centre on lands zoned "A1" and "A2" (Village Centre) on Map 17.5 and that a range of appropriately designed and scaled retail, commercial, cultural, community and residential uses will be acceptable at these locations subject to the relevant planning criteria.* Accordingly the proposed mixed use scheme at this location is acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.
- 14.2 Further I am satisfied that the proposed development provides a suitable mix of housing and car parking together with the quantitative requirements for private and public open space. In addition the density proposed is appropriate for this site.
- 14.3 Following on from the notification of decision to refuse planning permission for 3 reasons (surveillance of open space; residential amenity and veterinary practice) the applicant in the grounds of appeal is suggesting ways to modify the scheme as a means of addressing these, including (as summarised):
- Redesign of the dwellings to provide for living rooms to the front, overlooking the internal distributor and public open space
 - The imposition of conditions seeking to prohibit "exempted development" building to the rear of the dwellings
 - Removal of the veterinary practice and its replacement with a dwelling
- 14.4 With regard to the first reason for refusal (open space surveillance) I do not share the Planning Authority's view that the layout is substandard however I do support the proposal to redesign the dwellings to provide for living rooms to the front and recommend that should the board be minded to grant permission that this can be dealt with by way of condition.
- 14.5 With regard to the proposed Veterinary Practice I share the views of the Planning Authority that proximity of this proposed use to that of the existing cottage (Paddy's Cottage), the separation distances are inadequate to address issues of general inconvenience, noise and traffic associated with this aspect of the proposal. While I

support the applicant's proposal to remove the veterinary practise I am a concerned that to permit a dwelling as suggested by way of condition would be wholly inappropriate. Such an approach would be out with the full rigours of the planning assessment process and third party participation. It is recommended that should the Board be minded to granted permission that the Veterinary Practice be omitted by condition and the applicant advised that any further application for a dwelling unit on this site would require planning permission.

15.0 RESIDENTIAL AMENITY

15.1 The Planning Authority in their third reason for refusal stated having regard to the configuration of the site and the varying ground levels therein, that the scale and height of the dwellings proposed would result in overlooking and loss of residential amenity to both existing residences and future occupiers of the dwellings.

15.2 Having regard to the configuration of the site and the topography and varying ground levels therein, to the scale of the dwellings and their proposed finished floor levels vis a vis the existing dwellings on the southern boundary together with my site inspection I am not satisfied that the scheme before the Board would not seriously injure the residential amenities of existing adjoining properties by reason of overlooking. I am not satisfied that this matter can be dealt with by way of condition in this instance. It is my view that the scheme, particularly along the southern boundary with Carragh View Estate requires further consideration and review and that this should be undertaken from first principles. This is a zoned site that is identified for development however particular sensitivity is required to ensure there is no significant loss to existing residential amenities. Refusal is recommended.

15.3 I note the applicant proposal to attach a condition prohibiting "exempted development" building to the rear of the proposed dwellings. However I do not consider such an approach to acceptable as such a requirement is symptomatic of the inappropriate nature of the design of the scheme in the first instance.

16.0 BOUNDARY TREATMENT

16.1 Concern is raised that the existing boundary fence at the rear gardens of Caragh View Estate to be retained and utilised as the boundary treatment is approximately 1.5 to 2 metres away from the correct boundary. It is stated that the correct boundary is set by an existing steel fence within the hedgerow. Clarification is crucial to ensure that all boundary details and separation distances as indicated on the applicant's drawings are correct and this should be addressed in any future plannign application.

16.2 I would add that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, a person is not be entitled solely by reason of a permission to carry out any development as (Section 34(13) of the Planning Act refers). Should planning permission be granted and should the appellants consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

17.0 SURFACE WATER DRAINAGE

17.1 I note the concerns raised that contradictory information is included within the new scheme for surface water soakaway pits. The Water Services Department in their report recommend that *the surface water drainage system be constructed in accordance with the design prepared by Terry O’Flanagan Consulting Engineers*. The Environmental Report submitted with the application refers. It is considered imperative that should the Board support the proposed development, that a condition of permission be included ensuring the new development does not utilise private soakaways and that all surface water will be attenuated in an underground “stormcell system” in line with the recommendations of the Water Services Department.

18.0 FLOOD RISK ASSESSMENT

18.1 Having regard to the information available on file I do not consider that the proposed development would exacerbate the risk of flooding in the area. Should the Board be minded to grant permission it is however recommended a condition be attached requiring that adequate storm / surface water infrastructure is provided on site to ensure that the proposed scheme does not contribute or exacerbate any existing deficiencies in relation to storm / surface water infrastructure in the area.

19.0 DEVALUATION OF PROPERTY

19.1 The proposed mixed use scheme is to be located within the zoning envelop of Caragh on lands where such developments are considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. The proposed uses within the scheme are not considered to be bad neighbours in this context and I do not therefore consider that to permit a mixed development of this nature at this location would lead to devaluation of property values in the vicinity. Matters pertaining to residential amenity are discussed elsewhere in the assessment. Accordingly I am satisfied that this matter is not material to the consideration of this appeal in this instance.

20.0 OTHER ISSUES

- 20.1 **Vehicular Access & Traffic Impact** - Given the location of the appeal site together with the layout of the proposed scheme I am satisfied that the vehicular movements generated by the proposed scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.
- 20.2 **Appropriate Assessment Screening** - As set out in the Local Authority Planners Report the Mouds Bog SAC (002331) is located c 5km to the south west of the site and comprises a raised bog that includes both areas of high bog and cutover bog. Active raised bog is listed as a priority habitat on Annex I of the E.U. Habitats Directive. On the basis of the information available I consider that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European site; Mouds Bog SAC (002331) or any other European site, in view of the conservation objectives of these sites and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 20.3 **Development Contribution** - Kildare County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). Having regard to the Scheme it is noted that the proposed development does not fall under the exemptions listed in the scheme. Therefore it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

21.0 RECOMMENDATION

- 21.1 Having considered the contents of the application, the provision of the Kildare County Development Plan 2011 - 2017, the provisions of government guidance, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the reasons and considerations set out below.

22.0 REASONS AND CONSIDERATIONS

1. Having regard to the configuration of the site and the topography and varying ground levels therein, to the scale of the dwellings and their proposed finished floor levels vis a vis the existing dwellings on the southern boundary and the inadequate separation distance between both existing and proposed it is considered that the proposed development would seriously injure the residential

amenities along the boundary with Carragh View Estate to the south by reason of overlooking. The proposed development would thereby constitute a substandard form of development which would seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

Mary Crowley
Senior Planning Inspector
29th July 2016