



An  
Bord  
Pleanála

## Inspector's Report PL09.247128

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<b>Development</b>	Permission for 13 houses, demolition of two habitable houses, site entrance, landscaping, connection to mains sewer and all associated site works.
<b>Address:</b>	Drogheda Row, Monasterevin, Co Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	16/569.
<b>Applicant(s)</b>	Thoval Properties Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission. .
<b>Appellant(s)</b>	Thoval Properties Limited
<b>Observer(s)</b>	Kieran and Ann Thompson. An Taisce
<b>Date of Site Inspection</b>	30 <sup>th</sup> October & 24 <sup>th</sup> November 2016
<b>Inspector</b>	Bríd Maxwell.

## 1.0 Site Location and Description

- 1.1. The appeal site is located centrally within the town of Monasterevin Co Kildare. The appeal site is on the western side of Drogheda Row (Regional route R414 to Rathangan), and approximately 700m south of Monastervin railway station. The appeal site has a stated area of 0.44 hectares and is occupied by two established dwellinghouses, a two storey dwelling fronting directly onto the footpath frontage along Drogheda Row with a number of outbuildings to the rear and a single storey bungalow type dwelling with garage set back from Drogheda Road with front and rear garden. The appeal site also incorporates garden and outbuildings and yard area associated with the adjacent dwelling to the southwest, Brook House which is a protected structure, also known as Longford House, (50RPS B26.16 NIAH Ref 11816069<sup>1</sup>). The protected structure occupies the corner of the junction of Drogheda Row and Drogheda Street.
- 1.2. Adjacent to the west of the appeal site is the low rise Scoil Eimhin Naofa and the boundary is defined by a 2m high historic boundary wall (Lower on school side due to ground level difference). To the northeast of the site is an established single storey dwelling (Property of the Observer). Cassidy's stream runs parallel to the site along Drogheda Row in a NE-SW direction. The stream merges with the River Barrow circa 280m southwest of the site. Opposite the appeal site on the eastern side of Drogheda Row is a recent residential development "Distillery court" comprising a mix of two storey terraced dwellings formed around a central open space.
- 1.3 The southern part of the site comprises a courtyard area and an elongated garden separated by a row of evergreen trees. A high wall defines the separation with the central part of the site which contains a two storey dwelling and ancillary sheds which has a vehicular access onto Drogheda Row. ~The north-eastern part of the site is occupied by the single storey dwelling set back along the building line established by adjacent dwellings to the northeast with low wall and railing defining the house site frontage.

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<sup>1</sup> Copy of NIAH Record for Brook House / Thomas Boldand, Drogheda Street. Drogheda Row Ref 11816069 included within appendices to report.

1.4 Photographs of the appeal site and vicinity as well as annotated maps and aerial photos are included within the appendices to this report.

## **2.0 Proposed Development**

2.1 The application as set out consists of permission for demolition of the existing dwellings on the site and construction of a residential development consisting of 13 houses as follows:

- Block A: 3 no 2 storey, 3-bedroom terrace houses.
- Block B: 4 no 2 storey 3 bedroom semi-detached houses
- Block C: 2 no 2 storey 3 bedroom semi-detached houses
- Block D: 4 no 2 storey 3-bedroom terrace houses.

2.2 The development provides for connection to mains sewer, site entrance, landscaping bin store and all associated site development works. The proposed house designs follow a fairly standard format with plaster wall finish and slate roof covering. I note that floor plan drawings for house types Block A and Block B show an indicative outline for an optional single storey rear kitchen extension.

2.3 The proposed layout, as submitted to the local authority, provides for vehicular access approximately centrally along the site frontage providing access to internal courtyard parking area. Individual vehicular access to streetfront blocks A and B were also provided. I note that in response to concerns expressed within the local authority reports with regard to the provision of multiple vehicular access points, the first party appeal submission includes a revised layout which eliminates individual access arrangements and provides for kerbside parking forward of blocks A and B.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

3.1.1 By order dated 26/7/2016 Kildare County Council decided to refuse permission for four reasons as follows:

- 1 *Having regard to the setting and context of the site which forms an integral part of the immediate streetscape and an important element of Monasterevin's built heritage, with the protected structures 'Longford House' RPS Ref B26-16 and 'Boland's Public House' RPS Ref 21-25, located abutting the southern boundary of the proposed site, the proposed development by reason of its proximity, configuration, layout and character, which abuts the rear elevation of these adjoining protected structures and seriously diminish the intrinsic character, context and setting of the adjoining protected structures and seriously injure the amenities and depreciate the value of these properties as result, and be contrary to policies BH4, BH5 and BH6 of the Monasterevin Local Area Plan 2016-2022, which seek to protect and preserve the setting and context of the said built heritage items and require a visual impact assessment of all proposed developments adjacent to protected structures. The proposed development therefore would be contrary to the proper planning and sustainable development of the area.*
- 2 *Having regard to the established character of the adjoining residential property to the immediate north of this site, being a post-war era, low rise bungalow, and its location in a transitional land use zone (between 'Town Centre' – 'A' zoned lands and 'Existing Residential & Infill' – B zoned lands), the proposed development by reason of its layout, scale, configuration and design, would result in overlooking of the adjoining sites' private open space and a significant loss of visual and residential amenity for the adjoining property, with the proposed development being out of scale and proportion with the established pattern of residential development in the immediate vicinity. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to policies HP2, HP4 and HP5 of the Monasterevin Local Area Plan 2016-2022, which seek to protect existing residential character, whilst providing for appropriate infill. The proposed development therefore would be contrary to the proper planning and sustainable development of the area.*
- 3 *The site is located within a flood risk area outlined in Map 3 of the Monasterevin Local Area Plan 2016-2022, which requires development proposals to submit a site specific flood risk assessment. Notwithstanding the submitted documentation which refers to a previous flood risk assessment carried out in 2005, "as part of a previous planning application" there is insufficient information submitted to enable the planning authority fully assess the development in terms of flood risk and Sustainable Urban Drainage requirements. The proposed development would therefore be contrary to Policy FRA3, and policy FRA5, which requires all new development to be assessed in accordance with the DoEHLG, "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009) and to ensure that all new developments incorporate appropriate Sustainable Urban Drainage Systems, The proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*
- 4 *Having regard to the location and land-use zoning for the site adjoining a prominent road junction to the south, to the existing pedestrian footfall in the vicinity and the insufficient details submitted with the proposal, regarding the adequacy of on-site vehicle turning areas, refuse truck accommodation and associated swept path system to cater for the development, and insufficient*

*details regarding traffic calming and pedestrian safety; the proposed development could endanger public safety by reason of traffic hazard or obstruction of road users and be contrary to the proper planning and sustainable development of the area.*

### **3.2 Planning Authority Reports**

- 3.2.1 Roads Department report expresses concern regarding traffic impact as the Drogheda Street / Drogheda Road junction is extremely busy particularly during school pick up/drop off.
- 3.2.2 Transportation Department requests further information to include elimination of individual driveways directly onto footpath, demonstration of the internal swept path analysis and a demonstration of the robustness of permeable paving. It is asserted that a contribution for traffic calming and pedestrian safety will be required.
- 3.2.3 Fire Officer, Environmental Health Officer, Environment and Water Services reports indicate no objection subject to conditions.
- 3.2.4 Planner's report asserts that the proposed development is overdevelopment of the site noting proximity of Block A and D to the adjacent protected structure. Concerns are expressed regarding overlooking and traffic implications. It is asserted that reliance on an outdated flood risk assessment related to the previous development proposal is inappropriate. Refusal recommended.

### **3.3 Other Technical Reports**

- 3.3.1 Irish Water submission indicates no objection subject to conditions.

### **3.4 Prescribed Bodies & Third Party Observations**

- 3.4.1 Submission from An Taisce notes the development is proposed in the curtilage of a protected structure. One of the dwellings proposed for demolition should be maintained as it sits unobtrusively and in harmony with the adjacent dwelling. Flood assessment is not site specific and many flood incidents have occurred on Drogheda Row. Council should ensure that the proposal does not exacerbate traffic issues.

3.4.2 Submissions by Kieran and Ann Thompson, Drogheda Row (observers to the appeal and owners of the adjacent single storey dwelling to the northeast). Submission outlines objection to the development on grounds of overlooking of neighbouring properties including their dwelling and the school. Note that the proposal represents development within the curtilage of a protected structure. Concerns are expressed regarding traffic, poor quality design and flooding implications.

## 4.0 Planning History

### 4.1 Appeal Site

- **PL09.232533 (08/778)** Board confirmed Council's decision to grant permission 28/8/2009 for the demolition of 2 no habitable dwellings and houses, construction of mixed development comprising of 24 no. apartments, retail unit and associated site works. Subject to revised conditions including omission of proposed units 1-3 to protect the amenities of adjoining Brook House. Omission of unit 21 leaving 19 as a single storey structure. The permitted development comprised a three storey mixed use development comprising retail at ground floor level with residential overhead. The layout provided for building at street front with parking and open space to the rear.
- **PL09.223571 07/441** Refusal of permission for the demolition of 2 habitable dwelling houses and construction of mixed use development. Grounds for refusal related to design and impact on adjacent protected structure.

### 4.2 Adjacent sites.

- PL09.214435 PA Ref 041/1127 Refers to application for 27 townhouses, car parking, entrance boundary wall and site works. Development known as Distillery Court.

## 5.0 Policy Context

## **5.1 Development Plan**

- 5.1.1 The Kildare County Development Plan 2011-2017 and Monasterevin Local Area Plan 2016-2022 refer.
- 5.1.2 The southwestern part of the site is zoned Town Centre A where the zoning objective is “To provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential, amenity and civic uses. The north-eastern part of the site is zoned B Existing Residential and Infill. The objective is “To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.”
- 5.1.3 Brook House also referred to as Longford House / Thomas Boland is protected structure RPS Ref B26-16. NIAH Ref 1816069.
- 5.1.4 In accordance with strategic flood risk assessment, Map B the site is subject to site specific flood risk assessment Flood risk management objectives and Policies.
- 5.1.5 Town Centres Strategies and Policies are set out within the local area plan.
- 5.1.6 Housing Policies. HP5 To require the submission of a design statement for all sites identified for the provision of residential development which clearly describes and illustrates how the proposal relates to the site and context. The scheme must accord with the DEHLF publication “Guidelines on Sustainable Residential Development in Urban Areas (2009) and the 12 criteria outlined in the associated Urban Design Manual.
- 5.1.7 I note best practice Urban Design Guidelines Chapter 15 and Development Management Standards Chapter 19. of the Kildare County Development Plan 2011-2017.

## **5.2 Natural Heritage Designations**

5.2.1 The River Barrow and River Nore SAC (Site Code 002162) is located approximately 210 m to the west of the site.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

6.1.1 The appeal statement is submitted by Mark Gilligan and Associates, Planning Consultants on behalf of Thoival Properties Limited. Grounds of appeal are summarised as follows:

- Notably the Council's Conservation Architect did not report on the application.
- Dispute assertion of negative impact on the setting of the protected structure given the site's location to its rear. Buildings on site are not protected and are not within an ACA.
- Conservation Architect's report by Cathal Crimmins Conservation Architect accompanies the appeal and notes significant reduction in scale from that previously permitted by An Bord Pleanála (PL09.232533).
- Proposal maintains the established building line and the scale is more in keeping with established pattern. Proposal for modest two storey dwellings is appropriate on this urban infill site.
- No appreciable reduction in the amenities of adjoining bungalow. Modified drawing provided with the appeal will further mitigate any potential impact.
- Flood Risk Assessment carried out by JBA consulting Engineers, provided with the appeal, finds that the proposed development is at low risk of flooding - Flood Zone C
- Historic flooding has occurred along Drogheda Row but there is no evidence of inundation of the site. Proposed finished floor level offers sufficient freeboard of 0.84m over the 0.1%AEP water level including potential increase for climate change.
- Traffic arrangements amended to provide on street parallel parking for units fronting onto Drogheda Row. The swept path analysis for service vehicles is demonstrated.

- Note no detail regarding traffic calming at junction. First party is willing to make a contribution if deemed necessary.

## **6.2 Planning Authority Response**

6.2.1 The Planning Authority response is summarised as follows:

- Roads, Transportation and Public Safety Department have examined the first party appeal and have no comments to add.
- Water Services section notes that the flood risk assessment is 12 years old and revised flood risk assessment is required. (I note that the submission fails to consider the revised JBA Consulting Site specific flood risk assessment dated August 2016)
- Planning Department notes revisions proposed to Block B modifying impact on adjoining bungalow site to the north. However, impact on the adjacent protected structure remains of concern.

## **6.3 . Observer**

6.3.1 Observations are submitted by Kieran and Ann Thompson, Drogheda Row, owners and residents of the single storey dwelling adjacent to the north eastern boundary of the site.

- Observers fully support refusal.
- Note that the appeal was lodged on final date.
- Revised plan submitted to the Board shows a significantly modified layout. Car parking proposed on the public road which will present a serious traffic hazard.
- Existing issues with informal parking and congestion will be compounded. Traffic survey details provided to demonstrate level of traffic arising.
- Boundary treatment is unclear. Pedestrian vehicular conflict.

- Overlooking issue and abrupt transition remains despite revised house design.
- Design and layout is poorly detailed noting also inaccurate labelling of drawings.
- Lack of landscaping, lighting details, sewerage and surface water proposals on revised plan.
- Flood risk and potential to increase flood risk to adjacent property.
- Adequate supply of dwellings in Monasterevin.

## **6.4 Prescribed Bodies**

6.4.1 Submission from An Taisce notes earlier submission to the local authority regarding protection of the surrounding built heritage, flood risk, traffic and access issues. An Taisce requests An Bord Pleanála to uphold the decision of Kildare County Council.

## **7 Assessment**

7.1 The planning issues raised in the appeal can in my view be dealt with under the following headings:

- Principle of Development
- Quality of Design and Layout
- Traffic and Servicing
- Flooding
- Appropriate Assessment
- Procedural Matters

## **7.2 Principle of Development**

7.2.1 The principle of development was considered under previous proposals (PL223571 and PL232533) and the principle of mixed use redevelopment on the site was deemed acceptable in principle. The current proposal is for 13 dwellings on lands zoned A town centre and B Existing Residential. The land use zoning matrix provides that dwellings are permitted in principle in terms of both land uses.

7.2.2 As regards the principle of demolition of the existing dwellings and structures on the site, I would tend to concur with the previous reporting inspectors that the existing dwellings on site are of no particular architectural merit and therefore their demolition to provide for appropriate urban infill is acceptable in principle. I note that no assessment is provided within the application or appeal in regard to the outbuildings to be demolished and reordering of the site plots. In light of the fact that the development involves works within the curtilage of the protected structure, Brook House, I would consider that further review and recording of all structures and site features should be carried out. In light of the planning history on the site and particularly previous grant of permission by the Board PL09.232533, I consider that the principle of development is acceptable subject to detailed matters.

### **7.3 Quality of Design and Layout and impact on established residential amenity.**

7.3.1 The proposed density of 13 houses on .44 hectares equates to 29 units per hectare which is considered low in the context of the central location of the site and having regard to the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities May 2009 as referenced at Table 13 of the Monasterevin Local Area Plan. The Local Area Plan in regard to general density parameters advocates that in respect of town centre or brownfield sites and at strategic locations including public transport nodes and town centre areas, 50 units per hectare are envisaged. I note that the achievement of higher densities would generally be in the context of a varied mix of dwelling types and would involve innovative design and layout. In this regard the proposed development comprises a fairly standard format of 3 bed houses which in my view fails to innovate in terms of the central location of the site.

7.3.2 As regards the level of amenity provided for the proposed dwelling units, the dwellings have their own private garden spaces and in quantity terms achieve the minimum requirements. However, I note that private open space would be reduced by the optional single storey kitchen extensions indicated in respect of Block A and Block B. Public open space is also provided however is largely incidental and the usefulness of this open space is questionable having regard to its configuration and location. The layout is in my view car dominant and certainly gives rise to pedestrian vehicular conflict. Boundary details and landscaping is not addressed in any level of detail.

7.3.3 On the matter of impact on established residential amenity, I note that the proposal provides for Block A within 7.2m of the rear façade of the adjacent dwelling to the south protected structure Brook House. I consider that notwithstanding the angled interface and the absence of directly overlooking windows, the proposed development will have a significant negative impact on the residential amenity of the established dwelling due to proximity and outlook.

7.3.4 As regards the single storey dwelling to the northeast, I note that block C is setback 11.5m from the property boundary with the adjacent single storey dwelling and therefore some degree of overlooking will occur. I note revised design submitted with the appeal which seek to mitigate the transition between the proposed site and adjacent site to the northeast. On the question of the outlook to the site from the adjoining school Scoil Eimhin Naofa, I am not satisfied that the proposal takes a cue from its context. The school on the adjacent site is a single storey low rise structure with a number of windows and doors on the southeast facing façade towards the site. A pathway adjacent to the appeal site leads from the school to the amenity facilities to the rear and I consider that the outlook from the school site should be taken into account in terms of the layout. In my view the proposal does not appropriately address this issue and the proposed development presents poorly to the school site.

7.3.5 In my review of the proposed layout, I consider that the proposal fails to address the site context. The site has many attractive characteristics related to its site features. The proposal fails to address these features which contribute to a sense of place and

results in a standardised suburban layout which does not innovate in accordance with best practice urban design guidelines. I consider that the proposal will have a negative impact on established residential amenity and on the amenity of the adjacent school site and should not be permitted in this context.

#### **7.4 Architectural Heritage Impact.**

7.4.1 The appeal is accompanied by a conservation architect's report which notes that Brook House (also referred to as Longford House / Thomas Boland) the adjacent protected structure is of regional importance due to its architectural, historic and social values. The report asserts that the buildings to be demolished are not protected nor within an ACA and are of no architectural or historic significance. The assessment concludes that the development will have no impact on the character of the protected structure and questions how the proposal for 13 dwellings can be deemed to be overdevelopment as permission was previously granted for 19 dwellings of higher and greater bulk. The report asserts that the site is capable of even higher density without impacting on the setting of the protected structure or on the character of the townscape.

7.4.2 I consider the conservation architect's report to be limited in terms of the assessment of impact on the setting of the adjacent protected structure. I note that the report contains no assessment or photographic record of the southwestern interface of the appeal site and the protected structure. The proposal includes reconfiguration of the properties and incorporation of the garden and outbuildings associated with Brook House within the appeal site. I consider that this matter requires further consideration. I consider that the proposal as currently configured will have a significant negative impact on the outlook of the protected structure in terms of the loss of garden amenity area and creation of a 2m high boundary wall within approximately 4.5m of the rear façade and provision of gable of Block A within 7m of Brook House. In my view the proposal will have a negative impact on the character of the protected structure and therefore should be refused on this basis.

## **7.5 Flooding.**

7.5.1 The Council's third reason for refusal relates to flood risk and deems the 2005 flood risk assessment (carried out in respect of the previous development proposal) to be insufficient to enable assessment of flood risk. I note that included within the grounds of appeal is a site specific flood Risk Assessment by JBA Consulting dated August 2016. The Flood Risk Assessment notes that there are no identified historic fluvial or predicted flooding within the site boundary or directly adjacent. It concludes that the site is within flood zone C - at low risk from flooding. The proposed finished floor level of 62,65m OD offers a sufficient freeboard of 0.84m over the 0.1% AEP water level including a potential increase from climate change. The proposed finished floor level will also provide protection from residual risk due to blockage of the downstream culvert and subsequent overtopping onto Drogheda Row. I consider that having regard to the brownfield nature and zoning of the site, flood risk can be mitigated and the issue does not present as a barrier to development of the site.

## **7.6 Traffic Issues.**

7.6.1 I note that the Council's fourth reason for refusal refers to traffic issues and notes insufficient information with regard to traffic circulation, swept path analysis, traffic calming and pedestrian safety. I note some additional details were submitted within the first party grounds of appeal as well as amendments to the proposed layout to include elimination of individual vehicular entrances and provision of kerbside parking to serve the proposed dwellings fronting onto Drogheda Row. I note also submissions of the third party observer and An Taisce which outline concerns regarding traffic congestion and safety issues. The internal reports of the Council further refer to safety issues particularly at school pick up / drop off. I note that this is a common concern within many towns and villages. I consider that the traffic safety issues can be appropriately managed and the proposed development will not in my view give rise to traffic hazard. I note that the local authority transportation department report refers to a requirement for a contribution towards pedestrian road safety however no details were provided with regard to what is envisaged.

7.6.2 In regard to my concerns regarding the layout of the development as noted above, I have some concerns regarding the car dominant nature of the proposal and would be concerned with regard to pedestrian vehicular conflict however I consider that parking and traffic issues do not present as an impediment to development of the site.

## **7.7 Appropriate Assessment**

7.7.1 I note in terms of the Natura 2000 sites the River Barrow and River Nore SAC (Site Code 002162) is located approximately 220m to the west of the site. Cassidy's Stream located circa 15m from the site boundary and runs parallel to the site along Drogheda Row merging with the River Barrow circa 280m to the southwest of the site. The proposed development provides for storm water system incorporating onsite soakaway system with attenuated discharge to Cassidy's Stream. The proposed surface water system includes rainwater harvesting and soakaways to minimise stormwater discharge from the site. The primary potential environmental impacts occurring as a consequence of the development would arise from the potential for silt or pollutants to be generated particularly during construction stage. However, in light of the serviced (public sewer), brownfield nature of the site and subject to normal best practice construction methods, I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have significant effects on the River Barrow and River Nore SAC in view of the site's conservation objectives. Accordingly, I consider that an NIS is not required in this case.

## **7.8 Procedural Matters.**

7.8.1 On an issue of procedure, I note that the development involves works within the curtilage of a protected structure. The application fails to address this issue in terms of the public notice requirements as required by Article 18(1)(d)(iii) of the Planning and Development Regulations 2001 as amended "*Where the application relates to development which would consist of or comprise the carrying out of*

*works to a protected structure or proposed protected structure, an indication of that fact.”* As outlined above I consider that the conservation report by Cathal Crimmins submitted in response to the appeal fails to set out in sufficient detail “*such photographs plans or other particular as are necessary to show how the development would affect the character of the structure*” Article 23(2) of the Planning and Development Regulations 2001 as amended. In light of these deficiencies the application as made is unsatisfactory.

## **8.0 RECOMMENDATION**

8.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be refused for the following reason.

### **REASONS AND CONSIDERATIONS**

1. It is considered that the proposed development by reason of its design and layout would fail to respond to the unique characteristics of the site, would not contribute to a sense of place making and would create a poor quality streetscape at this location. The proposed development would, therefore contravene materially the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the minimal separation distance between the development and the existing residential dwelling to the south, Brook House Protected Structure B26.16, it is considered that the proximity to boundaries at this location and configuration and character of the proposed development would seriously injure the established residential amenity of the dwelling by reason of its obtrusive impact and would therefore be contrary to the proper planning and sustainable development of the area.

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Brid Maxwell

Inspector

25<sup>th</sup> November 2016