



An
Bord
Pleanála

Inspector's Report

PL09.247347

Development	4 No terraced Dwellings, 1No. Local Shop with Apartment over, The Walk, Moyglare Hall, Mariavilla, Maynooth, Co. Kildare
Planning Authority	Kildare Co. Co.
Planning Authority Reg. Ref.	15/1174
Applicant(s)	Mycete Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant(s)	Martin Gosling & Others Ann Nicholls
Observer(s)	Cllr. John McGinley & Emmet Stagg
Date of Site Inspection	16/12/16
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 Moyglare Hall is a residential estate located 1.79km north of Maynooth on the suburban fringe of the town. The existing estate contains 400No. residential units, and it is incomplete with ongoing construction works at the southern end of the original site. Moyglare Hall is divided up into a series of residential pockets, called The Close, The Crescent, The Green, The Dale and The Walk, etc. The estate is accessed off a New Maynooth Distributor Road to the north of the site, which has been recently constructed and ends at the eastern extremity of the Moyglare Hall along the northern estate boundary. The Distributor Road is connected to Moyglare Road, which provides direct access to Maynooth town centre and St. Patricks University from north Maynooth/ Co. Meath. Moyglare Road is aligned by houses, and there are schools, a GAA club and a number of neighbourhood shops with direct access onto it in the general vicinity of the subject site.
- 1.2 The Moyglare Hall spine road is located at the northern extremity of the Moyglare Road right on the edge of the built up part of Maynooth. It is located beyond a large greenfield tract of land, which is used as an overflow carpark for the University and as sports field. The bulk of Moyglare Hall is wrapped around this tract of land, with houses accessed off a purpose built spine road.
- 1.3 Moyglare Hall contains a mixture of terrace, semi-detached and detached houses, with a number of three storey apartment blocks, and pockets of open space areas. The Walk where the subject site is located, is like a courtyard type development. It consists of an apartment block addressing the spine road serving Moyglare Hall, with back to back two storey dwellings facing onto a central space. The central space is hard surfaced, used for parking and abandoned cars with raised manholes. There is another small apartment block unit in one corner of The Walk which is isolated from the streetscape as it does not address the courtyard but exists as an independent unit.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development is for a terrace of four dwellings, fronted by 8No. perpendicular parking spaces, a shop unit (66sq.m.) with an apartment unit on the first floor. In addition to an open space area to cater for The Walk (707sq.m.) is to the south of the proposed buildings and will be flanked on two sides of existing parking areas.

3.0 PLANNING AUTHORITY DECISION

3.1 DECISION

Kildare Co. Co. granted the proposed development subject to 9No. conditions.

3.2 TECHNICAL REPORTS

The internal reports had no objection to the proposed development.

The Planning Report details the proposal, the site, the submissions, the planning history, the relevant development plan policies. The further information requested is assessed, which states the dwellings are dual aspect with passive surveillance of outside spaces, a reduction in the brick used in the elevations, and landscaping of the open space area. Permission is recommended.

Further Information

This was issued on 24th of February 2016 requesting items such as a dual aspect design, varied external appearance, relocation of carparking, planting, compliance with DMURS and bicycle parking. The response was received 23rd of August 2016. The planning authority was favourable towards all of the revisions. The inclusion of windows at the gable ends was designed into the scheme, the redesign was considered to be acceptable, the open space design was considered to be acceptable, the applicants submission was deemed acceptable in full and a permission was recommended.

3.3 THIRD PARTY SUBMISSIONS

There were a large number of objections to the proposal from residents of The walk citing the following concerns:

- The proposal does not fit within the overall development
- The open space does not meet with minimum requirements
- The applicant let the planning run out on the site, and did not comply with previous permission, so this issue is not relevant to the current application
- The open space area is substandard and too small
- The proposed house are out of context with existing houses
- The apartment is contrary to current planning policy
- There is no demand for a shop
- Loss of connectivity

- Overlooking
- Perpendicular parking
- Bicycle facilities

4.0 PLANNING HISTORY

4.1 PL09.243724 (14/73)

The development comprising the construction of 132 residential dwelling units, together with three number local shops (493 square metres total) and a single storey detached creche (742 square metres), and associated site development works. The residential units will consist of 7 dwelling types in two and three-storey blocks as follows:- 20 number five-bedroom detached houses, 12 number five-bedroom semi-detached houses, 32 number four-bedroom semi-detached houses, 30 number three-bedroom semi-detached houses in two types, 12 number three-bedroom mid-terrace houses, 22 number two-bedroom apartments and four number one-bedroom apartments. Retail/apartment block 5 will have roof terrace at first floor level and balconies at first and second floor, apartment block 8 will have balconies at first and second floor levels and apartment blocks 9 and 10 will have balconies at first floor level, all at Moyglare Hall, Mariavilla, Maynooth, County Kildare as amended by the revised public notice received by the planning authority on the 23rd day of June, 2014.

The Board made a split decision, it refused the apartment block within The Walk for the following reason:

The Board considered that apartment block 5 would seriously injure the residential and visual amenities of the area by reason of scale and bulk and would lead to unacceptable overlooking of nearby residences. The proposed apartment block 5 would, therefore, seriously injure residential and visual amenity and would be contrary to the proper planning and sustainable development of the area.

The Board granted the remainder of the development because:

The Board considered that the proposed additional access onto Moyglare Road would serve to improve connectivity of the estate with the town of Maynooth and would facilitate increased social interaction between the estate and the town. Furthermore, the Board had regard The Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government and by the Department of Transport, Tourism and Sport and to the speed limit which exists at Moyglare road and considered that the proposed new entrance onto Moyglare Road would be acceptable in terms of traffic safety and convenience.

4.2 PL09.206437 (2491/02)

Permission granted for a large scale residential development of 526No. dwelling units. The permission showed provision for 3No. apartment blocks containing 12No. apartments and 3No. retail units at the hardstanding area of The Walk. This element of the permission was not developed and the permission expired for it in August 2014, following a number of extensions of time.

Other permissions have been granted within the wider development, but these are not relevant to The Walk.

4.3 09/978

Permission granted to Mycete Homes Ltd to omit a terrace unit of 5No. dwellings as granted under 2491/02, and provide semidetached dwellings instead at The Green, Moyglare Hall.

4.4 10/551

Permission granted for changes to house types within The Avenue, The Meadows, The Vale, the Lawns etc. This permission includes dwellings within the current appeal site boundary, which are currently under construction. I note the permission granted by the planning authority in relation to change of house types only, granted 03/09/2010.

4.5 11/1121

Permission granted for extension of duration of permission 02/2491 until 15.08.2014

5.0 POLICY CONTEXT

5.1 Development Plan

Sustainable Residential Development in Urban Areas 2009

Urban Design Manual A Best practice Guide 2008

Quality Housing for Sustainable Communities 2007

Design Manual for Urban Roads and Streets 2013

Kildare County Development Plan 2011-2017

19.4.6 Public Open space for Residential Development

Public Open Space must be designed as an integral part of the layout of all residential schemes/ mixed schemes. The minimum area acceptable in greenfield schemes is 15% of the total site area; public open space should be centrally located within the overall development scheme and

designed to be functionally accessible to the maximum number of dwellings within the residential area.

19.4.9 Vehicular Parking in Residential Areas

Vehicular parking for apartments where appropriate should generally be at basement level. Where this is not possible, parking for apartments and terraced housing should be in informal groups overlooked by residential units.

To co-operate with adjoining authorities and other public authorities regarding new and/ or improved road infrastructure at towns bordering the county boundary including Blessington, Kilcock, Maynooth and Leixlip.

Maynooth LAP 2013-2019

Areas 1 & 2 are zoned **B (Existing Residential and Infill)**

To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.

Dwellings are Permitted In Principle, and Convenience Shops are open to consideration.

Area 3 is zoned **C : New Residential**

To provide for new residential areas.

This zoning provides for new residential development areas and for associated local shopping and other services incidental to new residential development.

Dwelling units are permitted in principle.

It is the policy of the Council:

HP 2: To ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space.

HP 3: To encourage appropriate densities for new housing development in different locations in the town while recognising the need to protect existing residential communities and the established character of the area.

HP 4: To refuse permission for residential development on zoned open green spaces and/ or on lands which are designated as public space.

HP 5: To require applications for residential developments over 20 units, to demonstrate the provision of an appropriate mix of dwelling types having regard to the following:

- The nature of the existing housing stock and existing social mix in the area
- The desirability of providing for mixed communities
- The provision of a range of housing types and tenures
- The need to provide a choice of housing, suitable for all age groups and persons at different stages of the life cycle
- The need to cater for special needs groups

HP 6: To restrict apartment developments generally to the University campus and town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment.

Duplex units shall not generally be permitted.

HP 7: To facilitate and co-operate in the provision of community facilities in tandem with residential development including, in particular, local services, schools, crèches and other education and childcare facilities.

6.0 THE APPEALS

6.1 Appeal No. 1 Ann Nicholls, 48 The Walk

6.2 The Quality of the Design

The public open space was not an integral part of the design or plans. The proposed green spaces included in the proposed development are leftover pieces of land that are impractical for function. Following a request for further information, the green spaces were altered, but they remain impractical. The green area is a myriad of paths to facilitate man holes and an attenuation tank, and is bordered by perpendicular parking. The Walk is out of context with every other portion of the estate. All other estate road has centrally located open space areas, The Walk consists of paths and limited grass areas. The applicants arguments regarding this issue is that the residents have access to other open spaces throughout the larger estate or avail of GGA pitches close to the estate. These other areas are not overlooked by The Walk, and parents cannot supervise their children.

The Shop will increase litter and create general disturbance. The unfinished estate look of The Walk has existed for 9 years.

A second entrance to Moyglare has now been permitted by the Board, and will result in through traffic. The Walk has the highest density of all the pockets of houses within Moyglare.

Extracts from the Inspectors report on the previous appeal relating to the subject site are quoted which essentially states, The Walk has the highest density within Moyglare Hall, and the existing green area associated with The Walk is not usable, but it was an after-thought

The development of 4No. two storey terraced dwellings and 1No. building consisting of a shop and an apartment is not a quality development. The proposal will not knit into the fabric of the existing community. The inclusion of a shop within a family orientated estate will be unattractive and unsightly. The proposed development:

- Will not consist of quality homes and neighbourhoods. The proposed location of houses in the centre of the road is not in keeping with other roads within the estate with central green spaces. The new houses also differ to the existing houses in terms of height and design, therefore it will be out of character with the established pattern of development in the area.
- The proposed development will have a detrimental effect on the value of existing homes in The Walk. Traffic and safety issues have not been considered. The traffic will lead to endanger for children in The Walk. The shop will attract the custom of the 500No. dwellings within the estate and 1000No. pupils from two adjoining secondary schools, resulting in noise, litter and disturbance. There is also two large circular seating areas inviting people to socialise in the vicinity of the shop. The planning report recommended an opening time of 10pm for the shop, adjacent to family homes. A rat-run will be created with the new entrance to Moyglare Hall and stopping at the shop along the way. A shop in the general vicinity closed in recent times, therefore is there a need for the retail unit.
- The proposed development is reminiscent of the some Celtic Tiger development, and no lessons have been learnt. The proposed apartment block from the previous refusal on the subject site has been removed, but the applicant has not incorporated the site into the green area.

6.3 Health and Safety Impacts of a Commercial Unit in a central residential area

Promoting traffic in the middle of an estate will endanger pedestrian movements and result in safety issues for children. The Walk will become a through road for shop users. The developers argues the shop is a benefit to the residents of the estate. Advertising and canvassing for traffic to drive to the centre of the residential area would lead to obvious health and safety risks for motorist, pedestrians and children.

- The entrance is too narrow with reduced visibility caused by the existing apartment block at the entrance to the road.
- The proposal includes 4No. two bedroomed houses which will face onto a row of dwellings. The existing and proposed new dwellings are devoid of gardens and have shared perpendicular parking.
- The shop means unwanted deliveries
- There is no safe play area associated with The Walk. Children must be given a safe play area, and a shop will increase the risk and traffic onto a populated road.
- The shop could have been provided on extremity of the estate

6.4 Health and Safety Impacts of Road Design and Layout

The proposal will lead to a lot of traffic to the south of The Walk and there will be a busy road to the edge of their allotted parking spaces which are not separated by garden or footpath space. The parking areas associated with the existing dwellings will be visually impaired.

6.5 Unsustainability of Design proposal

The Sustainable Residential Development in Urban Areas Guidelines states sustainability includes the concept of stable, integrated communities. The Walk will not be attractive when it is complete in accordance with the submitted drawings. On entering The Walk the shop will be visible and the gable elevation of the dwellings with the back views of the houses. This will have a negative impact. The existing residents of The Walk have endured dramatic price cuts since purchasing their houses. The further devaluation as a result of the proposed development is unfair.

6.6 Appeal No. 2 Martin Gosling & Others within The Walk, 5 The Walk

6.7 A lot of the content of the appeal is already included in this report. In order to avoid undue repetition, I will summarise the grounds of appeal. The similar sections in the submission to this report include the Site Location and Current Conditions, Planning History, Proposed Development and Planning Policy.

6.8 The applicant has suggested the development has went back from 6 to 4 dwellings but he has not addressed the fact that the elevation of the dwellings is significantly greater than the existing dwellings. The existing houses in The Walk are 7.2metres and the proposed dwellings are 8.1metres. The dwellings are out of context with existing dwellings.

6.9 The proposed new apartment above the shop has a balcony which will be set back 22metres from the opposing houses. This falls short of the 35metre requirements in the development plan and will give rise to

overlooking of living room windows. The proposal would materially contravene the development plan in this regard allowing substandard separation distances.

- 6.10 The apartment has only 1 parking space assigned, this does not comply with the development plan requirements.
- 6.11 Under the current proposal the open space does not fit into the guidelines on Sustainable Development in Urban Areas 2009. It is leftover open space which the developer is trying to disguise as usable open space. He calls the public open space 86sq.m. and sandwiched it between the gable wall of a house and the main road. It is laughable if it was not such a serious issue for the residents.
- 6.12 The applicant has proposed perpendicular parking on two sides of the development opposite already perpendicular parking. This contravenes the Design Manual for Urban roads and Streets 2013, which recommends perpendicular parking should only one allowed on one side of the street.
- 6.13 Apartments are restricted in this area as per the development plan policies in the vicinity of Maynooth College. The Board have refused apartments based on this policy issue, PI09.243724.
- 6.14 There is no demand for a shop at this location, the applicant stated this in his appeal submission on PL14/73 that there was no desire to build shops. The applicant states in the planning application documents that he has no end user for the shop. The shop cannot survive on trade from the estate allow and will depend on outside custom travelling into the estate, which is unlikely to happen. The end result will be a vacant unit. This is evident from the closure of a similar shop in a similar sized estate only 1.2km from the planned site, and the shop had the luxury of passing trade along the main road which the current proposal does not have.
- 6.15 It is clear the shop will become vacant and the size and location of the shop will not suit many uses. Therefore the unit could remain vacant. The residents would be concerned about the potential for anti-social behaviour that could be attracted by a vacant building. The passageway behind the shop will lead to a dangerous environment. It will not be lit at night and is not overlooked satisfactorily. There is no effort put into the design, only to squeeze as much as possible into the site. This area should be a green area for the existing residents.
- 6.16 The plans have not made sufficient provisions for disposal of waste for the shop. There are 4No. parking spaces blocking the passage way. There is no space for the bins to be left on collection day other than on the street which would obstruct traffic. The bin lorries will have to reverse significant distances in and out of the proposed cul de sac which will lead to safety concerns. The residents will be trapped within the cul de sac as the bin companies empty the bins of 20+ houses and 18+ apartments. The removal of the road eliminates quite a number of parking spaces with the block of 12No. apartments at the entrance. The applicant has also attempted to add parking spaces to the front of the

proposed dwellings to make up for the loss of spaces to the existing apartments.

- 6.17 The proposed shop and dwellings have effectively been designed as an island with no consideration of pedestrian movement. Pedestrians going to the shop will have to walk on the roads or pass through parking spaces. The design is restricting movement which is contrary to the Design Manual for Urban Roads and Streets 2013. There were revisions to the design throughout the application assessment which were deemed not to be significant and therefore no further submissions were considered necessary. There was no explanation for this change in viewpoint of the planning official dealing with the case.
- 6.19 During the previous appeal, the applicant proposed two alternatives to the Board which included the option of *no. back to back two storey dwellings or 6No. back to back dwellings and a shop. The proposals were considered to be inappropriate at this location and their privacy would be severely comprised by the close proximity of the apartments. The site cannot be considered a greenfield site, the existing dwellings have to be taken into consideration in any future design proposal.
- 6.20 The residents of The Walk have been faced with an appalling situation whereby the central area onto which most of the houses face directly onto has been left unfinished for ten years, and it is very dangerous with it's raised manholes. The proposal fails have regard to current planning policy and guidelines as stated above.

6.21 RESPONSES

6.22 Applicant

Background

Moyglare Hall is a development granted in 2004 for 526 residential units, 3No. shops and a crèche. The development is nearly complete.

In 2014, there was a new permission for the final phase of the development, appeal PL09D.243724, which received a split decision for the majority of the proposed works, but The Walk was refused for 3No. shops and 8No. apartments. The Board said a smaller scale development, with a smaller retail element and more open space may be suitable. This current proposal is a smaller scale.

Previously granted was 12No. apartments within 820sq.m. current proposal is 694sq. which includes 1No. apartment, 4No. two bed townhouses, and a shop. There is 1082sq.m. of open space proposed as opposed to previously granted 707sq.m.

Responses to 3rd Party Appeals

6.22 *Appeal No. 1 – Mr Martin Gosling and Others*

The appellant ignores the fact some of the residents of The Walk No.s 69-78 face directly onto 1817sq.m. of Open Space. It is accepted that the open space provision for 1-88 The Walk is not generous, but there is large open space areas in close proximity. The point made is the current application seeks to increase the amount of open space by 53% and further to increase the functional quality of that open space to provide a significant benefit to the residents of The Walk.

The appellant appears to be confusing private open space requirements with public open space requirements. The enhanced open space are would be central and functional. The previous permission is no longer relevant and current planning policies must be taken into consideration. However when the residents of The Walk purchased their dwellings there was a clear expectation that a three storey mixed use building would occupy the site. The modest development now proposed will improve the area.

There are surface water attenuation tanks under all of the public open space areas in Moyglare Hall. It does not detract from the amenity areas. The manhole cover will form part of the paved area where Quayside pavers will be inset.

It is unfortunate the central site was left vacant, and it should have been secured by fencing, and it was left open for parking. The developer wishes to resolve the unfinished look of the site. It is accepted there should not be raised manholes in amenity areas and this issue will be resolved by some remedial works which include levelling and seeding.

It is refuted the claims that the applicant has a total disregard for the planning system. The applicant has operated within the time limits and permitted permissions at all times.

The proposed eaves height of the new dwellings is identical to the existing houses at 5.27metres. it is accepted the ridge heights will be higher as the pitch of the roofs have been increased from 22 degrees to 27 degrees, but it can be lowered by condition if the Board wish to address the issue. The existing apartments have a ridge height of 11metres and the majority of dwellings granted under 14/73 for the remainder of the scheme have 8.75metres or 9.19metres.

Kildare Co. co. considered the proposal met with the development plan standards in terms of site coverage, etc.

The first Moyglare Hall proposal did not meet with DMURS. It was designed in 2002/2003 when residential design was driven by engineering manuals. If the scheme were been designed today there would be increased permeability and looping of roads as well as other features to reduce car dominance. The appellants wish to have the perpendicular parking removed and the looped road.

There is perpendicular parking proposed on both sides of the road, but the road is wider than the DMURS recommendation. The parking is broken down into small clusters with planting in between. The Board can

condition parking parallel parking along the northern edge of the open space.

The other DMURS issue is the loop road which is to help increase the amount of public open space. The loop road was originally planned because the island contained 3No. shops and 12No. apartments all of which need parking, and a hopper bus would serve the estate. The short section of road does not increase permeability to the scheme as currently all traffic has to get to the Avenue to exit the scheme, even with the southern new entrance granted under 14/73 all traffic from The Walk will need to turn towards the Avenue to exit the scheme. There will be no loss in permeability of accessibility, whereas the benefit will be an increased central landscaped area, which is a better use of space and more in keeping with the overall development.

There were 98No. apartments granted in the original permission, 66 of which are built and occupied. The Council has changed its policy regarding apartments, 32 apartments have been taken out of the scheme with six dwellings allowed in their place under 14/73 with a further 4No. houses and 1No. apartment currently being sought. This will give a net loss of 21No. units from this medium density scheme at a time when there is pressure on zoned serviced land. The new policy restricts apartments generally to the town centre or university campus, but a single apartment over a shop is not prohibited by this policy. The unit over the shop is a maisonette with its own independent access. There is a demand for apartments as the 12No. apartments in The Grove were in high demand and quickly fully occupied.

The requirement for a shop has come from the planning authority, and the Board who suggested a smaller retail unit.

6.24 **Appeal No. 2 – Ms Ann Nicholls**

The same points are raised in both appeals therefore it is not necessary to repeat all of the responses.

It is not accepted that the proposed buildings will be out of character. There are 16 building types within Moyglare Hall and 6 within The Walk itself, so a building does not have to be identical to fit into the mix. It is not accepted that the provision of seating areas will lead to students gathering and becoming an anti-social nuisance.

The Board' Direction on 14/73 is cited

'The Board considered that the area occupied by the proposed apartment and retail building, for which it did not grant permission, may be suitable for a smaller development with a smaller retail content and possibly providing for some increased open space to The Walk area.'

6.23 **Planning Authority**

6.24 **Other Third Party Submissions**

Cllr John McGinley and Emmet Stagg support the third party appeal submissions.

7.0 ASSESSMENT

7.1 I am familiar with the subject site and the previous histories as I carried out a comprehensive report under appeal reference PL09.243724 I was the reporting inspector on the previous case. I do not wish to raise all of the issues on the previous appeal, as I will assess if the current application took into account the count of my report and the Board's decision in designing this current proposal. This current appeal relates solely to the site of the proposed Apartment Block 5 and 3No. shops refused by the Board on appeal under PL09.243724. The remainder of the proposed development was permitted by the Board, but Apartment Block 5 in The Walk was refused for the following reason:

The Board considered that apartment block 5 would seriously injure the residential and visual amenities of the area by reason of scale and bulk and would lead to unacceptable overlooking of nearby residences. The proposed apartment block 5 would, therefore, seriously injure residential and visual amenity and would be contrary to the proper planning and sustainable development of the area.

The Board's Direction on PL09.243724 stated:

Note: The Board considered that the area occupied by the proposed apartment and retail building for which it did not grant permission may be suitable for a smaller development with a smaller retail content and possibly providing for increased open space to the Walk area.

This current proposal is the applicant's response to the Board's Direction and reason for refusal.

7.2 The planning authority requested further information on **24/02/2016**, and I wish to state my assessment will relate to the modified and enhanced scheme submitted to the planning authority on 23rd of August 2016. Essentially the revised scheme includes for a terrace of 4No. dwellings backing onto a two storey building which includes a shop on the ground floor and an apartment on the first floor. The 4No. dwellings are two bedroomed townhouses with rear garden areas. There is a central public open space area proposed to the east of the buildings to cater for The Walk.

7.3 While I welcome the increased public open space provision, I do consider it is inadequate to cater for The Walk. I do not welcome the carparking provision alongside the boundaries of the open space area as this could pose a safety problem for toddlers and children. It is clear to me, there has been little or no consideration given to the existing residents of The Walk in the proposed design, who have endured ten years of no open space and dangerous protruding manholes at this location. I was dismayed to see the

central area remains in a derelict condition since my previous site inspection and report, where no attempt has been made to enhance the amenity and safety of the central area for the residents of The Walk.

- 7.4 The proposed shop with an apartment on the first floor appears to be a peculiarity in terms of design and layout. I cannot understand how this shop would connect into the wider area. The applicant has had ongoing doubts about the viability of the shop, and the retailing element has been included at the request of the planning authority. I would advise the Board to reconsider this shop in light of the new vehicular and pedestrian opening granted by it under PL.09234724, which provides closer and convenient access for the residents of Moyglare Hall to shops and the centre of Maynooth. Previously to the new access been permitted, the only access to Moyglare Hall was remote from the shops and a considerable distance from the town centre, i.e. not within walking distance which would therefore, entail significant car trips. The new access greatly reduces the need for a shop within The Walk. The stand alone shop and overhead apartment have no relationship to the wider area and represent a standalone unit. It will appear out of context along the streetscape. The four storey apartment block fronting The Walk along the main spine road for Moyglare, actually blocks views into The Walk and will block views of the shop to the wider area. In my opinion, the proposed shop is misplaced within The Walk residential cluster of Moyglare.
- 7.5 The Board should note, the applicant had submitted a similar layout to the current proposal on appeal during the assessment of PL09.243724. I had assessed the issues relating to the layout in my report. The four terraced dwellings are facing south towards other two storey dwellings within The Walk. The applicant had previously proposed two blocks of back to back terraced housing at this location (8No. dwellings) or 6No. back to back dwellings and one shop. These were to be provided on a similar footprint to the current proposal. The applicant had stated that if the apartment block was removed it would represent an unsustainable low density at this location, therefore terraced dwellings were proposed instead. I assessed the alternative layout in the context of the existing housing units and road layout. I considered the layout to be cramped and visually inappropriate, the privacy of the units would be severely compromised by the close proximity of the four storey apartments overlooking the private gardens of the units. I am still of this opinion. I am very disappointed the applicant did not examine the concerns stated in my previous report, and I note the planning authority did not refer to the alternative designs in the assessment of the current application. The applicant has failed to have regard to the existing layout of the The Walk in its current design of new dwelling units. I would be encouraged if the applicant demonstrated a certain amount of empathy for the residents of The Walk in the current design, for what they have endured over the preceding ten years in terms of the derelict and unsafe open unfinished area fronting all of their dwellings and in terms of lack of residential and visual amenity. I expressed my dissatisfaction with the ad hoc and poor design layout of the apartments located in the southeast corner of The Walk which are accessed from the Walk but address the backs of houses within another cluster and offer nothing in terms of security and safety. In my opinion, Moyglare Hall is a nicely

designed residential estate with a variety of dwelling types provided around large pockets of open space, apart from The Walk, which was poorly designed and left unfinished by the developer following occupation of the dwellings. As stated in my previous report, there is a golden opportunity to improve and enhance the amenities of the existing residents of The Walk, by providing an adequate, safe and quality central open space area. I welcome the seating areas and pathways through the open space. Again, I wish to state the carparking along the periphery of the open space is unsafe in terms of toddler visibility.

7.6 In terms of the layout of the dwellings, the terrace of dwellings would be better facing the apartment block to the western border of The Walk. That way, the proposed dwellings would be afforded greater privacy and parking can be provided to the rear and sides of the terraced away from the public open space area. In addition, the rear garden areas would be facing east as opposed to north, which would provide better amenity value to the future residents. By reorienting the proposed dwelling to face the existing apartment block, it would imply greater privacy and sunshine to the rear garden areas for the future residents. I would recommend **three** dwellings only at this location/ footprint, in order for adequate private open space to be provided and minimal loss of public open space to occur. I recommend the shop and the apartment unit be removed from the scheme entirely, as they are incongruous to the overall layout.

7.7 The subject site in the **Maynooth LAP 2013-2019** is zoned **B (Existing Residential and Infill)**

To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.

Under this zoning objective, dwellings are *Permitted In Principle*, and convenience shops are *open to consideration*. I am aware of the Board's Direction on the previous appeal, which the applicant is attempting to address under this current application. However I consider the proposed development is broadly similar to alternative proposals presented on the previous appeal, that were rejected by the Board as inappropriate. Therefore, the current proposal should be refused for the same reason as the previous appeal, and this would represent a consistent approach by the Board.

8.0 RECOMMENDATION

I recommend the Board refuse the proposed development for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the proposed layout of the dwelling houses in the context of the existing apartment block to the immediate west of the subject site ,it considered that proposed layout would seriously injure the residential and visual amenities of the proposed dwellings by reason of undue overlooking and loss of privacy and would therefore be an inappropriate form of infill development which is contrary to the zoning objective for the subject site under the provisions of the current Maynooth LAP and would therefore be contrary to the proper planning and sustainable development of the area.

Caryn Coogan

Planning Inspector

03/02/2016