



An
Bord
Pleanála

Inspector's Report PL09.248857

Development	Construction of a residential development consisting of 9 houses.
Location	The Maudlings, Naas, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	16/1066.
Applicant(s)	QK Cold Stores Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	First Party Vs conditions Third Party V Decision
Appellant(s)	1. QK Cold Stores Ltd. 2. Residents of the Maudlings Estate. 3. Michael and Dianne McGrath
Observer(s)	None.
Date of Site Inspection	6 th October 2017
Inspector	Susan McHugh.

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 800m to the south of Maudlins Roundabout off the M7, and 1.65km to the northeast of the edge of Naas Town Centre.
- 1.2. It is located on a corner site at the junction between Dublin Road R445 to the east and Maudlins Avenue to the north. Maudlins Industrial Estate is located to the north, of Maudlins Avenue and The Gallops housing development and Naas racecourse are located to the east of Dublin Road. To the south along Dublin Road there are a number of detached houses on large plots which are typically set back from the main road with mature planting along existing boundaries. To the west is The Maudlings residential estate which comprise two storey detached houses accessed from Maudlins Avenue.
- 1.3. The site which has an area of 0.4571ha is currently under grass and is relatively flat. It is bounded by a 2m high steel fence along the boundary with Dublin Road and extending mid way along the site boundary with Maudlins Avenue. The boundary then steps down to a low timber post and rail fence along Maudlins Avenue and around along the northern boundary within the Maudlings estate.
- 1.4. The site is bounded by a 2m high block work wall which adjoins the existing area of open space within the estate to the northwest. This boundary wall extends along the side boundary with Lisadell, the neighbouring two storey house to the south west. This boundary is heavily planted with very mature trees. The remaining boundaries to the site are defined by the rear and side boundary walls of a contemporary style house known as Maudlins Gate, the home of the appellant.
- 1.5. There is a footpath and grass verge along the boundary with Dublin Road and Maudlins Avenue, the latter of which includes a line of trees. The site includes a variety of semi mature trees along the boundary with Maudlins Avenue and The Maudlings.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on 10/10/2016 with further plans and details submitted on 13/03/2017 and 29/05/2017. The proposal as amended comprises:

- Construction of a residential development consisting of 9 no. four bedroom dwellings consisting of;
- 1 no. detached two storey dwelling with domestic garage on site 9 (Type A) located on the corner of Dublin Road and Maudlins Avenue.
- 8 no. semi-detached dwellings on sites 1-8 (Type B and C) laid out in two storey crescent shaped configuration overlooking the central area of open space.
- A new connection to public water mains, public sewer and all associated site works.

- 2.2. The ridge height of House type A is 6.985m and 9.560 for House types B and C. External finishes are to be plaster and stone, with hardwood cladding to the rear and selected tile/slate finish to roof.
- 2.3. The layout is around a central open space of 708 sq.m. Landscaped strips are also proposed in front of the dwellings. The existing post and rail fence located along the north western boundary at the entrance to the estate is to be removed and is to be replaced with beech hedging. The existing timber fence along Maudlins Avenue and proposed area of open space is to be replaced with a new railing to match the existing steel fencing and will include a pedestrian access to the development.
- 2.4. Existing boundaries and planting with the adjoining residential properties to the south east are to be retained.
- 2.5. The existing steel fence and trees to the north of house no. 1 and to the north and east of house no.9 are to be retained and will include a pedestrian access to house no. 9 from Dublin Road.
- 2.6. Access is proposed via the existing entrance to the Maudlins estate from Maudlins Avenue to the north west. Access to house no 9 is proposed along a separate access road along the gable of house no.1 and inside the boundary with Maudlins Avenue.
- 2.7. Surface water disposal is by way of a new connection to the mains and it is proposed to provide a new sewer which will discharge to the existing foul sewer located on the Dublin Road.

2.8. The application is accompanied by:

- Architectural Report
- Landscape Plan
- Drainage Report

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to grant permission subject to 34 conditions which include;

Condition No. 2 & 9 - Finishes to be agreed, free standing stone wall features height restriction of 1.8m and revised fenestration to unit no. 1.

Condition No. 3 – Each unit to be used as a single housing unit.

Condition No. 4 – Services to be underground.

Condition No. 5-8 – Treatment of public open space, front and rear gardens to be top soiled, landscaping scheme to be implemented.

Condition No. 10 – Naming and numbering to be agreed.

Condition No. 11 & 12 – Construction Management Plan to be agreed and altered in the event of traffic congestion.

Condition No. 13 -15 & 20 – Design of roads, footpaths, corner radii at junctions and turning areas, cycle / pedestrian access and car parking requirements.

Condition No. 16 & 19, 34 & 35 – Surface water drainage requirements.

Condition No. 17 & 18 – Public lighting requirements.

Condition No. 21 & 22 – Road warning, and speed limit signage requirements.

Condition No. 23, 27-29 – Site development works and waste management.

Condition No. 24-26, & 30-33 – Foul drainage, wastewater and water supply requirements.

Condition No. 36 & 37 – Section 48 Development Contributions and security bond.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **1st Senior Executive Planner's** report dated **02/12/2016** includes:

- Unit No. 9 Dublin Road frontage - A smaller scaled more discreet intervention is required on this prominent site, and recommends further information in relation to the site boundary's and reduction in overall height, bulk and scale of unit no. 9.
- Maudlings Avenue Road frontage – Boundary walls 2.6m in height are bulky and recommends further information to revise design of same.
- Units No. 1-8 – Boundary walls add to the apparent density of the scheme. And recommends further information to revise frontage detail to create a more open, less dense development.
- Unit No. 8 and overall layout– Unit 8 should be omitted and shortfall in communal open space recommends further information.
- Unit No. 1 – The feature windows are over scaled along the north-east facing gable end and recommends further information reducing the scale of the fenestration.
- Third party concerns – Separation distances from adjoining properties to unit no. 9 and units 1 and 2 unclear. Recommends further information detailing cross section and longitudinal drawings.

The **2nd Report** dated **07/04/2017** following further information, and **3rd Report** dated **23/06/2017** following clarification included:

- Unit No. 9 – No revisions to the layout as requested.
- Design of boundary treatments to the north-eastern side of proposed unit 9 revised to include a 2m high rendered concrete block wall. The intermittent line of walls previously proposed at 2.6m should be reduced to a maximum height of 2m by condition.

- Unit No. 8 - has not been omitted as requested, but the layout of the forecourt has been amended to include a larger area of public footpath.
- Communal open space – revised site layout plans submitted indicating provision of 15.5%.
- Unit No. 1 – applicant made an error in submission and has shown an image of unit No. 9 as opposed to Unit No. 1 as requested. The correct drawing was requested by way of clarification and submitted and considered subject to minor amendments.
- Notes cross section and longitudinal sections submitted.
- Revised landscape plan submitted acceptable subject to conditions in relation to boundary treatments.

3.2.2. Other Technical Reports

Area Engineer in a report dated 23/11/2016 recommended further information in relation to the orientation of driveways for units 7 & 8 to improve road safety at the junction, potential obstruction for cars entering and exiting the proposed development and clarify the estate road width and corner radii.

Transportation Department in a report dated 27/03/2017 had no objection subject to conditions.

Water Services in a report dated 16/11/2016 recommended further information in relation to surface water drainage and attenuation. In a report dated 29/03/2017 recommended clarification of further information to clarify if a private sewer serving a private dwelling adjacent to the subject site may traverse unit no. 8. In a report dated 02/06/2017 recommended no objection subject to conditions.

Environment Section in a report dated 02/12/2016 recommended no objection subject to requirements.

EHO in a report dated 09/11/2016 recommended no objection.

CFO in a report dated 16/11/2016 recommended no objection subject to conditions.

3.3. Prescribed Bodies

Irish Water in a report dated 16/11/2016 recommended further information in relation to foul drainage layout and design calculations. In a report dated 29/03/2017 recommended clarification of further information and report dated 02/06/2017 no objection subject to conditions.

3.4. Third Party Observations

Objections to the proposal received by the planning authority have been forwarded to the Board and are on file for its information. The issues raised are comparable to those raised in the third party appeals summarised in section 6 below.

4.0 Planning History

Appeal Site

PA Reg. Ref. 16/12 Previous application for permission deemed **withdrawn** 22/09/2016 for failure to reply to request for further information within the 6-month statutory period. Application for permission for construction of 9 no. two storey dwellings comprising 8 no. 4 bedroom two storey semidetached dwellings and 1 no. 5 bedroom two storey detached dwelling and all associated site works.

Adjoining site to the east

PA Reg. Ref. 15/5 ABP Ref. PL09.244674 Permission **refused** 7th September 2015 for development consisting of 26 no. two storey houses with third floor in roof space consisting of six no. three bedroom terraced houses, 18 no. four bedroom semi-detached houses, one no. five bedroom detached house and one no. four bedroom detached house including all associated site works, with vehicular access from the adjoining Racecourse Gate development, all at Dublin Road, Naas, County Kildare adjoining Naas Racecourse. The reason for refusal referred to the zoning objective 'L – to provide for new leisure and amenity facilities in the town', and that the proposed development would materially contravene the zoning objectives of the Naas Town Development Plan 2011-2017. (File attached).

5.0 Policy Context

5.1. Development Plan

5.1.1. Kildare County Development Plan 2017-2023

Naas is designated as a 'Large Growth Town I' within the Hinterland Area of Dublin. The role of these towns are to act as important self-sustaining regional economic drivers, accommodating significant new investment in transport, housing, economic and commercial activity, while capitalising on international connectivity and high quality connections to Dublin City Centre. They also have a key role in supporting and servicing a wider local economy.

In the Regional Planning Guidelines, it is an objective to allocate growth within the Hinterland towns of Naas and Newbridge and to consolidate growth in Kildare, Athy, Monasterevin and Kilcullen. This is to be achieved by allocating a minimum 41% of the total growth rate for the county to these towns.

Chapter 4 sets out Housing policy in relation to Inner suburban /infill sites.

Chapter 16 sets out Urban Design Guidelines.

Chapter 17 sets out Development Management Standards.

5.1.2. Naas Town Development Plan 2011-2017

The site is within an area zoned 'B – Existing /Infill Residential', the objective for which is *'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' within this zoning objective.

Chapter 4 Housing Policy

Section 4.4.3 refers to Infill Residential Development. It states that *'a balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. Proposals for development involving the intensification of residential uses*

within existing residential areas such as side gardens will generally be permitted where it can be clearly demonstrated that the proposal respects the existing character of the area and would not harm the amenity value of adjoining properties.'

Section 4.12 Housing Policies

HP4: *'To require diversity in the density of development and in the form, size and type of dwellings within residential areas.'*

Section 4.12.2 Density, Design and Layout

HP5: *'To encourage appropriate densities of housing development in accordance with Government advice set out in the 'Sustainable Residential Development in Urban Areas.'*

HP6: *'To encourage higher residential densities in the town centre, on 'brownfield' and infill sites close to existing /potential connections to public transport'.*

HP7: *'To ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities'.*

HP8: *'To require diversity in the form, size and type of dwelling within residential schemes'.*

HP9: *'To secure the development of a mix of house types and sizes throughout the town as a whole to meet the needs of the likely future population. A statement of mix may be required for multi-unit schemes to demonstrate that the needs of the area are provided for within the scheme'.*

Section 4.12.3 Existing Residential

HP15: *'To encourage infill housing developments on appropriate sites'.*

HP17: *'To facilitate the development of corner sites or wide side garden location for infill housing subject to standards outlined in Chapter 13 Development Management.'*

5.2. Other Relevant Guidance

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage, and Local Government, 2009.

5.3. Natural Heritage Designations

There are no European sites designated under the Habitats Directive located within the vicinity of the site.

6.0 The Appeals

6.1. Grounds of First Party Appeal No. 1

A first party appeal against conditions 6 and 7 of the decision to grant permission by the planning authority has been lodged by Clarke and Company, Consulting Engineers and Architects on behalf of the applicant. In summary, it states:

- The 500mm minimum cover of consolidated topsoil required in Conditions No. 6 and 7 is excessive and will result in water ponding and excessive water retention leading to wet areas.
- A topsoil depth of 150mm is adequate and in accordance with the relevant British Standards and codes of practice. Request that the conditions be modified to read 150mm depth of topsoil.

6.2. Grounds of Third Party Appeal No. 2

A third party appeal against the decision to grant permission by the planning authority has been lodged by Eugene F Kelleher on behalf of the Residents of the Maudlings estate. This was accompanied by a site layout plan for the original development. In summary, it states;

- The original permission allowed for the construction of three no. dwellings on the appeal site which were never completed. The first house number in the Maudlings estate is number four.

- Development does not respect the local context and street pattern or scale and proportions of surrounding buildings, which are characterised by larger plots with large separation distances between them.
- Size, depth, width, height and massing of proposed development would have an adverse impact on the amenities of adjoining properties and give rise to overlooking, loss of privacy, would be overbearing and out of character with its immediate area.
- Site access could lead to safety hazards. Internal circulation within the site and access to the site within the Maudlings estate is unacceptable and could create conflicts between pedestrians, cyclists and vehicular movements thereby creating a safety hazard.
- Potential for vehicles to overhang the existing roadway, to the detriment of other road users and to potential emergency service vehicle access both to the proposed development and the Maudlings estate.
- Concern about health and safety issues for construction traffic in an already highly congested trafficked area both in the Maudlings estate and Maudlins Avenue.
- Very little space for landscaping and would lead to overdevelopment of the site.

6.3. **Grounds of Third Party Appeal No. 3**

A third party appeal against the decision to grant permission by the planning authority has been lodged by Dathanna Architecture on behalf of Michael and Dianne McGrath, the owners of the residential property to the immediate south of the proposed development known as Maudlins Gate. In summary it states;

- The design of unit no. 9 is unsuitable for the site, provides no residential amenity, and the retention of the existing fence provides a very poor boundary detail to the development, with no privacy for the future occupant, particularly given the proximity to the adjacent junction / traffic lights on two sides.
- The requested revisions to unit 9 have not been addressed in any detail. Notwithstanding the reduction in scale by half a storey, the scale and massing of the property is excessive given the positioning on the site and proximity to

the boundary, particularly with the Dublin Road. The projecting gable fails to address the corner of the site and turns its back on the site. Difficult to assess in any detail given that there is only one elevation included in the revised house type.

- The examples of other developments along the Dublin Road included for reference do not satisfactorily respond to the queries by the planner and the redesign of the unit. There are numerous examples of single storey dwellings along the Dublin Road also.
- Agree that a dwelling of architectural significance should be placed as a marker to this important junction but disagree that the proposed unit 9 fulfils this requirement particularly with the retention of the existing site boundary.
- Fail to see how the applicant's response to the issues raised address the concerns of the planning authority.
- The rationale for the introduction of stone cladding on the ground level of the various units lacks any architectural design argument.
- The retention of unit no. 8 without sufficient explanation by the planner when concern was already expressed about over development of the site.
- New development should not just meet the minimum standards in terms of open space provision.
- Potential for attic conversions would give rise to overlooking and would seriously injure the residential amenities of existing adjacent properties.

6.4. Applicant Response to Third Party Appeals

6.4.1. The applicant's response to the third party appeal No. 2 on behalf of the residents of the Maudlings estate can be summarised as follows;

- Site layout plan submitted by Eugene F Kelleher appears to be outdated. Reference to PA's condition no. 10 which requests that all numbering and names be agreed with the planning authority prior to occupation.

- Unit no. 9 addresses the pattern of development along the Dublin Road which is a mix of detached single storey and two storey dwellings and housing estates. The overall development reflects an established pattern of residential development in the area with larger detached dwellings to the front of the scheme and semidetached dwellings to the rear.
- The proposed dwellings range in floor area from 151, 165 and 233 sqm which is in line with the sizes of surrounding dwellings and would not be out of character with the scale or mass of adjoining development.
- In terms of overlooking the proposed dwellings that are orientated parallel to existing units 25 to 27 of the Mauldings, are 50m apart and the remainder of the proposed dwellings are almost perpendicular to existing units 25 to 27.
- Site access and circulation is in accordance with DMURS and condition no. 13 of PA Reg. Ref. 16/1066. Parking is provided to development plan standards and safe routes have been provided for within the proposed site for vehicles, pedestrians and cyclists.
- Concerns in terms of construction traffic will be dealt with under conditions 11,12 and 21 of the PA decision.
- Public open space provision complies with the requirements of the county development plan and the density of 19.7 dwellings per ha is on the lower end of what is permitted in the area.

6.4.2. The applicant's response to the third party appeal No. 3 on behalf of Michael and Dianne McGrath can be summarised as follows;

- All windows on the south west elevation of unit no. 9 were removed and the height of the dwelling was reduced to appease the appellants. The main building line of the proposed unit no. 9 is set back behind the two storey block of the appellants dwelling except for the projecting gable to east of unit no. 9 which is in line with the single storey block of the appellants dwelling.
- Unit 9 enjoys a comparable amount of amenity space to the appellant's property which is well in excess of what is required by the Kildare County Council development plan. The retention of the steel railing boundary was to

prevent any damage to the roots of existing trees on site, which will also help the proposed development tie into its surroundings.

- Stone cladding was chosen as a boundary material as it is the predominant boundary material used along both sides of the Dublin Road, and to act as a buffer between the public/semi-public spaces of the development and the private spaces of the rear gardens.
- Public open space complies the requirements of the county development plan in terms of area. A footpath is provided to link the proposed development to the existing open space of the Maudlings. The residential density is on the lower end of what is permitted in this area and rear gardens are in excess of the requirements in the development plan.
- The applicant has no intention of provided further living accommodation in the attic space of units 2 to 7 and has no control over what future works the residents of this development may carry out.
- At no stage of the planning process were any of the appellants or planning authorities concerns ignored. All issues regarding scale, proximity to adjoining properties, residential amenity and boundary treatments have been successfully dealt with by addressing the concerns of all parties involved in this process to date.

6.5. Planning Authority Response

The planning authority had no further response to the third party appeal.

In relation to the first party appeal the planning authority considered that the 500mm of topsoil is best practice and will ensure a high quality landscape setting for the overall residential 'infill' scheme. They also note that there are no water services issues arising in the first party submission.

6.6. Observations

None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings;

- Infill Development
- Layout, Density and Design
- Residential Amenity
- Access, Traffic and Parking
- Open Space and Landscaping
- Appropriate Assessment.

7.2. Infill Development

7.2.1. As per the current local area plan for Naas the site is within an area zoned 'B – Existing /Infill Residential', the objective of which is '*to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*'. In principle the proposal would accord with the said zoning objective.

7.2.2. The site is currently vacant and as noted by the appellant was originally to accommodate three no. dwellings as part of the Maudlins estate. By reason of the existing pattern of development in the vicinity of the site, which is surrounded on three sides by established residential development, the appeal site can reasonably be seen to constitute an infill site.

7.2.3. Having regard to the Guidelines for Sustainable Residential Development and the provisions of the current development plan and local area plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide additional residential development at this location. I propose to address such matters in the following sections.

7.3. Layout, Density and Design

- 7.3.1. The scheme proposes eight no. two storey semi-detached dwellings, arranged in a crescent and orientated towards the central area of open space at the entrance to the estate. A detached two storey house no. 9, is proposed to be located on the south-east corner of the site and addresses the junction between Dublin Road and Maudlins Avenue.
- 7.3.2. The surrounding area is characterised by two storey detached and single storey dwellings to the north, south and west respectively. Concerns were raised by the planning authority and in submissions received regarding the layout, density and design of the scheme, where it was suggested that house no. 8 be omitted, and the design of house no. 9 be modified.
- 7.3.3. I also note the frustrations of the appellant that despite concerns raised by the planner in the request for further information, no material modifications were made to the scheme, and ultimately the proposed development was considered acceptable to the planning authority.
- 7.3.4. Notwithstanding, I consider the layout, density and design of the proposed development has been well considered and takes cognisance of existing residential development in the vicinity and the future occupants of the scheme. The proposed development namely 9 dwellings, equates to a density of approximately 20 units per ha. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas promotes higher residential densities in the general range of 35-50 dwellings on outer suburban sites on the periphery of larger towns on sites in excess of 0.5 hectares. While it is acknowledged that the proposed density is relatively low, it is considered acceptable on this infill site given the densities prevailing on adjoining residential estates. It is considered that the proposed development does not constitute overdevelopment of the site, and is appropriate on an infill site at this location.
- 7.3.5. I also consider that the materials and finishes proposed which includes stone cladding at ground level to the various units and to sections of boundary walls introduces some variety in finishes and is an acceptable design response for this infill site.

- 7.3.6. A single detached house, house no. 9 is to be located at the junction of Dublin Road and Maudlins Avenue and adjoins the appellant's property to the southwest. The appellant's property is of a contemporary design and is largely screened from the Dublin Road by a 2m high wall. The appellants consider the scale and massing of house no. 9 to be excessive given the positioning on the site and proximity to the boundary, particularly the Dublin Road. In particular, they contend that the projecting gable fails to address the corner of the site and turns its back on the site.
- 7.3.7. I have considered the proposed scale and massing of the proposed dwelling, the projecting gable and its proximity to site boundaries. I consider that the design of the two storey house which is roughly 'L' shaped is contemporary, includes a variety of finishes, seeks to address the junction, and is an appropriate design response at this location. I would note also that house no. 9 has a ridge height of 6.985m and is setback approximately 7.46m from the boundary with Maudlins Avenue. The gable is set back by approximately 5.26m with the main body of the house set back approximately 11.41m. I further consider the retention of the existing semi mature trees to be desirable and will in my opinion help to assimilate the proposed house into its surroundings. The area is characterised by trees and mature planting and I am satisfied that the proposed development will not detract from the visual amenity of the area.
- 7.3.8. The planning authority had concerns in relation to the design of house no. 1 with respect to the fenestration on the north facing gable elevation. I would note that this gable is visible from Maudlins Avenue. It includes windows at ground, first and second floor / apex level. I would share their concerns in relation to the scale and proportions of the first floor and apex windows which although modified by way of further information are still in my opinion excessive in terms of scale. I consider that the set of three windows and panels at first floor serving the master bedroom, ensuite and bedroom no. 2 should be reduced in depth to match that of the end window serving bedroom no. 1. I consider that the apex window and panels should be reduced by half and align with the first floor window below. I recommend that a condition be attached seeking that revised drawings to this effect be submitted for agreement in writing with the planning authority.
- 7.3.9. In summary, I consider that the proposed development would not be out of character with the immediate area and is appropriate at this location.

7.4. Residential Amenity

- 7.4.1. The appellants have serious concerns in relation to the retention of the existing steel fence which forms the boundary to unit no. 9. It is submitted that this will provide a poor boundary detail to the development and provide little privacy for the future occupants of this dwelling.
- 7.4.2. I have considered the proposed boundary details and note the proposed stone wall with vertical breaks which is proposed to act as a buffer between the private rear garden of house no. 9 and the area of open space visible from the public road to the front and sides of the house. The wall follows a meandering line from the single storey section of the neighbouring dwelling to the south west of unit no. 9 around and connecting to the dwellings within the proposed scheme. The wall is broken up to provide a sense of permeability and provide continuity between unit no. 9 and the rest of the proposed development. The planning authority had expressed concern in relation to the height of these free standing walls and reduced the height of these walls to 1.8m throughout the development by condition.
- 7.4.3. While I note this is an unusual arrangement, I am not satisfied that the proposed boundary treatments can provide a sufficient level screening. I concur with the appellants that the retention and extension of the existing steel boundary fence is inappropriate as a boundary to unit no. 9 on this corner site. Instead I consider that the steel fence should be replaced with a 2m high boundary wall which ties in with the existing boundary to the adjoining property to the south and extends along the entire boundary of house no 9 to the Dublin Road and Maudlins Avenue.
- 7.4.4. I would concur with the applicant that unit no. 9 benefits from a comparable amount of amenity space to the appellant's property and is well in excess of Development Plan requirements.
- 7.4.5. The appellants also have concerns in relation to potential overlooking from the proposed development of existing houses within The Maudlings estate and from future attic conversions of adjoining houses.
- 7.4.6. In this regard I would note that houses no. 7 and 8 are located to the front of the existing houses within the Maudlings estate and a separation distance of 17.9m is provided between the opposing front elevations and first floor windows. The rear

gardens of existing properties within the Maudlings estate will not be overlooked by the proposed development. I am satisfied that the orientation of the proposed houses together with the generous separation distances proposed will not give rise to significant overlooking of adjoining residential properties.

7.4.7. I am satisfied that the proposed scheme, which is relatively modest in scale, utilises this site in an appropriate form. I am also satisfied that the proposed house design, layout and height have taken due cognisance of adjoining development and would not seriously injure the residential amenities of adjoining residential properties.

7.5. Access, Traffic Safety and Parking

7.5.1. The proposed vehicular access to the scheme is via the existing entrance to the Maudlings estate from Maudlins Avenue. Concern was raised by the Area Engineer of the planning authority in relation to the safety of the access to the site, having regard to the orientation of driveways for units 7 & 8. These driveways are located inside the entrance and the need to improve road safety at the junction was highlighted in a requested for further information. It was considered that there was potential for obstruction for cars entering and exiting the proposed development given that cars were observed parked along the existing estate access road. The applicant was requested to address these concerns and clarify the estate road width and corner radii. The response submitted provided modifications to the driveways and suggested measures to alleviate parking along the estate road which were acceptable to the Transportation Department of the planning authority.

7.5.2. From my inspection I noted that the existing houses within the Maudllings estate include driveways for parking and observed a single car parked along the existing entrance road to the estate.

7.5.3. I do not consider, as submitted by the appellants, that the site access and internal circulation within the scheme could lead to a traffic safety hazard. I am satisfied that the proposed scheme is relatively modest, and sightlines in both directions are unobstructed. I am also satisfied that the proposed development will not give rise to conflicts between pedestrians, cyclists and vehicular movements. Concerns in relation to construction traffic can be addressed as part of a Construction Management Plan.

- 7.5.4. Vehicular access to house no. 9 is provided via a narrow access roadway along the gable of house no. 1. I note that this access arrangement is not ideal, but consider alternative access options from Maudlins Avenue or the Dublin Road would be less desirable, given the proximity to the junction. The proposed access was also acceptable to the Transportation Section of the planning authority. On balance, I am satisfied that the proposed vehicular access to house no. 9 is an optimum solution and is acceptable.
- 7.5.5. I conclude that there is no substantive basis to this ground of appeal.

7.6. Open Space and Landscaping

- 7.6.1. The appellants have raised concern in relation to provision of open space to serve the development. I would note that the quantum of open space was raised as an issue in the assessment of the application by the planning authority. In response to a further information request the applicant increased the area such that it accounts for 708sq.m or 15.5% of the site area.
- 7.6.2. In my opinion the area of open space is ideally located within the scheme and benefits from passive surveillance both along its external perimeters and from within the scheme with the proposed houses and existing houses within Maudlins Estate orientated towards the space. The proposed pedestrian access from Maudlins Avenue also provides connectivity between the proposed area of open space and the adjoining area of open space to the west within the Maudlins estate. I consider the landscaping and planting proposed will provide an attractive entrance to the development and the existing estate, meets development plan standards and is acceptable. I also note that rear garden areas are in excess of development plan requirements.
- 7.6.3. It is submitted by the applicant that requirements of conditions no. 6 and 7 in relation to minimum depths of topsoil of 500mm are excessive. A modified depth of 150mm of topsoil is considered by the applicant adequate to meet the relevant British Standards and codes of practice. I have considered the British Standards referred to in the first party appeal and also BS 3882:2015 which refers to a specification for topsoil of minimum 100mm. I am satisfied that given the site is already level and

grassed that a minimum topsoil depth of 150mm as proposed by the applicant is acceptable and that a requirement to this effect be included by way of condition.

7.6.4. It is noted that there are a number of semi mature trees on site which it is proposed to retain. It is submitted by the applicant that the rational for retaining the existing steel fence is in order to ensure the protection of existing trees. As I consider that the steel fence bounding the proposed house no. 9 should be replaced by a boundary wall already outlined in section 7.4 above, I also consider that every effort should be made to retain as many trees as possible. In this regard I recommend that a revised landscaping plan be submitted and agreed with the planning authority.

7.6.5. In summary, the proposed development is considered acceptable.

7.7. **Appropriate Assessment**

7.7.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission should be granted subject to conditions for the rears and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the locate of the site on residentially zoned lands in the Naas Local Area Plan and the development standards in the Kildare County Development Plan 2017-2023, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application the 10th October 2016, as amended by the further plans and particulars submitted the 13th March 2017, and the 29th May 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed development shall be amended as follows:
 - (a) The proposed windows on the north facing gable of house no. 1 at first floor level serving the master bedroom ensuite and bedroom no. 2 shall be reduced in depth to be in line with the end window serving bedroom 1.
 - (b) The proposed apex window on the north facing gable of house no. 1 shall be reduced by half and align with the window below at first floor serving bedroom no. 2.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

4. The proposed development shall be amended as follows:
 - (a) The existing steel fence boundary to be retained along the boundary to unit no. 9 shall be replaced with front boundary walls 2 metres in height and shall be suitably capped and finished in a material that

matches the external finish of the dwelling to the south.

- (b) The free standing stone feature walls throughout the development, where not forming part of the elevational finish to the units, shall be no higher than 1.8 metres overall.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

6. The public open space and all front and rear gardens shall be treated with a 150mm minimum cover of consolidated topsoil and shall be grassed and landscaped in accordance with the agreed landscaping plan.

Reason: In the interest of residential and visual amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. Public lighting shall be provided in accordance with a scheme details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

10. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. Proposals for an estate/street name house numbering scheme and

associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

15. The development hereby permitted shall be carried out and completed at least to the construction standards set out in Kildare County Council Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developers or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Susan McHugh
Planning Inspectorate
17th October 2017