



An  
Bord  
Pleanála

## Inspector's Report ABP-300912-18

### Development

a) sub-division of existing site, (b) construction of a new three-bedroom dormer style dwelling, (c) new vehicle access onto public road and connection to main foul sewer and water services, along with all facilitating and associated site development works

### Location

Greenhills  
Kill  
Co. Kildare

### Planning Authority

Kildare County Council

### Planning Authority Reg. Ref.

17/861

### Applicant(s)

Derek Cahill.

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellant(s)

Derek Cahill

### Observer(s)

None.

**Date of Site Inspection**

23<sup>rd</sup> of May 2018

**Inspector**

Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The site is located in Kill village, Co. Kildare. It is the side garden of a two storey dwelling that is orientated perpendicular to the main road. The site is between the wall and the roadside boundary. There are houses to the east, west and north and south of the subject site on different plot sizes and configurations.
- 1.2. There is a wide footpath fronting the site and a bus stop. In addition, the site is screened from the public road by a mature hedge. It is practically rectangular in configuration, 0.0442hectares

## 2.0 Proposed Development

- 2.1. The proposed dwelling house is a dormer bungalow with brick detailing. A separate access of the main road is proposed to serve the dwelling with a narrow rear garden area

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused the proposed development for one reason:

*The proposal for a new access point to a landholding, where an existing access already exists would conflict with the provisions of the Kildare County Development Plan 2017-2023,. Section 17.7.4 which seeks to discourage the proliferation of access points onto public roads, where maximum speed limit applies or where road safety is of concern. Furthermore, the provision of additional access point would reduce the capacity and safety of the public road and would endanger public safety by reason of a traffic hazard and the obstruction to road users, in the vicinity of a bus stop, would conflict with Policy RS2 of the Plan which seeks to improve safety on the road and street network and manage congestion and would set an undesirable precedent for similar development of this nature and would therefore be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning authority has no objection to the proposal in principle. However, it was requested by way of further information that revised proposals should be submitted for a single entrance to serve the existing and proposed dwellings.

The design, scale and finish of the dwelling does not represent a contemporary high quality architectural statement. Roads and area Engineer have concerns over the entrance

#### **3.2.2. Other Technical Reports**

Area Engineer: Recommended a Refusal

Water Services: No objection

Environment: No objections

Roads: Recommends a Refusal

### **3.3. Prescribed Bodies**

Irish Water: No objections

### **3.4. Third Party Observations**

There were no third party submissions.

## **4.0 Planning History**

There is no relevant planning history.

## **5.0 Policy Context**

### **5.1. Development Plan**

Kildare County Development Plan 2017-2023

Kill Small Town Plan

The site is zoned **Existing Residential**, whereby it is an objective to protect and improve existing residential amenity: to provide for appropriate infill residential development; to provide for new and improved ancillary services.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The site is for a new dormer style dwelling at Greenhills, Kill, Co. Kildare. The site is located only 300m from the village centre of Kill, and is positioned within the curtilage of her parents' house.

During the assessment of the planning application the applicant explained the proportions of the site are restricted, and the proposed layout has been specifically designed to take advantage of the southerly aspect, allowing the best use of space. Changing the proposed layout to have a joint entrance would result in the new occupants having to park their cars in the garden area.

The policy relating to the creation of additional entrances is more associated with rural locations and not relevant to this particular situation.

The proposed new entrance is accessed via an 8m wide grassed margin, which allows the driver exiting, clear visibility lines. The speed limit is 50kmph. The traffic movements will be safe, and the entrance should be permitted.

### 6.2. **Planning Authority Response**

The planning authority had nothing further to add to the appeal.

## 7.0 **Assessment**

7.1. The applicant has applied for planning permission to build a dwelling within the curtilage of her parents' house in the village of Kill, Co. Kildare. The proposed layout indicates the new dwelling will run perpendicular to the parent's house on the original curtilage. There is a long road frontage of 33metres onto the street which is aligned with residential developments. The general pattern of development in the area is two storey dwellings on various sizes of curtilages.

- 7.2. The site is zoned **Existing Residential**, in the **Kill Town Development Plan**, whereby it is an objective to protect and improve existing residential amenity: to provide for appropriate infill residential development; to provide for new and improved ancillary services. The proposed development which involves the subdivision of an existing residential curtilage to provide and additional dwelling, is a form of infill development. The proposal is in compliance with the current zoning objective in the development plan.
- 7.3. The planning authority refused the development on the basis of one reason only which was based on reports from the Area Engineer's and Roads Design Office, stating that it was Council policy to discourage the proliferation of access points onto the public roads. I refer to the 1:2,500 site location map accompanying the planning application, and it is my opinion, this is an unacceptable reason for refusal. The location is an urban residential area, where there is a plethora of individual entrances onto the road network. Opposite the subject site there are three individual entrances along the same road frontage as the subject site. It is not a reasonable reason for refusal given the location of the site in an urban area, the multitude of entrances in the general vicinity and the fact the development is an infill development, representing urban consolidation on serviced lands.
- 7.4. The overall pattern of development in the area is a variety of houses with different densities. The subject site is the subdivision of a large garden area associated with a two storey dwelling. It has the largest curtilage of all the surrounding dwellings. The subdivision of the side garden of the existing dwelling to accommodate a new house does not undermine the existing residential amenities of the adjoining dwellings, or compromise the visual amenities of the areas. The proposed building line is set back 9m from the edge of the road and this is compatible with adjoining building lines. There is adequate open space provisions, and the proposal meets with development plan standards. The overall design and scale of the dwelling is consistent with the variety of house types in the vicinity.

## 8.0 Recommendation

- 8.1. I recommend the planning authority's decision to refuse be overturned and permission be granted for the proposed dwelling house.

## 9.0 Reasons and Considerations

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Kildare County Development Plan 2017-2023 , it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the existing house or of properties in the vicinity, would be acceptable in terms of traffic safety and 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details 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. Water supply and drainage arrangements, including the attenuation and 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.

3. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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



4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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 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 developer 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.

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Caryn Coogan  
Planning Inspector

31<sup>st</sup> of May 2018