



An  
Bord  
Pleanála

## Inspector's Report ABP-303642-19

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<b>Development</b>	Construction of 3 bedroom house
<b>Location</b>	Station Road, Thomastown, Co. Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	18744
<b>Applicant(s)</b>	Ian Kelly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ian Kelly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> of May 2019
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site is 0.0549hectares, and it is located to the west of Thomastown beyond the Thomastown train station along Station Road, which is a road leading form Thomastown to Mount Juliet Estate.
- 1.2. Station Road is built up with linear development and a housing estate in close proximity to the subject site. The site is allocated alongside single storey semi-detached cottages.
- 1.3. There is a field entrance gate along the roadside boundary. The site is located on a poorly aligned section of Station Road. The site rises gently from the roadside boundary to the rear of the site which is the north-eastern site boundary.

## 2.0 Proposed Development

- 2.1. The proposed development is a single storey, three bedroom dwelling (179.sq.m), positioned on a similar building line to the adjoining dwelling to the west.

## 3.0 Planning Authority Decision

### 3.1. Decision

Kilkenny Co.Co. refused the proposed development for 2No. reasons:

1. The site is located in an unzoned and unserviced rural area outside of the development boundary for Thomastown, it is the policy of the planning authority to channel development into suitably land in areas with appropriate community, social and physical infrastructure.
2. The proposal is a traffic hazard due to insufficient sightlines at the proposed entrance.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

The applicant complies with the rural housing policy.

The area is under severe development pressure. The proposal will result in a ribbon development of 10No. houses within 250metres or 13No. entrances along the public road within 300metres of road frontage. This is considered to be an excessive number of houses in a rural area.

By granting the dwelling house, further gaps will be created.

The proposal would seriously affect the rural area devoid of services and facilities.

Thomastown LAP 2009-2015, the proposal would further erode the concept of a compact town.

The local road has been realigned and this is not reflected on the site layout submitted.

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

Thomastown Area Office: Further information is required in respect of sightlines of 90metres in both directions shall be provided, with the boundary treatment set behind the identified sight lines, and details of surface water collection and disposal to ensure no discharge onto the road.

Irish water: No objections

Environment section had no objection

### 3.3. **Third Party Observations**

There were none received.

## 4.0 **Planning History**

There is no relevant planning history associated with the subject site.

In the vicinity of the site:

**03/960** Permission granted for 118No. dwellings (The Greens)

06/1565 Permission refused for 32 No. dwellings

## 5.0 Policy and Context

### 5.1. Development Plan

#### **Kilkenny County Development Plan 2014-2020**

##### **3.5.2.1 Areas under Urban Influence**

Areas classified as under Urban Pressure are located close to the immediate environs or commuting catchment of cities and towns or to major transport corridors with ready access to urban areas. They are characterised by rapidly rising populations and/or considerable pressure for housing development. It is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community (as identified in this section) while on the other hand directing urban generated rural housing to areas zoned for new housing development in the city, towns and villages. Areas under urban influence display the greatest pressures for development due to:

- Close commuting catchments of larger cities and towns,
- Population increases well above the average for the aggregate rural areas of the county.
- Ready access to a good road network with ready access to the larger urban areas.

**Rural Generated Housing:** Housing needed in rural areas within the established rural community by persons from that community or whose occupation is intrinsically linked with that particular rural area as defined in Section 3.5.2.3 below.

Subject to satisfying good practice in relation to site location and access, drainage and design requirements, rural generated housing need should be facilitated as close as possible to its origin to ensure that strong local ties are maintained and that the applicant remains an intrinsic part of the local community.

**Ribbon Development:** is defined as existing where there are 5 or more houses on any one side of a given 250 metres of road frontage. If four houses exist on any one side of a given 250 metres of road frontage, it is likely that ribbon development may be created with an additional house.

Ribbon Development is discouraged for a variety of reasons, including road safety, future demand for the provision of public infrastructure and visual impact. The Planning Authority will have discretion to allow well spaced infill ribboning to

complete a particular settlement pattern only, but not where it will lead to further gap infill sites or the coalescence of separate ribbons of development or, in combination with other ribbons, lead to the over proliferation of houses resulting in overdevelopment creating ribbon development, wastewater disposal difficulties, traffic or other serious planning issues in the immediate area.

## **Thomastown Local Area Plan 2019**

### **Core Strategy**

**CS1:** It is the policy of the Council to support the sustainable long-term growth of Thomastown and continued consolidation of development within the town boundary.

### **Objectives**

It is an objective of the Council

**CSO1.1:** To support and facilitate development on zoned lands at appropriate locations and deliver at least 30% of all new homes within the existing built-up footprints in Thomastown to satisfy the housing needs of the town over the period of the plan.

**CSO1.2:** To provide for serviced sites with appropriate infrastructure in accordance with Objective 18 (b) of the National Planning Framework ca. 2.8ha of land has been identified in this LAP to facilitate such a proposal.

**CSO1.3:** To implement the zoning objectives set out in Appendix A of this LAP.

**CSO1.4:** To manage the provision of one off housing on lands zoned as 'Agriculture'. Limited one off housing will be permitted in accordance with the policy set out under Section 6.4. The subject site is located outside of the LAP development plan boundary.

## **6.4 HOUSING ON LANDS ZONED FOR AGRICULTURE**

Land within the agricultural zone will not be considered for intensive commercial or residential development during the lifetime of this LAP. This is considered to be a strategic reserve for the future development of Thomastown, which will allow for the strategic expansion of the plan area.

Such designation is required to prevent urban generated development which would interfere with the operation of farming and prejudice the future planning and development of the area. On lands zoned for agriculture within the development

boundary of the Thomastown LAP, housing will be restricted to the following categories of persons providing for their first home to satisfy their own housing need:

- Persons whose primary employment is in agriculture, horticulture, forestry or bloodstock, or other rural based activity, in the area which they wish to build,
- Sons and daughters of the landowner
- Persons who are long standing residents in the “Agricultural” zoned area

## 5.2. **Natural Heritage Designations**

The site is not located within or close to any designated sites. The nearest designated site is approximately 2Km to the south of the village, the River Barrow and River Nore SAC (Site code 002162).

## 6.0 **The Appeal**

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

The following is a summary of the relevant grounds of appeal.

- The first sentence of Reason no. 1 of the refusal is factually incorrect. The site is serviced by a public sewer, it is served by a public water mains, it has electricity and phone connections, there is a footpath from the site into Thomastown with public lighting.
- Directly opposite the site there is planning permission for 110No. houses under planning reference 03/960. The Bord granted planning permission for 7No. houses under reference 06/1565.
- The Planner’s Report states, it is the planning authority’s policy to facilitate the rural generated housing of the local rural community, and that the applicant complies with the rural housing policy.
- The subject site is infill in a row of 10No. dwellings, and has no use for any another purpose. There is no reason to believe a precedent would be set by granting it permission. It is not possible for other infill sites to be created by granting permission for the development.
- The applicant has lived in the area all of his life.

- Kilkenny Co. Co. see fit to grant permission for hundreds of houses in Mount Juliet and the Fairgreen development but shows no indication of de-zoning the Fairgreen area where the permission has lapsed and houses have not been built, and yet refuse Mr. Kelly's single house application. The Council should be accurate, reasonable and consistent in adjudicating applications especially during a housing crisis.
- It would be interesting to see how many houses have been built in Thomastown since the financial crisis i.e. since 2008 almost 11 years. The proposed development will not result in urban sprawl.
- The realignment of the public road was carried out after the application was lodged, and the sightlines have been improved.

## 6.2. Planning Authority Response

The planning authority has nothing further to add on appeal.

## 7.0 Assessment

7.1 I intend examine this proposal under the following headings:

- Development Plan Policies
- Siting and Design
- Traffic
- Appropriate Assessment
- EIA Screening

## 7.2 Development Plan Policies

The newly adopted Thomastown LAP 2019 came into affect on 6<sup>th</sup> of May 2019. The subject site is located outside of the development boundary for the town. I note the housing estate, The Green, located further west along Station Road, is included within the Thomastown development plan boundary.

The site located to the west of the railway and railway station along Station Road, which runs from Thomastown to Mount Juliet estate. Station Road is flanked for most of its length by linear developments. The subject site is located to the side of row of

semi-detached cottages. As the site is located outside of the LAP boundary and unzoned as stated in the planning authority's first reason for refusal, the settlement policies of the **Kilkenny County Development Plan 2014-2020** are applicable. According to the definitions of the development plan, the area is considered to a *Rural Area under Urban Influence*, and there is an extensive level of ribbon development along both sides of Station Road and the in-depth housing estate in close proximity to the site. The applicant was born and raised in the area, he has family living along Station Road and works locally in Bennetsbridge. It is considered he complies with the local housing needs policy of the development plan.

### 7.3 **Siting and Design**

The prevalent development pattern in the area is a mix of house types in a linear formation along Station Road. Realigned sections of the road also host linear housing. *The Greens* housing estate is an exception to the general pattern of development in the area. There area is serviced by public infrastructure and there is a footpath from the site into Thomastown centre, therefore the area cannot be described as an unserviced rural area as stated in Reason No. 1. However, albeit serviced, the lands are unzoned and outside of the LAP boundary for Thomastown.

The subject site has narrow along the road frontage. The site rises away from the road frontage to the rear site boundary. The single storey dwelling is proposed along the same front building line as the semi-detached cottages to the west of the site.

Overall, in my opinion, given the scale and layout of the proposed dwelling, the proposed development will integrate seamlessly into the existing pattern of development of the area.

### 7.4 **Traffic**

As stated, the subject site has a narrow road frontage. The sightlines along the road frontage are restricted to the east and west of the proposed entrance. The sightlines as indicated on the submitted drawings are not available and would require third party consent for the removal and modification of third party's property. Given the level of accesses along Station Road in the vicinity of the site, and the level of traffic on the

road, its narrow width, and lack of a road verge, I would be concerned about traffic movements in and out of the site given the restricted sightlines at the proposed entrance. I would agree with the planning authority's second reason for refusal and I recommend that it is upheld by the Board.

## **7.5 Appropriate Assessment**

A screening assessment was carried out by the planning authority and is noted. It identified 4 Natura 2000 sites within 15km of the appeal site, these are:

River Barrow and River Nore SAC (Site Code 002162), 2km from development boundary.

River Nore SPA (Site Code 004233) 1km from proposed development.

Thomastown Quarry SAC (Site Code 2252) 2.9km from proposed development.

Hugginstown Fen SAC (Site Code 000404) circa 8.8km from the proposed development.

The proposal has no direct effects in that it is not located within the boundaries of the Natura 2000 sites and does not entail direct habitat loss. Both the Thomastown Quarry SAC and Hugginstown Fen SAC are too remote from the site with no potential path source way receptors between the site and the designated sites. I am satisfied that the adequate construction management proposal would prevent the accidental discharge of suspended solids and hydrocarbons to the River Barrow and River Nore SAC and that the project would have no significant effects, direct or indirect on the conservation objectives of the Nore SPA.

It is reasonable to conclude the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Barrow and River Nore SAC and the River Nore SPA, or any other European Site in view of their Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

## 7.6 EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

## 8.0 Recommendation

8.1. I recommend the decision of the planning authority to refuse the proposed development be upheld by the Board for the following reason.

## 9.0 Reasons and Considerations

It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in both directions.

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Caryn Coogan  
Planning Inspector

4<sup>th</sup> of June 2019