



An
Bord
Pleanála

Inspector's Report ABP-304698-19.

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| Development | Permission to sub-divide existing site and construct 2 new dwellings. |
| Location | 1 Rinawade Close, Leixlip, Co. Kildare. |
| Planning Authority | Kildare County Council . |
| Planning Authority Reg. Ref. | 19/335. |
| Applicant(s) | Patrick O'Donoghue. |
| Type of Application | Permission. |
| Planning Authority Decision | Refuse. |
| Type of Appeal | First Party |
| Appellant(s) | Patrick O'Donoghue. |
| Observer(s) | Claire O'Sullivan. |
| Date of Site Inspection | 22 nd August, 2019. |
| Inspector | A. Considine. |

1.0 Site Location and Description

- 1.1. The subject site lies to the west of the centre of Leixlip and to the north of the M4, within a well established suburban residential estate Rinawade Close. The site is accessed of Green Lane and Barnhall Road and the estate comprise two storey detached and semi-detached house. Off street car parking is provided for each house to the front with private rear gardens to the rear. There are pockets of public open space throughout the estate, many small and planted with trees. The site is located approximately 1km from the Leixlip Louisa Bridge station.
- 1.2. The subject site lies at the end of a cul-de-sac and comprises a semi-detached house with rear garden, and a small parcel of green space to the front of the house. There is a small hammerhead turning area located to the front of the subject site and the attached house to the north east. On the date of my site inspection, three cars were parked within the subject site, with a further car located to the side of the house, behind high gates, and two cars were parked in the hammerhead turning area. The subject site has a stated area of 0.048ha.

2.0 Proposed Development

- 2.1. Permission is sought for the subdivision of an existing property with 2 new dwellings at the end of a cul-de-sac. (i) Unit A – 1 No. detached 2 storey, 2 bed house to the front garden area. Private terrace at first floor enclosed by obscure glass and a timber screen. New boundary wall to private garden at ground floor. (ii) Unit B – 1 No. 2 storey, 2 bed house with bay window and gabled roof to side of existing 2 storey semi-detached house. Existing rear garden subdivided with new boundary wall, all to the rear. (iii) 4 No. car park spaces and bin storage to a new shared access area, all to the front. (iv) Alterations to existing gable wall of house and all associated site and development works, all at 1 Rinawade Close, Leixlip, Co. Kildare.
- 2.2. The proposed Unit A is to be a two storey, flat roofed 2 bed roomed house with a floor area of 91m² and which will have a rear garden space with an area of approximately 35m² with a first floor balcony of 20m². This balcony is to be enclosed with a 2.1m high opal glass and timber screen. To the front (north), the first floor of this house will oversail the proposed car parking area below. This modern building

will employ a mix of white brick and select windows and will be different completely from the existing houses.

- 2.3. Proposed Unit B is to be located immediately adjacent, and connected to, the existing house on the site. This house will have a stated floor area of 170m², with an additional 6m² proposed at attic level. The internal floor of the house will measure 4m in width at the front, reducing to 3.5m at the rear and will have a rear garden of 62m². The building will match the length of the existing house on the site, which will retain a private garden area of 106m² at the rear. The finish of Unit B will reflect that of the existing house but will provide a more modern projecting bay.

3.0 Planning Authority Decision

3.1. Decision

The PA decided to refuse permission for the proposed development for the following stated reasons:

1. It is considered that the proposed development would, by reason of the restricted nature and location of the site forward of the established building line and the proximity to and overbearing of adjoining properties, be seriously injurious to the amenities of the established residents in the vicinity of the subject site, depreciate the value of properties in the vicinity, constitute overdevelopment of a confined suburban site, be out of character with the established built form and could constitute an undesirable precedent for similar development in similar suburban locations throughout County Kildare. The proposed development would, therefore materially contravene the stated zoning objective of the site to 'protect and enhance the amenity of established residential communities and promote sustainable intensification' and be contrary to the proper planning and sustainable development of the area.
2. The proposal to create a courtyard-type space between the two proposed residential units and the existing residential unit to serve for bin storage, pedestrian circulation, the principle front door access of all three units, and car parking for the existing and proposed units is inadequate and would result in the substandard provision of car parking and would create a conflict of uses,

limiting access to each of the units, in particular the dwelling identified as Unit B and as such would provide a poor standard of residential amenity for prospective residents of the existing dwelling and proposed dwellings on site and would be contrary to the proper planning and sustainable development of the area.

3. The applicant has not demonstrated that the proposed development can be connected to the public water supply and public sewer to the satisfaction of Irish Water and the Water Services Section of Kildare County Council as the proposal to locate the services under a proposed dwelling unit is unacceptable, the proposed development, therefore, would be prejudicial to public health and to the health of prospective occupants.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report on the file considered the proposed development in terms of policy, layout and design, residential amenity, roads and traffic and water services. The report also notes the submissions made to the file in relation to the development and AA screening is also included. The report recommended that further information be sought in relation to the following

1. water services and connections
2. amendments to the eastern façade of dwelling A and additional articulation of the entrance to the dwelling.
3. bins storage structure details.

The Senior Executive Planner considered the above report and further information request and noted serious concerns in relation to the principle of the proposed development. The report concludes that unit A will be overbearing and obtrusive and out of character with the suburban area and that the creation of a confined courtyard between the houses is not large enough to accommodate all that is proposed for the area, including bin storage, car parking and pedestrian circulation. It is also note that the development would preclude access to unit B by proximity of car parking to the front door.

The report concludes that the development is unacceptable, would be seriously injurious to the amenities the established residents, would constitute overdevelopment of a confined suburban site, would be out of character with the established built form and could constitute an undesirable precedent for similar development in similar suburban locations throughout County Kildare. The SEP considered a split decision in relation to the proposed development but concluded that permission should be refused. A recommendation for refusal is presented and formed the basis of the PAs decision to refuse planning permission.

3.2.2. Other Technical Reports

Internal Reports:

Area Engineer: No objections

Water Services: Refusal recommended as the site is restricted as demonstrated by the fact that the applicant proposes to construct foul and surface water drain services beneath a proposed house which is not recommended and will lead to problems in the future. There would be no objection to proposed Unit B.

Roads Section: Further information required. The applicant is required to show how it is proposed to provide for additional car parking spaces in accordance with Chapter 17 of the Kildare County Development Plan 2017-2023.

Prescribed Bodies:

Irish Water: Further information required as the applicant proposes to construct foul and surface water drain services beneath a proposed house which is not acceptable. The applicant is required to submit a pre-connection enquiry to IW to assess the feasibility of water and wastewater connections.

3.2.3. Third Party Submissions

There were 4no. submission, including one with multiple signatures, in relation to the proposed development. The issues raised are summarised as follows:

- The addition of a dwelling would create a terrace, depreciating the value of existing semi-detached house

- There are no terraced houses within the development
- The proposed design is not in keeping with existing houses.
- There is no capacity in the cul-de-sac for additional cars and traffic which would pose a danger to children and hamper emergency services access.
- The building would be visually obtrusive and would represent an overdevelopment of the restricted site.
- Private open space provision is substandard.
- The proximity to existing houses would result in overlooking.
- The development would obstruct light from existing properties.
- Construction traffic would greatly disrupt the local community and cause damage to estate roads.
- Works required to build are likely to impact on existing houses and foundations.
- The existing house has been continuously rented for 20 years. The additional houses will also be used for this purpose

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref 10/83: Permission refused for the erection of a three-bedroom, two storey detached house and associated siteworks at No. 1 Rinwade Close, Leixlip, Co. Kildare.

The proposed house was to be located at the location of currently proposed Unit A and was refused for the following reason:

The proposed development by reason of:

- Restricted nature and location of the site forward of the established building line and at the end of a cul-de-sac
- Substandard provision of private open space
- Overdevelopment of the site

- Overlooking of and proximity to adjoining properties

would materially contravene the zoning objective of the site, would be visually obtrusive and out of character with the built form in the area, would result in a substandard development, would injure the amenities and depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

PA ref 97/141: Permission granted for the construction of 201 no. houses consisting of 13 no. detached and 188 no. 3 & 4 bedroom semi-detached houses with optional kitchen extensions and optional garages including boundary walls, open space and all associated site works with access off Easton Road, etc

5.0 Policy and Context

National Policy / Guidelines

5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

- 5.1.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality sustainable developments. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.
- 5.1.2. Section 5.9 of the guidelines deals with inner suburban / infill and part (i) states that 'In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.' The Guidelines further state that 'the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.'

5.2. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

- 5.2.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

Local Policy

5.3. **Development Plan**

The Kildare County Development Plan, 2017-2023 is the policy document relating to the subject site, with Chapter 17 – Development Management Standards, relevant to the subject appeal.

5.4. **Leixlip Local Area Plan 2017 – 2023**

The subject site is zoned 'B' in the LAP being 'Existing Residential'. It is the stated objective for this zoning 'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.'

The LAP seeks to support intensification and consolidation in the existing residential and built up area including redevelopment and infill opportunities where appropriate. The following are relevant LAP policies:

POLICY HC1 - Residential Development: Capacity and Delivery

It is the policy of the Council to ensure that sufficient land continues to be available at appropriate locations to satisfy the Core Strategy growth allocation for Leixlip and that each household has access to good quality housing that is appropriate to its circumstance.

Objectives:

HCO1.4 To encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the LAP area subject to compliance with the relevant development management standards of the County Development Plan (CDP).

Policy HC2 – Residential Density, Mix and Design

To ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.

5.5. Natural Heritage Designations

The site is not located within any designated site. The site is located at a distance of approximately 0.8km from the nearest SAC, Rye Water Valley / Carton SAC, Site Code 001398 (pNHA Site Code 001398).

The closest pNHA is the Royal Canal pNHA, Site Code 002103, located approximately 600m to the north of the site. The site is located approximately 4.2km to the north of the Grand Canal pNHA, Site Code 002104.

5.6. EIA Screening

Having regard to the nature of the subject site, together with the scale of the proposed development, 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 and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed development. The grounds of appeal are summarised as follows:

- As part of the planning application, the architects provided a solar study that addressed the effect of shadows created by the proposed houses.
- The report also demonstrated how the development complies with the technical standards of the LAP and CDP.
- There is conflict between the Planning Officers assessment and the final decision to refuse permission
- In terms of reason for refusal no. 1, the following is submitted;
 - The reference to material contravention only applies to Development Plans and not to Local Area Plans.
 - Infill development is acceptable in principle and the Planning Officer accepted that the proposed development is acceptable.
 - Both houses have been designed to suit the site size and contemporary house designs should be welcomed rather than being feared as they have been by the PA.
 - The purpose of the proposed design was to protect existing and future amenities for residents.
 - The Planning Officer determined that the development would be acceptable in terms of residential amenity and will not overshadow adjacent properties or result in overdevelopment of the site.
- Reason for refusal no. 2:
 - The one area of the development that doesn't comply with the CDP is the provision of car parking. However, given the location of the site in proximity to public transport, the reason for refusal is in conflict with the Climate Change Adaption Strategy for the County.
 - Compliance with the Strategy should take precedence over the CDP management standards.
 - There are Part M compliance accesses to all 3 houses.
 - The proposed houses will not be overbearing as there are numerous mature trees already located in the rear gardens of neighbouring houses that are much more dominating than the proposed structures.

- The buildings will be set back circa 400mm from the inside of the existing shared garden wall.
- Reason for refusal no. 3:
 - The services connections are not to the public mains and typical of the manner in which houses were developed. Connections are local and not mains.
 - The method of construction of the pipework will be in accordance with the standards for pipes running beneath a dwelling with inspection points proposed on either side.
 - The drain that all the houses connect into are not in charge or in the ownership of Irish Water and are private, typical throughout the estate.
 - The main water supply is off the on street feed pipework.

The report concludes that the development is a sustainable use of a large suburban site that is currently underdeveloped. The issues raised in the FI are technical in nature and can be addressed through appropriate conditions.

The appeal includes a report from Box Architecture.

6.2. Planning Authority Response

The Planning Authority submitted a response to the first party appeal noting the content of the appeal. The rationale for the PAs decision to refuse is set out in the memo of the SEP dated 21st May, 2019.

6.3. Observations

There is one observation noted from Ms. Claire O'Sullivan. The issues raised are similar to those raised during the PAs assessment of the proposed development and are summarised as follows:

- Depreciate house value and create a terrace in an estate where none exist. This would interfere with property rights.
- The house was design and purchased as a semi-detached.

- The proposed house designs are not in keeping with the existing development.
- Inadequate capacity on the cul-de-sac to accommodate cars.
- The development will interfere with residential amenity and would represent an overdevelopment of the site resulting in significant residential overcrowding.
- The development would set an undesirable precedent and would overlook adjacent properties.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Roads & Traffic
3. Water Services
4. Appropriate Assessment

7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.1.1. The site the subject of this appeal is located within an established residential estate in the western suburbs of the town of Leixlip Co. Kildare. The site is currently occupied by a semi-detached house and its associated private open spaces. The proposed development essentially proposes the construction of a house in the front garden area and a further house to the side of the existing semi-detached house, which would result in the creation of a terrace. The site is located at the end of a cul-

de-sac and includes a small area to the front of the site adjacent to the turning hammerhead and footpath. On the date of my site inspection, there were 2 cars parked on the road in the hammerhead, as well as 3 further cars parked within the site itself. The shape and location of the site renders it somewhat problematic in terms of the development of additional houses, however the site is zoned 'B' Existing Residential in the Leixlip Local Area Plan 2017-2023 and it is noted that the site can connect to public services.

7.1.2. As such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies, as well as local policy documents. The Sustainable Residential Development in Urban Areas (DoEHLG), 2009 Guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to consider the development potential of the subject site in accordance with said guidelines.

7.1.3. However, the 2009 Guidelines, at Section 5.9 which deals with inner suburban / infill, also states that 'in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.' As such, regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surrounding area and existing residential estate. The Rinawade estate comprises a development of detached and semi-detached houses and is approximately 20 years old. The estate road on the cul-de-sac is approximately 5m in width and facilitates car parking on either side. The wider estate includes pockets of open space and is landscaped including mature trees along the public roads. There are no terraced houses within the wider estate.

7.1.4. The development proposes the construction of 2 residential units on a suburban residential estate comprising 2 no 2 bed houses. The units will be laid out so as to establish a 'courtyard' area which will be used to provide 4 car parking spaces and bin storage areas. Pedestrian access to the houses is also provided through this courtyard area. The Board will note that the proposed units provide accommodation which generally achieves the minimum requirements of the CDP in terms of room

sizes, and open space provision but fails to achieve adequate car parking to serve the proposed development. I will discuss roads and traffic issues further below in section 7.2 of this report.

7.1.5. I also note that the proposed open space area proposed for unit A includes the provision of a first floor balcony. While I acknowledge the proposed boundary treatment for the balcony, in the context of the wider, and well established residential estate, together with the orientation and scale of the proposed house, I consider that the arrangement is inappropriate and would seriously injure the existing residential amenities of adjacent properties. In addition, and having regard to the proposed 'courtyard' area, I am not satisfied that the arrangement is appropriate and that if permitted, would lend itself to an unacceptable arrangement, giving rise to conflict between pedestrians and vehicles. The parking layout provides for the 4 spaces to be located immediately outside the front doors of the houses and while I acknowledge the submission that the entrances meet Part M requirements, in practice I would not be satisfied that adequate and uninterrupted access would be available.

7.1.6. The Kildare CDP provides guidance in terms of the design of dwelling houses, Section 17.4.5 refers, whereby certain standards are required to be met. These include as follows:

- Dual aspect shall be incorporated into all dwelling units.

The proposed development provides for dual aspect units.

- A minimum distance of 2.5m between semi-detached and detached housing shall generally be provided.

The proposed development provides for a separation distance of circa 400mm between the proposed units and the existing party wall to the west. The separation distance is dictated by the piers which currently exist on the boundary wall. The development, if permitted, will result in the creation of inaccessible gaps between the proposed units and the existing boundary wall.

- Adequate provision shall be made for the storage and collection of waste materials. Each house shall have adequate screened storage for at least 3 number 'wheelie' bins.

The proposed site layout provides for 3 bin storage areas to be located along the existing boundary wall to the west of the site and within the proposed courtyard / car parking area. As part of the appeal submission, the Board will note that the bin storage area proposed to serve unit A has been relocated to within the proposed 'rear' garden area of the unit. I have concerns in terms of the proposed location of these bin storage areas.

- Terraced / townhouse schemes shall include appropriate design measures for refuse bins, details of which should be clearly shown at planning application stage. Bins should not be situated immediately adjacent to the front door or ground floor window, unless adequate screened alcoves or other such mitigation measures are provided. Innovative design solutions shall be required in this regard.

The proposed development fails to comply with this requirement in my opinion, with the proposed locating of the bin stores to the front of the houses. While I note the proposed provision of storage structures to screen the bins themselves, access to them will be very restricted should cars be parked in front of them. I am not satisfied that the arrangement as proposed is appropriate or acceptable.

- Terraced / townhouse schemes shall include appropriate design measures for bicycle storage, details of which should be clearly shown at planning application stage. Storage should be provided through one of the following:

- (a) Incorporation of a utility/store room accessed from close to the front of the house.

The proposed layout of the 2 units does not provide for a utility room. Storage rooms are proposed, with unit As storage area being located inside the front door and unit Bs located under the stairs with access off the living room.

- (b) Provision of access to the rear of houses.

The amendment to the site layout plan provides for rear access to unit A. The nature of the overall site, together with the proposed development of unit B, excludes all access to the rear of the proposed house as well as the existing house on the site.

- (c) Provision of sheltered parking at a public space.

No sheltered storage is proposed.

In the context of the above, the Board will note the arguments raised by the appellant to accept a reduced car parking allocation on the basis of compliance with the Climate Action Strategy. In this context, I would consider that the development should support and encourage alternative modes of transport and if it is the intention of the development to promote a reduction in car use, appropriate provision should be made for secure bike storage within each unit. This has not been provided for.

- Special consideration should be given to boundary treatments particularly where these adjoin existing dwellings. Boundaries between the rear of existing and proposed dwellings shall be a minimum of 1.8m high and shall be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency.

The proposed new residential units are to be constructed within 400mm of the existing western boundary.

7.1.7. In terms of residential amenity, I have concerns, particularly with regard to the potential impacts on existing residential amenity and existing residents. In the context of the wider residential estate, I am not satisfied, notwithstanding the comments of the appellant, that the proposed development is appropriate or acceptable in terms of the protection of the existing amenities and privacy of adjoining dwellings. In addition, I am not satisfied that the proposed development adequately protects the established character of the Rinawade Close estate, or the cul-de-sac in which it is proposed. I further consider that the residential amenities of those properties which back onto the subject site and located within Easton Green estate to the west will also be impacted upon. In particular, I am satisfied that the development will result in a development which will constitute an overbearing visual obstruction given the height and massing of the proposed walls of the buildings which would face the private amenity areas of these houses.

7.1.8. Having regard to the above and acknowledging that the LAP for the area zones the lands for residential use, I consider that the proposed development is not acceptable. I further consider that a grant of planning permission would set an undesirable

precedent for similar type developments which would be out of character with the established residential estate and represent an overdevelopment of the site.

7.2. Roads & Traffic:

- 7.2.1. Access to the subject site is proposed over the existing and permitted road network in the vicinity, through the Rinawade residential estate and ultimately, along the cul-de-sac of Rinawade Close. Roads and traffic issues were raised as a concern by third parties throughout the PAs assessment of the proposed development. It is submitted that the existing road network is incapable of accommodating the level of traffic the development, if permitted, would generate. It is also noted that the existing house on the site appears to be rented and I observed 4 cars parked on the site, and to the side of the house behind the high gates, on the date of my inspection. There were 2 further cars parked on the hammer head turning area for the cul-de-sac which is located immediately adjacent to the site. The Board will note that the Roads, Transportation and Public Safety Department of the Council raised a concern in terms of car parking, requiring further information to be submitted to provide for additional parking.
- 7.2.2. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages), setting out an integrated design approach. Priority lies with pedestrians and one of the key design principles for roads include measuring street quality on the basis of quality of the pedestrian environment.
- 7.2.3. In this context, the Board will note my comments above in section 7.1.6 with regard to the proposed use of the 'courtyard' area for bin storage and parking directly outside the front doors of the proposed houses. I am not satisfied that the proposed

arrangement is acceptable in terms of pedestrian safety and would, if permitted, result in a conflict between pedestrians and vehicles, contrary to the proper planning and sustainable development of the area.

7.2.4. In terms of parking, the Board will note that the applicant has proposed 4 car parking spaces to serve the 3 dwellings. The Kildare County Development Plan requires that 2 parking spaces are provided for each unit. In this regard, the propose development does not comply with the requirements of the Development Plan. The Board will note the comments of the appellant in terms of the proximity of the site to public transport, arguing that a reduction in the number of parking spaces should be accepted. I would not agree for a couple of reasons.

1. It is envisaged that if permitted the existing house will continue to be occupied. On the date of my site inspection, 4 cars were parked within the site, with 2 further cars parked in the cul-de-sac parking area. While I could not confirm if these cars were associated with the subject site, it is clear that the parking situation for the existing house alone is at capacity.
2. The development fails to provide any appropriate facilities for the secure storage of bicycles. Given that access to the rear of two houses will be excluded if permission is granted, this is unacceptable.

7.2.5. I note the concerns of third parties in terms of the impacts associated with additional traffic on the cul-de-sac, and in the context of the site, I would agree. The development if permitted would constitute a traffic hazard on a street where the capacity to accommodate two further dwellings is limited.

7.2.6. Third parties have also raised concerns in terms of impacts associated with the construction phase of the proposed development, and I accept that there would be impacts to existing road users. In addition, I would note that there is no room on site to provide on-site parking during the construction phase so while I would be satisfied that these impacts are generally temporary in nature, the development would endanger public safety by reason of traffic hazard and obstruction of existing road users including pedestrians.

7.3. Water Services

- 7.3.1. The proposed development is to connect to existing services which serve the wider area. The public system appears to have adequate capacity to accommodate the proposed development but, it is noted that the proposed layout is considered unacceptable by both Irish Water and the Water Services Section of Kildare County Council. The development proposes to construct foul and surface water drains beneath a house and refusal is recommended for proposed unit A.
- 7.3.2. In response to the above, and submitted as part of the appeal document, the appellant submits that the services connections are not to the public mains, rather they are local and not to mains and are typical of the manner in which houses were developed. This method of construction of the pipework will be in accordance with the standards for pipes running beneath a dwelling with inspection points proposed on either side of the proposed building. It is further submitted that the drains that all the houses connect into are not in charge or in the ownership of Irish Water and are private, again as typical throughout the estate. The main water supply is off the on-street feed pipework. Finally, the appeal submits that any issues of concern are technical in nature and can be addressed through the attachment of appropriate conditions to a grant of planning permission.
- 7.3.3. In light of the above, I would not be satisfied that the proposed development is acceptable. I would also consider that given the gravity of the concerns from both Irish Water and the Councils Water Services Department, it would be wholly inappropriate to seek to address the concerns by way of condition. It is unclear as to how the concerns can be addressed given the very restricted nature of the site and therefore, I conclude that the proposals for the provision of water services is unacceptable and if permitted, would be prejudicial to public health, contrary to the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

The site is not located within any designated site. The site is located at a distance of approximately 0.8km from the nearest SAC, Rye Water Valley / Carton SAC, Site Code 001398 (pNHA Site Code 001398). The closest pNHA is the Royal Canal pNHA, Site Code 002103, located approximately 600m to the north of the site. The

site is located approximately 4.2km to the north of the Grand Canal pNHA, Site Code 002104.

- 7.4.1. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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

I recommend that planning permission be **Refused** for the proposed development for the following stated reasons.

9.0 Reasons and Considerations

1. Having regard to the restricted nature and prominent location of this end of cul-de-sac site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in inadequate car parking, would be overbearing and visually obtrusive on the streetscape and would be out of character with development in the vicinity.

The proposed development would contravene the zoning objective afforded to the site which seeks to 'protect and enhance the amenity of established residential communities and promote sustainable intensification', and would therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in a substandard form of development that would be out of character with the pattern of development in the area and would result in the poor disposition and quality of the communal

courtyard area, by reason of its intended use as car parking, bin storage and pedestrian circulation immediately adjacent to the front doors of the proposed houses, together with the lack of bike storage or sufficient on-site car parking spaces to comply with the requirements of the Kildare County Development Plan 2017-2023.

The proposed development would compromise pedestrian safety by reason of traffic hazard, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Based on the information submitted, the Board is not satisfied that the proposed development can be appropriately connected to the public water services in accordance with the requirements of Irish Water and the Water Services Section of Kildare County Council. The proposal to locate water service pipework below a dwelling is not acceptable and it is therefore concluded that if permitted, the development would be prejudicial to public health and would compromise the residential amenity of future occupants, contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
17th September 2019