



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311707-21

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<b>Development</b>	Proposed new 1.2m high boundary wall/railing to the front and side boundary.
<b>Location</b>	6 Willow Drive, Primrose Gate, Celbridge
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	211148
<b>Applicant(s)</b>	Seamus & Laura Ryan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Seamus & Laura Ryan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> January 2022
<b>Inspector</b>	Liam Bowe

## **1.0 Site Location and Description**

- 1.1. The subject site is located on the south eastern side of Celbridge in Co. Kildare, approx. 1km from the main street in the town. The site is located within a street of 10 dwelling units, known as Willow Drive, which is part of a wider area of residential development known as Primrose Gate. Willow Drive is accessed from Willow Park (R405) to the west of the Primrose Gate development. The area is residential in character.
- 1.2. The site, which has a stated area of 0.0417 ha, comprises a detached two-storey dwelling (182.7 sqm in area) on a corner site, with a large rear garden area, as well as associated open front garden area that wraps around the front of the dwelling along the northern and eastern boundaries. Vehicular access to the appeal site is via Willow Drive. There are 2 no. associated car parking spaces at the western side of the appeal site. The site is bounded to the west by semi-detached two storey houses, and to the south by a block of two-storey apartments. The corner site opposite has a similar house to that of the appeal site, as have other corner sites within this part of the residential development.

## **2.0 Proposed Development**

- 2.1. Permission is sought for a new 1.2m high boundary wall/railing along the street boundaries to the front and side of the house to enclose the existing semi-private open space. The proposed finishes are brick to a height of 0.4m, that will match the existing dwelling, and tubular fencing.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority issued a Notification of Decision to Refuse Permission because it was considered that the proposal to enclose the semi-private open space to the front of the house would alter the character of the overall street, would set a precedent for similar developments, and would depreciate the value of property in the vicinity.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officer raised concerns regarding the visual impact of the proposed development, consistency with development plan policy and recommended that permission be refused for a reason which is in accordance with the notification of decision issued.

### 3.2.2. Other Technical Reports

Area Engineer: No objection. Conditions recommended.

Water Services Section: No objection.

Transportation Section: No objection. Condition recommended.

## 3.3. Prescribed Bodies

None.

## 3.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. Appeal Site:

**PL09.204147:** Permission granted for a mixed residential development with 436 dwellings, creche, local service units, open space, infrastructural works, site development works on site of 31 acres.

### 4.2. Sites to the West:

**P.A. Ref. No. 20/456:** Permission granted for retention of alteration of a footpath to accommodate off street vehicle parking, erection of 0.8m high brick wall forming a front garden boundary and hard surfacing of this front garden at 30 Willow Rise, Primrose Gate, Celbridge.

**P.A. Ref. No. 20/457:** Permission granted for retention of alteration of a footpath to accommodate off street vehicle parking, erection of 0.8m high brick wall forming a front garden boundary and hard surfacing of this front garden at 32 Willow Rise, Primrose Gate, Celbridge.

**P.A. Ref. No. 20/459:** Permission granted for retention of alteration of a footpath to accommodate off street vehicle parking, erection of 0.8m high brick wall forming a front garden boundary and hard surfacing of this front garden at 34 Willow Rise, Primrose Gate, Celbridge.

## 5.0 Policy Context

### 5.1. Celbridge Local Area Plan 2017-2023

Zoning: B – Existing Residential/Infill, ‘to protect and enhance the amenity of established residential communities and promote sustainable intensification’.

### 5.2. Kildare County Development Plan 2017-2023

Variation 1 of the Kildare Development Plan (adopted June 2020) identifies Celbridge as a self-sustaining town.

Section 17 relates to Development Management Standards:

Table 17.5 sets out minimum private open space requirement

Section 17.4.8 relates to extensions

### 5.3. National Guidance

#### 5.3.1. Design Manual for Urban Roads and Streets (2019)

Section 4.2.3 Active Street Edges

- “Active Street Edges Active street edges provide passive surveillance of the street environment and promote pedestrian activity.”
- “Designers should seek to promote active street edges on all streets within cities, towns and villages.”

## 5.4. Natural Heritage Designations

- 5.4.1. The subject site is not located within or adjacent to any designated European Site. The nearest such site is the Rye Water Valley/Carton Special Area of Conservation (001398), which is situated approx. 4.2 km to the north of the site at its closest point.
- 5.4.2. The Royal Canal pNHA, Site Code 002103, lies approximately 4km to the north of the site. The Grand Canal pNHA, Site Code 002014, lies approximately 1.8km to the south east of the site. The Rye Water Valley/Carton pNHA (is situated approx. 4.2 km to the north of the site.

## 5.5. EIA Screening

The proposed alterations of boundaries to the existing residential dwelling is not a class of development for which EIAR is required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are submitted by Seamus and Laura Ryan, 6 Willow Drive, Primrose Gate, Celbridge, Co. Kildare (first party and owners/occupants of the house on the appeal site). The main points made can be summarised as follows:
- Contend that Kildare County Council has granted permission for three similar developments in the estate.
  - Contend that the open plan arrangement does not work as a private open space.
  - Wish to clearly demarcate their property.
  - No objection to the proposed development on the grounds of visual amenity or depreciation of property values from the people who live in the estate.
  - Concerned about public liability for trespassers and a wall will enable them to protect their property from dog fouling.

## 6.2. **Planning Authority Response**

The response received states that the Planning Authority confirms its decision and that the issues raised in the appeal have been covered in the planner's report.

## 6.3. **Observations**

None received.

## 7.0 **Assessment**

I consider that the main issues in the assessment of this appeal are as follows:

- Design and Visual Impact
- Appropriate Assessment

### 7.1. **Design and Visual Impact**

- 7.1.1. The grounds of appeal contend that Kildare County Council has granted permission for three similar developments in the estate and that the existing open plan arrangement does not work as a private open space. The appellants highlight the fact that there was no objection to the proposed development on the grounds of visual amenity or depreciation of property values from the people who live in the estate.
- 7.1.2. I note the precedent quoted by the appellants (outlined in the Planning History earlier in this report). The three sites referred to by the first party are located within Willow Rise, Primrose Gate approx. 100m to the west of the appeal. I consider these examples quoted as precedent by the first party to be different from the type of boundary proposed under this appeal. In this regard, the appeal site contains a house that was specifically designed for this corner site which is similar to other dwellings in close proximity on corner sites. The examples given are mid-terrace houses that were originally designed with a setback from the street edge such that I consider a front boundary can be accommodated without significantly impacting on how any of these dwellings present to the street or on the overall design coherence and character of the area.

- 7.1.3. Following my site inspection, I am satisfied that these sites are sufficiently removed/distant and within a clearly separate part of the overall development from the appeal site so as not to constitute a reference point for a precedent.
- 7.1.4. I note that Section 28 guidelines issued within the Design Manual for Urban Roads and Streets states that:
- “Higher levels of privacy are desirable where residential dwellings interface with streets. This may be provided via a small setback (for example 1-3 metres) which incorporates planted strip that defines public and private space.”
- I am satisfied that the existing planted strip/area of semi-private open space along the frontage of the appeal site provides a buffer and clearly define the private domain from the public.
- 7.1.5. The area to the front of the house is, effectively, a landscaped strip and not a private open space. I do not, therefore, consider that the first party reasoning to enclose it to prevent trespass and dog fouling is not a justifiable planning reason for this form of development.
- 7.1.6. I consider that the established siting of houses close to the footpath edge, separated by narrow strips of semi-private open space to the front of the houses in an open plan arrangement is an intrinsic part of the design approach that leads to a distinctive character in this area and a strong design coherence. The proposed development comprising the enclosure of part of this prominent corner site would have a significant negative impact on the overall design coherence and negatively impact both the character and visual amenity of the area.
- 7.1.7. I note the first party’s comments regarding the depreciation on property value in the area and its inclusion by the Planning Authority in the reason for refusal. There is no evidence presented that this would occur. Consequently, I am satisfied that the proposed development would not adversely affect the value of property in the vicinity, and this should not be included in any reason for refusal.

## 7.2. **Appropriate Assessment**

- 7.2.1. The site is not located within any designated site. The nearest such site is the Rye Water Valley/Carton Special Area of Conservation (001398), which is situated

approx. 4.2 km to the south of the site at its closest point. The site is not directly connected to this European Site or any other by any hydrological connection.

- 7.2.2. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, an urban and fully serviced location remote from any European site and the absence of any direct or indirect pathway between the appeal site and any European site, 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 permission is refused in accordance with the following reasons and considerations.

## **9.0 Reasons and Considerations**

The site of the proposed development forms part of an existing residential development where the siting of houses close to the footpath edge, separated by narrow strips of semi-private open space to the front of the houses in an open plan arrangement is an intrinsic part of the design approach that leads to a distinctive character and strong design coherence. The proposal to enclose this space to the front of the building with a wall and railings would be inconsistent with this established design approach such as to create a visually incongruous element in the streetscape, would alter the character of the overall street and would set a precedent for similar developments. It is considered that the proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Liam Bowe  
Planning Inspector

31<sup>st</sup> January 2022