



An
Bord
Pleanála

Inspector's Report ABP-312595-22

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| Development | Demolition of existing two-storey dwelling and construction of 10 two-storey dwellings. |
| Location | Clough, Rathasker Road, Naas, Co.Kildare. |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 21940 |
| Applicant(s) | Rathasker Developments Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Carraig Oscair Residents Assoc. |
| Observer(s) | None |
| Date of Site Inspection | 22 nd February 2022. |
| Inspector | Lucy Roche |

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 4 |
| 3.1. Decision | 4 |
| 3.2. Planning Authority Reports | 5 |
| 3.3. Prescribed Bodies | 6 |
| 3.4. Third Party Observations | 6 |
| 4.0 Planning History..... | 7 |
| 5.0 Policy Context..... | 8 |
| 5.1. Kildare County Development Plan 2017-2023 (as varied) | 8 |
| 5.2. Naas Town Plan 2021-2027 | 9 |
| 5.3. Natural Heritage Designations | 10 |
| 5.4. EIA Screening | 10 |
| 6.0 The Appeal | 10 |
| 6.1. Grounds of Appeal | 10 |
| 6.2. Applicant Response | 11 |
| 6.3. Planning Authority Response | 12 |
| 7.0 Assessment..... | 12 |
| 8.0 Recommendation..... | 17 |
| 9.0 Reasons and Considerations..... | 17 |

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Rathasker Road in Naas, c800m southwest of Naas town centre. Rathasker Road is a minor local road that extends south from the centre of Naas. Having been bisected by the Naas Ring Road c325m to the south, the northern section of Rathasker Road has become a vehicular cul-de-sac, with pedestrian link to the ring road. Existing development within the immediate vicinity of the site comprises mainly single houses with direct access onto Rathasker road. While lands further south are developed / under development, the appeal site delineates the end of the built-up area along Rathasker Road itself and as a result vehicular movement in the immediate vicinity of the site is limited.
- 1.2. The appeal site, with a stated area of 0.29ha, comprises Clough, a two storey (now vacant) farmhouse dating back to c1930, associated stables and shed. The rear curtilage of the property is currently in use as a parking and construction depot servicing the ongoing development of adjoining lands to the west (ABP19/305701)
- 1.3. The farmhouse fronts directly onto Rathasker Road. The site is served by an existing vehicular entrance off Rathasker Road which is located to the north of the dwelling and stable block. There is a newly constructed retaining wall around the majority of the southern and western site boundaries, an existing mature hedge delineates the boundary with the adjoining property (detached dwelling) to the north.

2.0 Proposed Development

- 2.1. The proposed development as presented to the Planning Authority on the 28th June 2021 comprised:
 - (i) The Demolition of an existing 2 storey dwelling and stable block
 - (ii) The construction of 10 no. two-storey dwellings consisting of 2 no semidetached units facing onto Rathasker Road (in place of the existing dwelling), 1 no. terraced block containing three units and 1 no. terraced block containing five units
 - (iii) Construction of a new wastewater pumping station with new rising main to service part of the site

- (iv) Revisions to the existing vehicular entrance and construction of new internal access road to service dwellings and all ancillary site works.

2.2. The development was amended in response to a request for further information as follows:

- (i) A revised site layout relocating proposed dwellings to the south and construction of boundary wall to the north.
- (ii) Retention of Clough Farmhouse and single storey extension to rear of same,
- (iii) Proposed demolition of part of existing stable block and first floor extension to remaining section of same,
- (iv) A revised foul sewer layout removing any requirement of a wastewater pumping station

2.3. The proposed development (as amended) comprises:

- Extensions / alterations to the existing vernacular dwelling, Clough Farmhouse
- The construction of 9no dwellings, in three house types ranging in size from 90sqm to 114sqm.
- Each unit is to be served by 2no parking spaces (with EV charging points)
- Private rear gardens range in size from 46sqm to 99sqm
- An area of public open space (stated as 0.043ha) to the northwest corner of the site
- Access off Rathasker Road

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council, by order dated 21/12/2021 issued a decision to grant permission for the development as amended subject to 27 conditions, the following of which are noted:

Condition 9 – Specified finishes

Condition 10 – restricted the use of the attic space to home office / storage use

Condition 12 – required the submission of an outdoor lighting report

Condition 21 – prohibited the sub-division of units

Condition 25 – Section 47

Condition 26 – required the payment of security

condition 27 – Development contributions (Section 48)

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the planning officer considers that the principle of the residential development is acceptable however they raised concerns regarding the proposed demolition of the existing vernacular farmhouse and requested further information on this issue. Further information was also requested on issues raised by the Roads and Transportation and Housing Departments as well as in relation to proposals for boundary treatment along the northern boundary - an issue raised in the third-party submissions. The second planning report, completed following the receipt of further information, recommends a grant of permission that is consistent with the notification of decision which issued.

3.2.2. Other Technical Reports

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|-------------------------------|--|
| Housing (06/08/2021): | <i>Further Information Requested</i> |
| Housing (03/12/2021) | <i>Clarification requested on date of site purchase.</i> |
| Water Services (21/07/2021) | <i>No objection subject to conditions</i> |
| CFO (22/07/2021) | <i>No objection subject to conditions</i> |
| Env. Services (28/07/2021) | <i>No objection subject to conditions</i> |
| Heritage Officer (10/08/2021) | <i>No objection</i> |
| Roads (12/08/2021) | <i>Further Information Requested</i> |
| Roads (09/12/2021) | <i>No objection subject to conditions</i> |

3.3. Prescribed Bodies

Irish Water (26/07/2021)

No objection subject to conditions

3.4. Third Party Observations

A number of observations were made to the planning authority. The submissions received addressed the development as originally proposed. The content of these submissions can be summarised as follows:

- Opposition to the demolition of Clough Farmhouse considered a fine example of traditional vernacular architecture
- The zoning of the site under the Draft Naas LAP, B – Existing/Infill residential development supports development more in keeping with the existing pattern of development within the immediate vicinity of the site and not the density of development proposed at c34/ha which is considered excessive.
- Query the need for additional housing having regard to the extensive residential development (c1346 units) carried out in Naas since 2016 with permission granted for a further c750 units
- Inadequate public transport
- lack of community / recreational facilities in the area
- Traffic hazard
 - Cars reversing onto public road
 - Increased traffic on narrow road with no footpaths / cycle paths where pedestrian movements are likely to increase as a result of neighbouring developments and planned pedestrian link from Carrig Oscair
 - Inadequate sightline distances to the south of the proposed entrance
 - Construction traffic / no traffic management plan
- Inaccuracies in the planning report submitted in support of the application
- Contravene the provisions of the Naas LAP and county Development Plan

- Boundary treatment along the northern site boundary.
- Concerns re. surface water drainage at entrance having regard to extent of hard surfacing proposed
- Suburban design and height of dwellings proposed
- Impact on residential amenity of neighbouring property by way of overlooking, overbearing and overshadowing (original scheme)
- Lack of usable public open space

4.0 Planning History

4.1. *Appeal Site:*

KCC Ref:18/891 Permission granted (2019) to demolish a single storey extension to the rear of existing dwelling, removal of existing temporary structures, new WWTS, pedestrian entrance and internal site boundaries. Outline permission for 2no. detached two storey dwellings to the rear of the site with associated WWTS's etc

4.2. *Other Sites*

ABP19/305701 Permission granted (2020) for Strategic Housing Development Comprising 314no residential, creche and retail unit. Currently under construction

KCC Ref:09/500072 Permission granted (2010) for the construction of 84 no apartments, a 2-storey building consisting of 1 no. ground floor creche & 1 no. first floor meeting room, underground carpark for 363 parking spaces & 19 surface car-parking spaces, all ancillary works.

Extension of duration granted under KCC Ref:15/510

5.0 Policy Context

5.1. Kildare County Development Plan 2017-2023 (as varied)

5.1.1. The settlement strategy identifies Naas as a Key Town. Key towns are large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres. They have the potential to accommodate commensurate levels of population and employment growth, facilitated by their location on public transport corridors and aligned with requisite investment in services, amenities, and sustainable transport. The growth of the Key Towns will require sustainable, compact, and sequential development and urban regeneration in the town core

5.1.2. The Relevant policies and objectives of the Development Plan are Set Out below

- Policy SS 2 Direct growth into the Key Towns.
- Chapter 12 - Section 12.6.1 Vernacular Architecture
 - VA1 Encourage the protection, retention, appreciation, and appropriate revitalisation of the vernacular heritage of the county
 - VA2 Resist the demolition of vernacular architecture, in particular thatched cottages and farmhouses and to encourage their sensitive reuse having regard to the intrinsic character of the structure.
 - VA6 Ensure that both new build, and extensions to vernacular buildings are of an appropriate design and do not detract from the buildings character.
 - VA8 Have regard, where appropriate, to guidance in the DAHG Guidelines and conservation best practice in assessing proposed

interventions and planning applications relating to vernacular structures, traditional farmhouses, their curtilage, out buildings and settings.

- Chapter 17 – Development Management Standards

- Section 17.4.5 – Dwelling Houses – Design/Layout / Boundary treatment.

Table 17.5 sets out the Minimum Private Open Space Requirements for Dwelling Houses as follows:

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|---------------|-------|
| Two Bedroom | 55sqm |
| Three Bedroom | 60sqm |
| Four-bedroom | 75sqm |

- Section 17.4.7 Public Open space for residential Development
- Section 17.7.6– Car Parking standards

5.2. Naas Town Plan 2021-2027

5.2.1. The Naas Local Area Plan 2021 - 2027 came into effect on 1st December 2021.

5.2.2. The appeal site is zoned B – Existing residential / Infill - To protect and enhance the amenity of established residential communities and promote sustainable intensification.

5.2.3. Lands further to the northeast along Rathasker Road have been designated as 1 of 6 Core Regeneration Areas – CRA 4 Rathasker Road. The application site does not form part of this area however it is noted that as part of the Urban Design Framework for this area that *It is envisaged that Rathasker Road maintains its cul-de-sac status and is prioritised for pedestrians and cyclists.*

5.2.4. Relevant Policy

- CSO 1.1 Support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas.

- MTO 1.10 Seek to retain the character of Rathasker Road, Craddockstown Road and other rural links on the outskirts of the town and the extent of their approach to the town centre and to develop them as a connected series of walking routes in conjunction with Slí na Sláinte and other relevant bodies

5.3. Natural Heritage Designations

The appeal site is not located on or within close proximity to any designated Natura site. The closest designated sites in the wider area are:

- Grand Canal NHA c0.8km to the northwest
- Mounds Bog SAC / NHA is located c8km to the west
- Red Bog SAC/NHA c8.9km to the east

5.4. EIA Screening

Having regard to the scale of the proposed development comprising only 9 no. houses and the location of the site outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

The following is a summary of the main issues raised in the third-party grounds of appeal:

- They support Clough farmhouse as an important example of vernacular architecture, that contributes to the rural character of Rathasker Road and welcome the revised proposals to retain Clough however raise issue with the proposed (partial) demolition of the stable block.

- They note that no conservation report was submitted in support of application
- They raise concerns regarding the lack of appropriate conditions in the decision relating to the restoration / reuse of 'Clough': protection for damage during construction; when and how the proposed works are to be carried out; who will carry out the proposed works and request that in the event the Board decide to grant permission for the applicants' proposals, adequate conditions be attached to the grant of permission to ensure the timely restoration of the farmhouse.

6.2. Applicant Response

The following is a summary of the main issues raised in the applicant's response to the third-party grounds of appeal:

- They state that as per planning permission granted by KCC, Clough house will be retained and secured for the duration of the construction project. The developer (the applicant) will ensure to protect Clough house from any damage, save for where alterations / demolition works are required as permitted
- A conservation architect will be consulted prior to commencement and any recommendations made by same will be adhered to
- The stable block is partly being retained, restored and integrated into the main house. For many years the stable block was disused/derelict while the house was used as a 'Mans shed'. They are bringing back life to the section of the building that was not in use. The section to be demolished is necessary to provide safe access for pedestrians and vehicles to the remaining dwellings in accordance with DMURS. They believe that the design of the new extension which incorporates the section of the stable block improves the streetscape of Rathasker road.
- The applicant is also the developer in this instance. the applicant intends on beginning works as soon as possible and intends to complete the entire project as quickly as possible, they cannot give time frames in the current climate however they state that the restoration and extension to Clough house

is a significant part of this project, and it will be completed in the same time frame as all the other dwelling on the site. This will not be constructed in a piecemeal fashion.

- They note the appellants statement that ‘the association was for the most part not objecting to the council’s decision to grant permission for the development / re-use of Clough.
- They are happy to accept any conditions that the Board may attach to the file specifically relating to Clough House.

6.3. Planning Authority Response

- No further comments / observations

7.0 Assessment

7.1. The following are considered to be the main issues arising in the assessment of the subject appeal:

- Principle of Development: Zoning and Density
- Architectural Heritage - Clough Farmhouse
- Traffic and Pedestrian Safety
- Residential Amenity and Private Open Space
- Appropriate Assessment.

7.2. Principle of Development – Zoning and Density

7.2.1. The appeal site is located on lands that are zoned Objective B (Existing residential / Infill) under the provisions of the Naas Town Plan 2021 – 2027 with the stated objective ‘*To protect and enhance the amenity of established residential communities and promote sustainable intensification*’. The principle of residential development and infill residential development of the form proposed in the subject application is acceptable in principle on such lands.

- 7.2.2. The appeal site, with a stated area of 0.29ha, currently comprises a single dwelling (now vacant) and associated outbuildings. The proposed development of 9 additional houses on site would result in a density of c34units/hectare. 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. Having regard to the size and configuration of the site, the location of the site on Rathasker Road and the prevailing pattern of development in the area, I consider the density of development proposed to be acceptable in this instance.
- 7.2.3. I am satisfied that the current proposals represent an appropriate use of zoned serviced lands within the Naas development boundary.

7.3. Architectural Heritage - Clough Farmhouse

- 7.3.1. The existing dwelling on site, referred to as 'Clough' is to be retained and restored under the revised proposal presented to the planning authority following a request for further information. The revised proposals include for the partial demolition of the adjoining stable building to facilitate the extension of the farmhouse and to provide adequate space for the provision of a vehicular and pedestrian access off Rathasker Road to serve the scheme.
- 7.3.2. The appellants, as set out in the grounds of appeal, support the proposal to retain the existing dwelling, however, they raise concerns regarding the proposed demolition of the adjoining stable block and the lack of a conservation report to support the works proposed. They also raise concerns around the lack of conditions attached to the decision of planning authority to ensure the protection and timely restoration of Clough house.
- 7.3.3. The applicants in their response to the grounds of appeal, assert that they will protect Clough house from damage during construction and that they will consult with a conservation architect prior to the commencement of development and adhere to any recommendations made. They state that the restoration and extension to

Clough house is a significant part of this project, and it will be completed in the same time frame as all the other dwelling on the site.

- 7.3.4. While Clough House is not listed for protection under the Kildare County Development Plan, it is a policy of the plan to resist the demolition of vernacular architecture (with specific reference to farmhouses) and to encourage the sensitive reuse of such structures having regard to their intrinsic character. In this regard I note the traditional character and form of Clough farmhouse and its relationship with Rathasker Road. I consider this structure symbolic of the areas rural past and I consider the retention, restoration, and reuse of this structure to be a welcome and an important part of the revised scheme. While the retention of the adjoining stable block would in my opinion be preferable, as it would appear to form part of the original complex of buildings, I accept that its demolition in this case may be justified on the basis of ensuring the sustainable use of zoned and serviced lands and the need to provide for a safe vehicular access to service same.
- 7.3.5. The County Development Plan recognises that the loss of vernacular architecture is seen not only in the loss of entire buildings but also in the gradual attrition of details such as the replacement of roof coverings and windows with modern materials, removal of external render, inappropriate re-pointing and the addition of inappropriate extensions. The applicant is proposing to extend Clough house via the construction of a two-storey extension to the side (incorporating the retained part of the existing stable block) and single storey addition to the rear. The scale and design of the proposed extensions are in my opinion adequately sympathetic to the character and form of the existing structure; the step in the roof profile and the introduction of a traditional style eaves dormer allowing for a distinction to be made between old and new, however, I note that little information has been provided in relation to the nature and extent of the proposed renovation works. While I note that the applicants have indicated that *all existing materials will be retained, repaired and replaced with similar where necessary* I consider that further detail is required (prior to the commencement of development) in order to ensure that the traditional character and form of the building is maintained. Therefore, in the event that planning permission is to be granted, I would recommend the inclusion of a condition requiring the submission of details of all finishes and of all existing original features

to be retained and reused where possible along with the appointment of a conservation expert to manage, monitor and implement the agreed works.

7.4. Traffic and Pedestrian Safety (New issue)

- 7.4.1. Concerns were raised in the third-party submissions to the Planning Authority regarding the suitability of Rathasker Road to accommodate the additional traffic movements that would be generated by this development. The file was referred to the Roads and Transport Department who in their response did not comment on or raised any issues relating to the additional traffic movements on Rathasker Road.
- 7.4.2. The proposed development will result in an increase in traffic movements on Rathasker Road between the application site and its junction with New Row to the north, traffic movements to the south are unlikely to increase significantly due to the nature of the road as a cul-de-sac. While I am satisfied that sightline distances in both directions are adequate and unobstructed, I note that lack of pedestrian facilities in the vicinity of the appeal site, with the public footpath culminating c150m to the north. This is a concern, particularly given the roads popularity for pedestrians (as evidenced during site inspection) and the likely increase in pedestrian / cycle movements anticipated as a result of existing and planned linkages to the roadway from adjoining residential developments. In this regard I note that Rathasker Road has been prioritised in the Naas Town Plan for pedestrians and cyclists.
- 7.4.3. While there may be scope within the public road carriageway / existing grass verges to extend the public footpath to the application site, such works have not been included as part of the application and it is not clear whether or not the applicants have sufficient control over the necessary lands to carry out such works.
- 7.4.4. In light of the above and in the absence of proposals to address this issue I would consider that the additional traffic movements generated by the proposed development would lead to conflict between road users and as such would result in a traffic hazard. I recommend that planning permission be refused on this basis. I note however that this is a new issue that was not directly raised in the grounds of appeal and as such the Board may wish to seek the views of the parties.

7.5. Residential Amenity and Private Open Space (New Issue):

- 7.5.1. The development (as amended) includes for the construction of 9no additional dwellings to the rear of Clough house. The height and design of the proposed dwellings is considered acceptable in the context of the site and the internal floor areas would provide a satisfactory standard of residential amenity for future occupants and would accord with the residential standards as set out within Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009)
- 7.5.2. The proposed dwellings, arranged in two terraces, are to be constructed in a linear form orientated to the south, overlooking the internal access road and area of public amenity space to the northwest. All proposed units back onto the southern site boundary and the newly constructed residential development to the south with separations distances in excess of 24m provided between the opposing rear elevations and first floor windows ensuring an adequate level of privacy for both schemes. A minimum separation distance of c12.2m is available between the proposed development and the adjoining property to the north, I consider this sufficient to ensure that the proposed scheme would not give rise to significant new overlooking of the adjoining property.
- 7.5.3. The rear garden areas range in size from 46sqm for the proposed two-bedroom units and up to 99sqm for the proposed three-bedroom units. Clough farmhouse, which when extended will incorporate 4 bedrooms, is to retain a rear garden area of c70.5sqm. 8 of the 10no housing plots proposed within this scheme fall below the recommended standards for private open space, as set out in Table 17.5 of the County Development Plan, with a maximum shortfall of 9sqm for unit no.4 (2bed mid-terrace unit). Notwithstanding, I consider all rear garden areas to be well defined and usable (in terms of gradient and accessibility). The amenity value of these spaces should be improved by their southern aspect and the level of privacy afforded by available separation distances and appropriate boundary treatment. Therefore, while not achieving the quantitative standards for private open space I am satisfied that private amenity spaces proposed would, in conjunction with the proposed area of public open space and the overall standard of residential accommodation

proposed, be sufficient to ensure a satisfactory standard of amenity for future residents of the scheme and as such I would not recommend that permission be refused on this basis. I do however consider that it would be appropriate in this instance to include a restriction on further development within the rear gardens areas so as to ensure that an adequate level of amenity is maintained.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, its location on zoned and serviced lands and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. Having regard to the above, I recommend that planning permission should be refused, for the reasons and considerations set out hereunder.

9.0 **Reasons and Considerations**

Having regard to the scale of the proposed development and the traffic to be generated by it, the location of the proposed development on a narrow cul-de-sac which is lacking in adequate pedestrian facilities and which has been prioritised in the Naas Town Plan 2021-2027 for pedestrian and cyclists, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. The proposed development would therefore be contrary to proper planning and sustainable development.

Lucy Roche
Planning Inspector
29th March 2022