



An
Bord
Pleanála

Inspector's Report

ABP-313400-22

Development	Demolition of existing barn to north of 'Glebe House', a Protected Structure (RPS No. B14-23), construction of 22 dwellings together with all associated works.
Location	'Glebe House', New Road, Straffan, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	211417.
Applicant(s)	Padraic Ryan.
Type of Application	Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	1 No. First and 1 No. Third Party.
Appellant(s)	1. Padraic Ryan. 2. Mark Roden.
Observer(s)	None.
Date of Site Inspection	23 rd day of September, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. Having inspected the site and its setting I consider that the Site Location and Description provided by the Board's Inspector under ABP-307534-20 is applicable. It reads:

"The Glebe is a large residential curtilage located in Straffan village, Co. Kildare. It is 300metres from the centre of the village. It is located along New Road opposite the village national school, and alongside The Beeches housing estate. The subject site (1.75ha) is square in configuration and it is flat. The site hosts a large two storey dwelling, Glebe House, (a protected structure), and small number of cottages and outbuildings.

Glebe House is currently vacant, however a number of the outbuildings and cottages are occupied. It includes in the National Inventory of Architectural Heritage as is described as a three-bay two-storey Georgian House over basement. Built around 1760, and is setback from the road within landscaped grounds and a gravel forecourt to the front.

The ancillary buildings within the curtilage of Glebe House have been converted to 8 No. residential units.

The site contains a number of mature trees particularly to the east of Glebe House.

There are two vehicular access points to the site off New Road. There are double yellow lines along the roadside boundary of the site between the two entrances, this is the north-eastern site boundary. The general area is mainly residential in land use with a number of housing estates off New Road, and one-off dwellings to the north of the subject site".

- 1.2. To this I note that the given site area is 1.74ha and at the time of inspection Glebe House and there is evidence of removal of mature trees and hedges on site since the previous Inspector inspected the site. The formal garden setting of Glebe House and the curtilage of this Protected Structure is unkempt with dumping also evident. There is evidence of some of the planting associated with this formal garden that includes specimen trees, shrubs through to ground cover bulbs including cyclamen. It would also appear that the main entrance onto New Road is not currently in use and that access to the site is via the second entrance that is located in close proximity to the

agricultural shed structure. In addition, it would appear that two structures on site may be in recent habitable use.

- 1.3. I also note to the Board that the rear boundary of the site is adjoined by a drainage ditch. Beyond the rear boundary site is Straffan Lodge, a Protected Structure (RPS Ref. No. B14-74).
- 1.4. My inspection of the site overlapped with the closing time of Scoil Bhríde National School which is located directly opposite the site and fronts onto New Road.
- 1.5. Photographs taken during my inspection of the site and its setting are attached.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing barn to the North of Glebe House (a Protected Structure, RPS Ref. No. B14-23), adjacent to New Road. In addition, planning permission is sought for the construction of 18 No. 2-storey houses and 2 No. 2-storey apartment blocks each containing 2 no. apartment dwelling units with associated accommodation including bin stores, bicycle parking and new vehicular, cycle and pedestrian access.
- 2.2. In total 22 no. dwelling units are sought comprising 18 no. houses, a 2 No. Apartment Building located to the rear and side of 'Glebe House' and 2 No. Apartment Building on the site of the existing barn being demolished). The 22 dwelling are indicated to be in addition to the 5 dwelling units approved by the Board under ABP-307534-20 on this site along with the conversion of the existing site entrance and driveway into a pedestrian route. The proposed dwellings would be served by the existing vehicular entrance opposite Scoil Bhríde National School on New Road for which modifications are sought. In addition, a new drop off lay-by would be provided, on New Road, adjacent to the existing site entrance and driveway.
- 2.3. The proposed development also seeks permission for the provision of solar photovoltaic panels (PV) on the roofs of the new dwellings, provision of all associated and ancillary site works, boundary treatments, new vehicular entrance and landscaping works to include the reinstatement of some historical pathways to the front of Glebe House, the conversion of the existing site entrance and driveway (to the front of Glebe House and adjacent to 'The Beeches' residential scheme) into a

pedestrian/cycle route accessing Glebe House, the adjacent buildings and also the proposed development.

- 2.4. The residential scheme proposed would be served by 50 car parking spaces, a new connection to public water and mains drainage. The planning application form indicates that the proposed surface water disposal would be via public drain and surface water measures.
- 2.5. Glebe House is listed on the record of Protected Structures in the Kildare County Development Plan 2017-2023.
- 2.6. This application is accompanied by letters of consent to make this application by the owners of Glebe House.
- 2.7. On the 28th day of February, 2022, the Planning Authority received the applicant's **further information** response. This response included but was not limited to the following documents:
 - Covering Statement prepared by the applicants planning consultants responding to each of the items of further information.
 - A response from the applicant's consultant engineers.
 - A response from the applicant's ecologist.
 - A response from the applicant's architects.
 - An Arboricultural report and drawings.
 - Photomontages.

Of note the revisions to the proposed development result do not propose a reduction in dwelling unit number, typology or mix of dwelling units. The combined 22 dwelling units having a total floor area of 3,133.9m². The following table sets out the unit type and floor area:

Table 1

Unit Reference label on Plans	Unit Type	Proposed Floor Area (m2)
1	2-bed apartment	82.4
2	1-bed apartment	84

3	2-bed apartment	84.8
4	2-bed apartment	103.6
5	4-bed detached	155.7
6	4-bed detached	155.7
7	4-bed detached	155.7
8	3-bed terrace	132
9	3-bed terrace	132
10	3-bed terrace	132
11	3-bed terrace	132
12	3-bed terrace	132
13	3-bed terrace	146.4
14	5 bed end of terrace	196.3
15	4-bed terrace	159
16	4-bed terrace	159
17	4-bed terrace	159
18	4-bed terrace	159
19	4-bed terrace	159
20	4-bed terrace	159
21	4-bed terrace	159
22	5-bed end of terrace	196.3

Table 2 – Residential Mix

No. of	1-Bed	2-Bed	3-Bed	4-Bed	4+-Bed	Total
Houses	0	0	6	10	2	18
Apartment	1	3	0	0	0	4

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th day of March, 2022, the Planning Authority decided to **grant** planning permission for the proposed development subject to the revisions made by the

applicant's further information response received by the Planning Authority on the 28th day of February, 2022, and subject to 40 no. conditions. The conditions included:

Condition No. 3: Revised drawings subject to written approval of the Planning Authority prior to commencement of development with sub-condition (a) stating: "*Units 20 and 21 (as indicated on Drawing No. (02) 110 Rev A of the further information submitted) shall be omitted and Unit 22 shall be moved adjacent to Unit 19 and shall remain behind the rear building line of the Protected Structure. Unit 22 shall remain orientated to address the public open space*"; with sub-condition (b) stating: "*A1 apartment block shall be located in the footprint of the existing haybarn and shall be redesigned; it shall be clearly identifiable that the building in this location takes reference from the historic location of earlier structures. The proposed roof to A1 apartment block shall be a barrel vault roof which shall adequately differentiate the building in terms of design from the remainder of the development*"; and, with sub-condition (c) stating: "*Revised landscaping plans shall be submitted for the written approval of the Planning Authority indicating an increase in the number of trees located to the South-West of the Glebe to adequately screen the new development from the Glebe front garden*". The reason for this condition is given as in the interest of clarity, visual amenity and to ensure that the character of the Protected Structure is maintained.

Condition No. 4: Requires the recommendations set out under Section 7.0 of the Ecological Impact Assessment to be carried out in full.

Condition No. 5:	Relates to storage and requires compliance with Section 17.4.5 of the Development Plan.
Condition No. 6:	Relates to Water Supply, Irish Water and Drainage.
Condition No. 7:	Relates to Surface Water and Foul Drainage.
Condition No.s 8, 9,10, 16 & 30:	Relates to Surface Water.
Condition No. 11:	Relates to Land and Roadside Drainage.
Condition No. 12:	Relates to Sightlines & Roadside Boundary Treatment.
Condition No. 13 & 14:	Relates to Parking & Provision of EV Charging.
Condition No. 18:	Relates to Footpaths.
Condition No. 17 & 20:	Relates to Road Signage.
Condition No. 21:	Requires a Stage 3 Road Safety Audit.
Condition No. 22, 23, 24 & 25:	Relates to Landscaping.
Condition No. 29:	Requires a Project Waste Management Plan for Demolition & Construction.
Condition No. 31:	Requires a Construction Management Plan.
Condition No. 34:	Requires a Section 47 Agreement.
Condition No. 39:	Requires Section 48 Payment.
Condition No. 40:	Relates to Taking-in-Charge.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Final Planning Officer's report**, dated the 24th day of March, 2022, is the basis of the Planning Authority's decision. It includes the following comments:

- The site is considered an infill site on the edge of the village.
- The principle of the proposed development is acceptable.
- Regard is had to all Departmental reports and submissions received.

- The Planning Authority is of the view that no dwelling units should be located forward of the building line. As such it is recommended that two of the proposed dwelling units should be removed and one relocated to ensure that encroachment on the protected structure does not occur.
- Subject to safeguards the proposed development as revised by way of the applicant's further information is considered acceptable.
- Concludes with a recommendation to grant permission.

In an addendum planning report, the Planning Authority's Planning Officer concluded that no EIA and/or AA issues would arise.

The **initial Planning Officer's** report, dated the 22nd day of November, 2021, concluded with a request for further information on the following matters:

- Item No. 1: Sets out the Transportation and Public Safety Departments further information recommendation. This included but was not limited to amendments of the front boundary to include a 2.0m footpath along the entire road frontage and to revise the site layout to provide parallel parking greater than the 27m length proposed; a traffic management plan; through to revised traffic calming measures.
- Item No. 2: Sought revisions to Apartment Block 'A1', additional photomontages and an Architectural Heritage Impact Assessment.
- Item No. 3: Details sought in relation to removal of trees on site.
- Item No. 4: Revisions to planned lighting scheme.
- Item No. 5: Sought alternative nature-based water management solutions.
- Item No. 6: Sought landscaping, biodiversity through to surface water solutions and outcomes.
- Item No. 7: Sought a number of qualitative improvements to the proposed dwelling units.

3.2.2. Other Technical Reports

Parks: No objection, subject to safeguards.

Transportation: No objection, subject to safeguards.

Transportation & Public Safety: Recommends **refusal** on road safety and traffic hazard grounds.

Fire Officer: No objection, subject to safeguards.

Environment: No objection, subject to safeguards.

Heritage: No objection, subject to safeguards.

Conservation: No objection, subject to the following amendments in the event of a grant of permission:

1. Apartment Block 'A1' to be located in the footprint of the existing haybarn so that it takes reference from the historic location of earlier structures.
2. The proposed roof of Apartment Block 'A1' to be barrel vault in order to differentiate it in terms of design from the remainder of the proposed development.
3. 2 no. semi-detached units to be removed from the south west row of houses so that the proposed development does not encroach on the protected structure.
4. Increase the number of trees located to the south-west of the Glebe to screen the new development from the Glebe front garden.

Housing: Part V compliance sought.

Water Services: No objection, subject to safeguards.

3.3. **Prescribed Bodies**

3.3.1. **DAU:** Further information requested.

3.3.2. **Irish Water:** No objection, subject to safeguards.

3.4. **Third-Party Observations**

3.4.1. During the course of the Planning Authority's determination of this application they received four Third Party submissions. These are attached to file. I consider that the substantive issues raised in these submissions correlate with the key planning issues raised by the Third-Party Appellant in their appeal submission to the Board.

4.0 Planning History

4.1. Site:

- **ABP-307534-20 (P.A. Ref. No. 20/227) – Split Decision**

On appeal to the Board permission was **granted** subject to conditions for the demolition of the modern single storey extension to the side/south west of Glebe House, the single storey detached dwelling to the rear of Glebe House and the boiler house adjacent to the north west corner of the site, and the conversion and refurbishment of Glebe House and associated extensions and outhouse to create four number apartments and the conversion and refurbishment of the Coach House and permission was **refused** for 18 number new dwellings and associated development in the grounds of Glebe House based on the following reasons and considerations:

“Having regard to the dominance and character of the suburban-type housing proposed, combined with the overall design and layout, it is considered that the proposed development would be an inappropriate form of development which would have a negative visual impact on the character and setting of the Protected Structure (RPS number B14-23), NIAH Ref: 11809006, Glebe House, and would, therefore, be contrary to Policy PS 2 of the Kildare County Development Plan 2017-2023 which seeks to protect the special character of the proposed structures from inappropriate development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

Decision date: 26/01/2021.

- **P.A. Ref. No. 04/3054**

Application was made for planning permission for the construction of 18 No. terraced houses, 10 No. two-bedroom apartments and 4 No. 2-storey terraced houses. Application deemed withdrawn.

- **ABP Ref. No. PL09.122790 (P.A. Ref. No. 00/73):** On appeal to the Board planning permission was refused for 8 No. 2-storey dwelling units together with associated site works. According to available information the Board refused permission for three stated reasons and considerations with the first reason of refusal considering that the proposed development would result in the destruction of the formal garden which forms part of the curtilage and landscape setting of Glebe House.

- **Enforcement :UD 4762**

Enforcement Action taken in relation to an unauthorised building on site.

4.2. **Setting**

ABP-308003-20 (P.A. Ref. No. 20151): On appeal to the Board permission was **granted** subject to conditions for 65 dwelling units on a site on the opposite side of New Road. This site is located within 14m of the northernmost section of the roadside boundary.

Decision date: 12/11/2021.

ABP-304777-19 (P.A. Ref. No. 19376): On appeal to the Board permission was **granted** subject to conditions for amendments to part of a residential development previously permitted under P.A. Ref. No. 10/673 increasing permitted residential units from 65 to 82 dwelling units. This site is located 65m to the east of the southern roadside boundary at its nearest point.

Decision date: 14/10/2019.

ABP-303191 (P.A. Ref. No. 171299): On appeal to the Board permission was granted subject to conditions for a development comprising of the removal of existing derelict structures and construction of 3 Retail Units, 5 Apartments and 15 Houses together with all associated site works and services at Lodge Park, Straffan.

Decision date: 10/04/2019.

4.3. Concurrently with the Board for its determination is a First Party Appeal relating to a development comprising of the construction of a two storey 91 No. bed nursing home with an overall area of 4,572m² together with all associated site works on Barberstown Road, Straffan, (Note: ABP-312967-22/P.A. Ref. No. 211758).

5.0 **Policy Context**

5.1. **National**

5.1.1. **Project Ireland 2040 - National Planning Framework (NPF):** One of the national core principles to guide the delivery of future housing, at every level of governance, is

to tailor the scale and nature of future housing provision to the size and type of settlement.

Relevant objectives include National Policy Objective 15 which seeks to support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

Chapter 4 of the NPF deals with the matter of making stronger urban places and sets out a range of objectives which it is considered will assist in achieving this. In this regard, Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Chapter 6 of the NPF also includes specific objectives to do with homes and communities. It sets out 12 objectives including:

Objective 27: Seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities.

Objective 33: Seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location.

Objective 35: Seeks to increase densities in settlements.

- **Housing for All - A New Housing Plan for Ireland, 2021:** This plan aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability.

2. Pathway to eradicating homelessness, increasing social housing delivery, and supporting inclusion.

3. Pathway to increasing new housing supply.
4. Pathway to addressing vacancy and efficient use of existing stock.

- **Climate Action Plan, 2021.**
- **National Development Plan, 2021 to 2030.**

5.1.2. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
- Urban Design Manual: A Best Practice Guide, 2009.
- BRE Guide ‘Site layout Planning for Sunlight and Daylight’, 2011.
- Design Manual for Urban Roads and Streets, 2019 .

5.2. Regional

5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.**

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO’s). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond. Of relevance is the following objective:

RPO 4.83: Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the core strategies of the county development plans.

Section 4.8 deals specifically with Rural Places, Towns, Villages, and the Countryside.

It recognises that this region contains: *“some of the fastest growing communities in the country and the long-term trend is for residential development moving further outwards from Dublin, with significant growth in many of the small towns and villages in the peri-urban area surrounding the city leading to an increase in car-based long-*

distance commuting. At the same time, an overall lack of adequate housing supply to meet a growing population has resulted in affordability issues and increasing homelessness, with a resulting negative impact on quality of life and regional competitiveness”.

5.3. Local

5.3.1. Development Plan - Kildare County Development Plan 2017 to 2022.

Section 2 of the Development Plan sets out the Core Strategy under which ‘Straffan’ is a designated ‘Village’ type settlement (Note: Table 2.1) and under Table 2.3 it indicates that the quantum of developable lands zoned for residential is 6.2ha.

Section 2.2 of the Development Plan sets out that: *“designated villages will continue to develop as local centres for services with growth levels to cater for local demands at an appropriate scale. The level of expansion will be controlled to minimise pressure on services, the environment and unsustainable commuting patterns. These villages will support local enterprise to cater for local demand”.*

It further sets out that ‘Village Plans’ have been prepared and are contained in Section 2.5 of the said Plan and that the appropriate overarching policies contained within Section 2.4 of the Plan are applicable to these settlements.

Under Section 2.5-13.13 the site is zoned ‘B – Existing Residential/Infill’. The stated objective for such lands is: *“to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services”.*

Chapter 3 of the Development Plan sets out that this zoning principally covers existing residential areas and provides for infill development within these existing residential areas. The primary aims of this zoning objective are to preserve and improve residential amenity and to provide for further infill residential development at an appropriate density.

There is also a Tree/Woodland Preservation Objection on the site. This relates to mature trees to the north and north east of the site.

There is a Footpath and Cycling Track Objective running along the New Road, roadside boundary, of the site.

In relation to the settlement of Straffan Section 2.5-13.2 of the Development Plan notes that it is situated 29km from Dublin City lying south of the Celbridge – Clane Regional Road (R403 route) and also is situated 5km from Celbridge and 13km from Naas. It is further noted that it is situated between two strategic transportation corridors of the M4 and N7.

In relation to Straffan's function the Development Plan further sets out that it acts as a service centre for its rural hinterland and states that: "*growth in the village should be sustainable, satisfying moderate population growth with supporting social and community facilities and should be in compliance with the existing character, form and scale of the village*".

In relation to settlement form, it notes that the village developed around two crossroads overlooked by the Church of Ireland and the Roman Catholic Church with residential development progressed from the estate house of the 19th century to the Land Commission cottages to modern day residential developments. It states that: "*Straffan has retained its unique character derived from its layout and the existence of quality traditional buildings*"; and that: "*it is important that the scale and form of new developments in the villages respect the historic and special character of the village*".

In relation to population, it notes that there was a 44% increase in population between the 2006 and 2011 census and it sets out that new development should be located on lands previously zoned in Straffan, together with appropriate social and community facilities.

In relation to heritage, it notes that this settlement has a rich archaeological and architectural heritage due to its historic origins with a number of Protected Structure and an abundance of mature trees.

The following Village Plan principles are also set out under Section 2.5-13.12:

- (i) Development should be planned in a coherent manner to ensure an attractive sustainable village.
- (ii) Rate of growth must cater for local demands at an appropriate scale.
- (iii) Suburban residential development located on the outskirts of the village shall not be permitted.
- (iv) River Liffey shall be protected and enhance.

- (v) New developments shall have regard to the character, form, and scale of buildings in the village and shall reuse where possible existing buildings/outbuildings in order to promote sustainable development.
- (vi) All new development shall have regard to the protected structures in the village core and all new buildings shall be sympathetic to their surroundings so as to not visually impinge on historic streetscape.
- (vii) The conservation and integration into new developments of existing stone walls, trees and native hedgerows shall be required together with the promotion of similar materials for new boundaries.

Section 2.5-13.13 sets out the Development Objectives that channel new residential to 'C' zoned lands.

Policy NH 2 is of relevance. It states that the Planning Authority will seek to: "*protect all RPS structures, along with their settings in Straffan as listed in this Plan and illustrated on Map V2-2.14*".

Chapter 4 of the Development Plan deals with housing and in relation to edge of centre sites within small town/village. It sets out that the emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village. Development of such sites tends to be predominantly residential in character and given the transitional nature of such sites, densities in the range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced type accommodation.

Section 12.4 of the Development Plan deals with Protected Structures. The following policies and objectives are relevant:

PS 2: Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development within the curtilage or attendant grounds of a protected structure which would adversely impact on the special character of the protected structure including cause loss of or damage to the special character of the protected structure and loss of or damage to, any structures of architectural heritage value within the curtilage of the protected structure. Any proposed development within the curtilage and/or attendant grounds must

demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.

Section 17.4 of the Development Plan sets out the standards for new residential developments. It includes Section 17.15.2 which relates to development within the curtilage, attendant grounds and setting of protected structures. In this regard it states:

“In considering applications for development within the curtilage and/or attendant grounds of a protected structure, the Council shall have regard to the following:

- The various elements of the structure which give the protected structure its special character and how these would be impacted on by the proposed development.*
- The proximity of any new development to the main protected structure and any other buildings of heritage value.*
- The design of the new development that should relate to and complement the special character of the protected structure.*

High quality design will be a foremost consideration when assessing proposals for development within the curtilage of a protected structure, with particular emphasis on siting, building lines, proportions, scale, massing, height, roof treatment and materials. This does not preclude innovative contemporary buildings. High quality contemporary interventions will be encouraged over historic pastiche. Development proposals should include appraisal of the wider context of the site and structure including its demesne landscape, where applicable.”

5.4. Natural Heritage Designations

- 5.4.1. The site does not form part of; it does not adjoin nor is it situated in close proximity to any European Site.
- 5.4.2. The nearest European Site are situated c8.3km to the north east, i.e., the Rye Water Valley/Cartron SAC (pNHA) (Site Code: 001398) and c10.4km to the west of the site, i.e., Ballynafagh Bog SAC (pNHA) (Site Code: 000391) and Ballynafagh Lake SAC (pNHA) (Site Code: 001387).
- 5.4.3. I also note to the Board that c3.7km to the south of the site is pNHA Grand Canal (Site Code: 002104).

5.5. EIA Screening

- 5.5.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "*business district*" means a district within a city or town in which the predominant land use is retail or commercial use).
- 5.5.2. By way of this application permission is sought for the demolition of an existing barn structure to the north of Glebe House, a Protected Structure, the construction of 22 dwelling units, together with all associated site development works is proposed. The site itself has a given site area of 1.74ha and it is located on the northern fringes of the settlement of Straffan, in a serviced predominantly residential area. Alongside Glebe House, the site contains a number of other buildings and structures that are mainly in a vacant state.
- 5.5.3. The introduction of the infill residential development proposed will not have an adverse impact in environmental terms on surrounding land uses.
- 5.5.4. It is noted that whilst the site is subject to a Tree/Woodland Preservation Objection on the northern portion of the site and a deep drainage ditch on the eastern boundary of the site the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed later in this report) and there is no hydrological connection present such as would give rise to significant impacts on nearby watercourses.
- 5.5.5. The proposed development at demolition, construction and operational stages would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Kildare County Council, upon which its effects

would be marginal, and which appears to have sufficient spare capacity, subject to standard safeguards.

- 5.5.6. Having regard to the nature, extent, and scale of the proposed development, the nature of the receiving environment, and proximity to 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.

5.6. Built Heritage

- 5.6.1. The site itself contains Glebe House, which is a designated Protected Structure (RPS Ref. No. B14-23). This building is also listed in the NIAH under which it is rated ‘*Regional*’ in its importance and its categories of special interest are identified as ‘*Architectural*’, ‘*Historical*’ and ‘*Social*’. The NIAH Appraisal for this structure reads:

“Straffan Glebe House is a fine and well-maintained substantial Georgian house of the mid eighteenth century, which retains most of its original character. Built on a symmetrical plan the front (south-east) elevation is composed of Classically-derived proportions and is simply treated – the design relies on the use of a canted projecting bay and ornate doorcase for decorative incident. The building retains most of its original features and materials, including multi-pane timber sash fenestration, the doorcase and fittings, and a slate roof, while the interior retains early fittings such as timber panelled shutters to the openings. The glebe house is of considerable social and historic interest, forming the residence for the Church of Ireland clergy in the locality. Attractively set in its own landscaped ground, the house is a valuable component of the architectural heritage of the village. Identified on the side of the road by a simple gateway, the gates are a fine example of early surviving wrought iron work”.

- 5.6.2. Straffan Lodge, RPS Ref. No. B14-74 is located c75m to the rear of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Board received two separate appeal submissions. These submissions were made by:

- Padraic Ryan (First Party).
- Mark Roden (Third Party).

Both appeals were received on the 20th day of April, 2022.

6.1.2. For clarity I proposed to summarise each of the appeal submissions received by the Board separately as follows:

6.1.3. The First Party Appeal can be summarised as follows:

- This appeal relates solely to the requirements of Condition No.3.
- Accompanying this application are drawings showing minor amendments to Apartment Block A1.
- The Planning Authority's reasons for the omission of two units required under Condition No. 3 is not accepted.
- The haphazard location of the barn structure adds to the complexity of the evolution of the site.
- In the past there was a relatively large historic structure located to the south west of Glebe House and it was therefore established that the front building line for proposed future development was appropriate.
- The primary historical access of Glebe House was to the front.
- The placement of dwelling units under this application has been carefully considered so that they would not impact on the original setting of Glebe House.
- The Board is requested to omit Condition No. 3(a) in its entirety.
- Reference is made to what are considered to be precedent cases for similar developments. This includes Diswellstown Manor, Castleknock, and Eaton Way in Shankill.

- In relation to Condition No. 3b an amended drawing is provided showing material alterations to the proposed development as an alternative. The amendments include three walls of 'Block A1' matching the original historical structure; the relocation of car parking spaces to the rear of this proposed building; the provision of bicycle spaces; and bin storage along with new entrance drive and boundary hedging. It is contended that these amendments address the requirements of Condition No. 3(b). It is therefore requested that the Board omit this sub-condition also and to grant permission subject to these minor amendments.
- The omission of omission of dwelling units no. 20 and 21 are unjustified.
- The required redesign of 'Block A1' is also unjustified with the amendments proposed with this appeal submission considered to be a more appropriate response.
- This submission is accompanied by a report titled: '*Conservation Based Summary Accompanying First Party Appeal*'. This reiterates and expands on the conservation points made in the main appeal submission.

6.1.4. The Third-Party Appeal submission can be summarised as follows:

- There is no basis for the Board to reverse the 2020 decision.
- The proposed development would result in an overall design and layout together with the dominance and suburban character of the housing proposed, would be an inappropriate form of development which would have a negative visual impact on the character and setting of the Protected Structure of Glebe House.
- The development that was permitted by the Board in appeal case ABP-307534-20 has not commenced.
- The applicant has failed in this application to address the reasons why 18 units under ABP-307534-20 was refused on appeal to the Board.
- The subject site lies opposite Straffan National School. This school contains 15 car parking spaces that sit perpendicular to the public road. As such this necessitates cars reversing into or out of these spaces.
- A bus drop-off point is also located beside the aforementioned school spaces.
- There is no public footpath along the frontage of the site.

- The site is bound by 'The Beeches' residential scheme that contains 38 units, by the appellants property 'Straffan Lodge', a Protected Structure, and a large detached two storey property (Beech Glebe). It is also bound by mature hedgerow and a water ditch that is shared with the appellants property. Of concern a number of trees have been removed from the north-western part of the subject site to facilitate the proposed development.
- Reference is made to the planning history of the site including a refusal of permission under ABP. Ref. No. PL09.122790 and the more recent Board decision under ABP-307534-20.
- This development seeks to increase the number of dwelling units from that previously refused by the Board on this sensitive site under past appeals and the changes made under this application are minor in nature. It is contended that the proposed development would give rise to the same negative impact on Glebe House.
- This proposal is of a poor design and layout standard.
- Irrespective of the number of units removed, the permission as granted by the Planning Authority, fails to respect the historic setting and character of Glebe House in a manner that is contrary to Policy PS2 of the County Development Plan.
- Whilst there is a wider mix of dwelling units proposed the layout and form continues to reflect what was previously refused.
- The current proposal has a density of 15.5 units per hectare, this misconstrues the capacity of the site having regard to the need to uphold the setting of the Protected Structure and the existing mature trees in its curtilage. The latter reduces the developable land by at least 30 to 40%. When this is factored in the net density on site would be 24 units per hectare between the permitted and proposed development.
- The proposed development would negatively impact biodiversity, including otters.
- The trees that have been removed formed part of the backdrop and setting of the Protected Structure and this proposal seeks to remove 46 of the 81 trees on site. The Planning Authority has not considered the extent of this tree removal and its negative impact on the setting of the Protected Structure.

- New planting cannot compensate the adverse impact this development would have on existing habitats.
- It is an objective to retain hedgerows and planting in the Village Plan. The removal of mature planting is not justified and would have a negative impact on the setting of this Protected Structure.
- The entrance and access arrangement together with the presence of the school opposite will result in competing elements that altogether would give rise to a serious traffic hazard arising from this development.
- Traffic journeying along New Road often exceed the posted speed limit.
- New Road is substandard in its design, and it is unsuitable for the increased road and pedestrian usage this development would give rise to.
- This development, if permitted, would negatively impact on the established residential amenities of the appellants property and setting.
- The proposed development would be contrary to the zoning objectives of the site and should be refused on the same basis the previous development was in part refused by the Board on appeal.
- The appeal submission is accompanied by a document titled: 'Outline Architectural Assessment of proposed works at Straffan Glebe, Straffan, Co. Kildare'. This document includes the following comments:
 - The house retains its setting and attendant structure intact.
 - There are some minor extensions and alterations, but the integrity and historic clarity of the original plan is clearly legible. It remains a cluster of buildings where the main structure, curtilage structures, garden setting and historic gateway form a clear and extant ensemble. The sum of these add to its overall value, rarity, and interest.
 - Straffan Glebe is an exemplar in the Glebe House architectural built form, with this example set within its intact original designed setting.
 - The special character of the site derives not just from the retention of the structure but from its overall context.

- Concern is raised that the previous application has permitted the crude subdivision to the interiors of the present intact house.
- The neutral impact of the proposed development on its setting is not accepted.

6.2. Planning Authority Response

6.2.1. On the 1st day of June, 2022, the Board received the Planning Authority's response. It can be summarised as follows:

- The content of the appeal submissions is noted.
- No further comments to make.
- The Board is referred to their Planning Officer's and Technical Department reports.

6.3. Observations

6.3.1. None received.

6.4. Further Responses

6.4.1. On the 15th day of May, 2022, the Board received a further response from the Third-Party appellant Mark Roden. It can be summarised as follows:

- Only in the event of the Board deciding to grant permission should the Board consider Condition No. 3 attached to the Planning Authority's notification to grant permission.
- Reference is made to their original appeal submission.
- The applicant's submission to the Board seeks to alter the development as granted in a manner that would give rise to more significant impacts to the setting of Glebe House.
- The glass house structure to the rear cannot be considered a large structure that justifies the precedence for housing to the rear of Glebe House.
- The precedence for this development as cited by the First party in their appeal submission are not similar. With Diswellstown House being located in a different land use context in a built-up area of Dublin city as well as on a much larger site which

allows for more meaningful separation distances. Glebe House occupies a much smaller site where similar meaningful separation distances cannot be achieved. In relation to Eaton Brae its setting had already been significantly compromised and it also occupied a more suburban setting. In addition, the design proposal put forward sought contemporary buildings which is not the case under this application.

- The First Party in their appeal submission to the Board does not put forward sufficient grounds for overturning the omission of houses 20 and 21. Nor for the relocation of dwelling unit 22.
- Irrespective of the number of units removed by the Planning Authority in their grant of permission, they still have not respected the historic setting and character of Glebe House.
- This development would dominate the setting of Glebe House in a material manner and give rise to negative visual amenity outcomes.
- This response is accompanied by a document titled 'Outline Architectural Assessment' which includes the following comments:
 - Reference is given the NIAH description of 'Glebe House'.
 - Glebe House retains its setting with attendant structures intact. There are some minor extensions and alterations, but the integrity and historic clarity of the original plan is clearly legible. It however remains a cluster of buildings where the main structure, curtilage structures, garden setting and historic gateway form a clear and extant ensemble.
 - Glebe House is a fine example of its type, and it is set within its original grounds.
 - Until recently Glebe House's backdrop was mature woodland setting behind the house, but this has unfortunately been clear felled recently prior to the submission of recent planning applications.
 - Glebe House retains a number of interesting features.
 - The relationship between Glebe House and its curtilage retains a strong sense of the hierarchy of principal dwelling to Coach House and ancillary structures. later additions have not undermined this and do not overwhelm its setting.
 - Glebe House is a rural form.

- The applicant has not attempted to respond to the form and typology of the Protected Structure and its immediate curtilage.
- There are only minor attempts to compensate for the loss of Glebe House's setting.
- The imposition of a tightly packed group of houses directly adjacent to this Protected Structure would result in loss of context, erosion, and loss of protective and appropriate scale in its immediate surroundings.
- The applicant has provided no photomontage showing the impact of the proposal from the south.
- Concern is raised to what was previously granted by the Board already.
- The adverse impacts of what has been permitted to the interiors of Glebe House has now been extended to its setting further by way of this application.
- The current application is considered to miss the point of the previous refusal of the Board for the dwellings to the rear.
- The new design is more densely packed than the previous application and the designs fail to harmonise with the simplicity of Glebe House's built form.
- It is contended that the rear lands are waste lands. This contradicts the obligation upon owners of Protected Structures to maintain the structure and their setting. Neglect, clearing and abandonment of traditional curtilage are not grounds to support or enable development.
- It is not accepted that the impact of this proposal on the Protected Structure would be neutral.
- The glass house structure does not establish a precedent for the development sought to the rear of Glebe House.
- The appreciation of the principal façade of Glebe House would have included its sylvan backdrop.
- The examples cited by the applicant in support of this development relate to different contexts and circumstances.
- Condition No. 3a and 3b are reasonable.

- The overall development is detrimental to the overall character and setting of the Protected Structure.
- The proximity, scale and form of the proposed new dwellings will have a negative impact on the setting of the Protected Structure.

6.4.2. On the 16th day of May, 2022, the Board received a further response from the Planning Authority. This response raised no new issues or made no new comments.

6.4.3. On the 18th day of May, 2022, the Board received a further response from the First Party appellant Padraic Ryan. It can be summarised as follows:

- The Third-Party appellants contention that there is a poor vehicular access, and that the development would result in a serious traffic hazard is unsubstantiated and not correct. The entire road design is in accordance with all relevant standards.
- The applicant raises no objection to complying with the Tree Protection Plan.
- As part of the additional information the applicant now proposes to provide a set down car parking on the roadside together with a 2.0m footpath along the adjoining stretch of New Road.
- The set down parking bays were requested by the Planning Authority and are sought to mitigate against the uncontrolled parking that currently occurs in the vicinity of the school. The parking bays at 50m away from the entrance would not result in a traffic hazard
- Satisfactory sightlines can be achieved from the access in either direction.
- In response to the Boards refusal of part of the previous application new architects were chosen in order to achieve a different design approach; the concerns in relation to suburban-type housing was addressed by the use of a different design language, treatment and finishes with the houses now generally terraced as opposed to semi-detached in the original application; and, a landscaped courtyard is proposed to the rear of the Protected Structure.
- The placement of the courtyard was informed by an analysis of the historical mapping.
- An overview of planning history of the site is given.

- The housing scheme put forward under this application has been informed by discussions with the Planning Authority.
- This scheme is a new proposal consisting of different site layout, different house types, different treatment and finishes through to creates new buffer spaces and a courtyard.
- The scheme is informed by an understanding of the Protected Structure and its setting.
- This proposal includes the reinstatement of historic pathways to the front, south and south-east of Glebe House. It also includes the removal of remaining non-historic footprint of a corrugated metal building to the north north/east of Glebe House.
- The design seeks to minimise impact on the setting of the Protected Structured.
- This proposal would have a positive impact on the setting of Glebe House and its setting.
- There is a general mish mash of extensions and modern structures present on the site. Their removal would be beneficial.
- The rear of the grounds behind Glebe House have not been landscaped as far back as 1888.
- The Protected Structure remains the focus of its setting in this current proposal.
- The proposed development would not affect any important woodland and parkland.
- All of the proposed new residences are lower than Glebe House.
- No views would be impacted by the proposed development.
- No significant skylines would be impacted by the proposed development.
- The area to the front of Glebe House has historically been gravelled and used for car parking.
- Conservation documents provided by the applicant do not refer to the lands as 'waste lands'.
- The proposal has had regard to the Architectural Heritage Protection Guidelines for Planning Authorities and best conservation practices.

- The proposed works are a sensitive intervention that have properly taken account of Glebe House and its historic setting.
- The density under the previous scheme was 13 units per hectare based on 23 units on a site of 1.72ha. This figure included Glebe House and the converted outbuildings. The density under this scheme is 15 units per hectare, with this including the previously permitted 5 units and the proposed 22 units.
- There was no otter seen during the survey carried out by the ecologist, but the presence of a half-eaten fish suggested that one may be present. The proposal seeks to leave the ditch on the south western boundary in place in its natural state and no works are proposed to the same.
- The basis for the tree removal was outlined in detail in the further information response.
- The bat report did not identify bat roosts on site.
- Landscaping post construction will increase existing habitat for bats.
- The arborists survey notes a total of 47 trees will be removed from the site which has 81 trees. Out of the trees to be removed only three are of moderate quality and the rest are of poor quality.
- The screening in place along the western boundary of Straffan Lodge will screen any potential views. There is no material risk in terms of residential amenity of Straffan Lodge.
- The proposed development represents the proper planning and sustainable development; therefore, the Board is requested to grant permission.

6.4.4. On the 13th day of June, 2022, the Board received a further response from the First Party appellant Padraic Ryan. It can be summarised as follows:

- We remain of the view that Diswell House and Eaton Brae are both useful comparisons in terms of how new housing has been successfully provided in the curtilage of a dwelling that is a Protected Structure.
- This response is accompanied by a document in support by a Grade III conservation Architect. This accompanying document includes the following comments:

- There is no conflict in the description provided in relation to the greenhouse as it was structure that was for the enjoyment of the pleasure grounds attached to Glebe House.
- The greenhouse structure with its 7m length and 3.5m width relative to other structures like the Coach House was a large structure on site.
- There is precedent for historic buildings for development.
- The greenhouse structure created an undisputed historic building line for the setback of houses to the south/south west of Glebe House.

7.0 **Assessment**

7.1. **Preliminary Comment**

- 7.1.1. Prior to commencing my assessment, I note on the 26th day of January, 2021, the Board under appeal case ABP-307534-20, made a split decision on a residential scheme on the subject site.
- 7.1.2. In relation to this past decided appeal case, the Board permitted subject to conditions a development comprising of the demolition of the modern single storey extension to the side/south west of Glebe House, the single storey detached dwelling to the rear of Glebe House and the boiler house adjacent to the north west corner of the site, and the conversion and refurbishment of Glebe House and associated extensions and outhouse to create four number apartments and the conversion and refurbishment of the coach house.
- 7.1.3. The remainder of the residential scheme was refused on the basis of adverse impact that would arise of the character and setting of Glebe House, a designated Protected Structure (RPS Ref. No. B14-23 and NIAH Ref. No. 11809006), in a manner that would be contrary to Policy PS 2 of the Kildare County Development Plan, 2017-2023.
- 7.1.4. I note that this Development Plan policy seeks to protect the special character of Protected Structures from inappropriate development and the aforementioned Development Plan is still applicable.
- 7.1.5. At the time of inspection, I observed that the component of the development permitted under ABP-307534-20 has not been implemented though it does appear that minor ground works have occurred in the form of cutting down of trees and shrubs.

- 7.1.6. It was also unfortunately apparent at the time of inspection that Glebe House and the buildings as well as landscape within its curtilage as well as demarcating its boundaries have become more unkempt.
- 7.1.7. In relation to the concerns raised with regards to the adverse impact the development permitted under ABP-307534-20 would have on the intactness and integrity of 'Glebe House' itself, a structure of built heritage merit, I consider that these concerns fall outside of the Boards remit in their *de novo* consideration of this appeal case.
- 7.1.8. This is on the basis that the application for development before the Board for its *de novo* deliberation excludes Glebe House from the works sought for planning permission. Notwithstanding this fact, works are proposed in its immediate setting and within its curtilage as part of the overall proposed development sought under this application. With these overlapping with the site area which ABP-307534-20 related to and seeking to supersede the residential development as well as its associated works within the historic curtilage of Glebe House.
- 7.1.9. For clarity I note to the Board that their previous grant of permission resulted in 5 dwelling unit outcome at the Glebe House site. That, if implemented, and when taken together with the 22 dwelling units proposed under this current application would give rise to a total of 27 dwelling units on this 1.74ha site.
- 7.1.10. Further, according to the planning application the gross floor area of existing buildings approved is 637m² and the gross floor area of works proposed under this current application is 3,133.9m².
- 7.1.11. I note that the latter figure was unchanged by the applicant's further information request (Note: 28.02.2022) despite the concerns raised by the Planning Authority in relation to the proposal including buildings forward of the building line of Glebe House.
- 7.1.12. As such the total gross floor area of residential development as existing, as permitted and as proposed under this application, would cumulatively be 3,770.9m².
- 7.1.13. Secondly, during the course of the Planning Authority's determination of this planning application further information was sought.
- 7.1.14. The applicant's response to the Planning Authority's was received on the 28th day of February, 2022, and as this response included qualitative improvements to the proposed development.

- 7.1.15. In particular, it included a number of transportation and servicing infrastructure improvements.
- 7.1.16. It also provided additional clarity on a number of matters that lacked adequate detail for an informed determination to be made on the proposed development. I have outlined under Section 2 of my report above, the additional documentation submitted, and the documents received by the Planning Authority. These are all are attached to file.
- 7.1.17. Therefore, for these reasons my assessment below is based on the proposed development as revised by the applicant's further information response only.
- 7.1.18. Thirdly, I note to the Board that as part of the First Party's appeal submission they have sought that the Board omit Condition No. 3 from the Planning Authority's notification to grant permission in its entirety.
- 7.1.19. The basis for the omission of this condition is on the basis that they fundamentally do not agree with what the Planning Authority that the changes required are justifiable as 'Block A1' is in their view an appropriate design response to the built heritage sensitivity of this site.
- 7.1.20. In addition, as part of their determination of this appeal case have regard to amendments sets out to address the requirements of Condition No. 3(b) of the Planning Authority's notification to grant permission for the proposed development sought under this application subject to conditions.
- 7.1.21. This sub-condition in part required that 'Block A1' to be located in the footprint of the existing haybarn and sought for this building to redesigned.
- 7.1.22. The amendments are set out under five architectural drawings titled:
- Drawing No. 100 – Proposed Block Plan – Amendments to 'Block A1'.
 - Drawing No. 110 – Proposed Site Plan – Amendments to 'Block A1'.
 - Drawing No. 120 – Proposed Site Roof Plan – Amendments to 'Block A1'.
 - Drawing No. 125 – Amendments to 'Block A1'.
 - Drawing No. 201 – 'Unit A1' Plan, Section, Elevations – Amendments.

- 7.1.23. Of particular note the amendments proposed in this suite of drawings seek to position 'Block A1' to correspond with a previous historic structure located on this site. As such three sides of the unamended footprint 'Block A1' would by way of this amendment now align with the footprint of the hay barn structure.
- 7.1.24. Effectively this repositioning moves the footprint not only into a position where it overlaps in a more coherent manner with the historic footprint of the hay barn structure. But also, by doing so it moves 'Block A1' closer to the main entrance now proposed which addresses and opens onto New Road.
- 7.1.25. It also positions this building block 5.33m back from the New Road roadside boundary of the site.
- 7.1.26. I note that this gives rise to this building block at its closest point being positioned 7.255m to the south of the proposed access road and entrance to serve the additional dwelling units sought.
- 7.1.27. In terms of overall redesign of the overall apartment block the First Party appellant does not propose to make any other amendments to this building.
- 7.1.28. In this regard I note that not only did sub condition (b) seek for this building to be redesigned. It also put forward that the roof structure over be a barrel vault roof in order to differentiate it from the remainder of the development but at the same time having reference to the historic hay barn structure it would replace.
- 7.1.29. I am of the view that the repositioning of the 'Block A1' to that now proposed under the suite of drawings accompanying the First Party's appeal response is a positive improvement due to it corresponding with the historic placement of buildings within the curtilage of Glebe House.
- 7.1.30. I am also of the view that the repositioning of this apartment building results in a minimal change in the layout of the residential development. In particular the positioning of this apartment building as originally proposed under the planning application.
- 7.1.31. As such given it is a minor amendment, I consider that would not be inappropriate for the Board to make a determination on the planning merits of the proposed development subject to this revision. I do not consider that the amendment is one that

would require new public notices given the minimal change in positioning that would arise to 'Block A1' itself.

- 7.1.32. In relation to the other requirement of sub condition (b) I consider that there is a missed opportunity to provide a more qualitative, of its time contemporary through to more site context appropriate built intervention at this location than what is proposed in this application. That is in terms of its overall built form, appearance and palette of materials. Including as it would be appreciated in the round as an entry building to the site that would not only be highly visible from New Road but would also be highly visible within the context of this historic site where it would become a dominant new built feature when appreciated as part of the curtilage of Glebe House. Including Views towards Glebe House itself, where it would change the relationship of this primary building on site with other historic and proposed built features both proposed under this application and as permitted under recent grant of permission if implemented.
- 7.1.33. I am also of the view that 'Block A1' is not a qualitative design response to the curtilage of Glebe House, a Protected Structure and the surviving built features of merit within it, including the coach house building, as well as the deliberate hierarchy and placement of secondary built forms within it. This proposed structure would in my view compromise the visual integrity and appreciation of Glebe House as well as its visual setting. With the diminishment being added to by the opening up of the roadside boundary to accommodate this residential scheme. And with this, 'Block A1' and the other proposed elements of the residential scheme proposed would, in my view, cumulatively dilute the special and intrinsic qualities as well as character of Glebe House and its setting, if permitted, as proposed.
- 7.1.34. With this being said outside of the repositioning of 'Block A1', I am of the view that the First Party Appeal submission to the Board, including the minor changes to the position of this building does not fully resolve the issues which sub condition 3(b) sought to overcome.
- 7.1.35. In relation to sub condition 3(a) I consider it is appropriate to deal with this matter as an integral part of the Boards *de novo* determination of the development sought under this application. With this appeal case also being subject to a Third-Party appeal submission that raises other substantive planning issues and seeks that the Board overturn the decision of the Planning Authority.

7.1.36. Mainly on the basis of adverse built heritage impacts on the setting of Glebe House; the serious injury that would arise to the visual and residential amenities. Through to the potential of this proposed development due in part to the substandard nature of New Road; the proximity of the development and the new entrance proposed to a National School which would have the potential to give rise to significant road safety and traffic hazard outcomes for road users.

7.1.37. On the basis of the above and for clarity I note that my assessment below is based on the plans and information received by the Planning Authority on the 28th day of February, 2022, and as amended by further plans and particulars received by the Board on the 20th day of April, 2022, relating to the minor change in positioning of 'Block A1' on site.

7.1.38. Having inspected the site and its setting; having read the file including the submissions and responses it contains; together with having had regard to relevant local through to national planning policy provisions as well as guidance applicable to the development sought under this application, I consider that the key planning issues in this appeal case are as follows:

- Principle of the Proposed Development
- Relevant Planning History
- Built Heritage Impact
- Access
- Residential Amenity Impact
- Other Matter Arising

7.1.39. In addition, the matter of '*Appropriate Assessment*' requires examination.

7.1.40. In relation to the concerns raised by the Third-Party Appellants otters and bats on site. They have provided no substantive evidence to support the presence of otters and bats on site and there is limited scientific data to support the presence of these protected species on site outside of a part eaten fish.

7.1.41. Further, the overgrown nature of the site, together with other issues on site that did not make the ground safe to walk on the entirety of the site, including the boundaries

of the site that includes a watercourse, I did not observe the presence of either of these species.

- 7.1.42. I also note to the Board that I returned to the site due to being in proximity to it during dusk and into the early night time hours. During this time I did not observe the presence of any bats.
- 7.1.43. Notwithstanding, this in itself is not proof that substantiates that bats do not roost or forage on this site, a site that contains mature trees, abundant insect species and unused structures that could be used by them for nesting.
- 7.1.44. The site is also located at an edge of a modest village with a rural hinterland that provides foraging and other nesting opportunities for bat species.
- 7.1.45. Moreover, there is evidence of both protected species being present within the wider landscape setting of the site.
- 7.1.46. Given the protected status of these species I concur with the Planning Authority that appropriately worded conditions should be included by the Board as a precaution to safeguard them. With this including maintaining an appropriate landscaped natural buffer along the drainage ditch running along the rear boundary of the site through to the minimisation of loss of mature natural features and compensation by a site sensitive qualitative landscaping scheme that includes the use of appropriate indigenous species the loss of poor-quality trees on site for which removal is proposed. Alongside minimising the potential impacts that could arise from any inappropriate lighting scheme.
- 7.1.47. The following sections of the report contain the main assessment of the broad issues set out above for the consideration of this appeal case. I consider that there are no other substantive planning issues arising that warrant detailed examination.

7.2. Principle of the Proposed Development

- 7.2.1. The 1.74ha appeal site relates to the curtilage of Glebe House, a Protected Structure, located within Straffan village in County Kildare. Straffan is designated as a 'village' in the County Settlement Strategy with the site itself zoned 'B - Existing Residential/ Infill' under the Village Plan which is set out in Volume 2 of the Development Plan. The general principal of residential development is permissible on lands subject to this land use zoning, subject to safeguards that include but are not limited to local planning

provisions requirements that all new development in the village of Straffan demonstrating regard to the character, form, and scale of existing buildings in the village.

- 7.2.2. I note that the Planning Authority's Planning Officers reports considered the principle of residential development on the subject site acceptable.
- 7.2.3. I also note that the County Settlement Strategy in a manner consistent with regional and national planning policy provisions as well as guidance seeks to channel residential development to appropriate residentially zoned lands within settlements, including villages.
- 7.2.4. Of particular relevance, and as set out by the previous Board inspector in their assessment of appeal case ABP-307534-20, the National Planning Framework, has a population projection by 2040 to 5.7million people, which provides for one million extra people, 660,000 new jobs and 550,000 new houses by 2040.
- 7.2.5. This would represent a significant growth in Dublin and the metropolitan region, including adjoining counties like Kildare, with Straffan situated c29km from Dublin's city centre and being in easy reach of key transport routes through to being within an hour of Dublin Airport.
- 7.2.6. The National Planning Framework under National Policy Objective 11 sets out that in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within settlements subject to development meeting appropriate planning standards and achieving targeted growth.
- 7.2.7. In addition, under National Policy Objective 35 the National Planning Framework advocates increased residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes area or site-based regeneration and increased buildings.
- 7.2.8. I further note that the site itself forms part of the historic lands associated with the village settlement of Straffan, with the land around it having a residential character and with the land opposite including a National School (Note: Scoil Bhríde National School, New Road).
- 7.2.9. The site is also located within a village that has public mains water and foul drainage.

- 7.2.10. With the documentation provided with this file as well as that which is publicly accessible indicating that there are no capacity issues in terms of accommodating the additional demands that the proposed 22 dwelling units sought under this application would place upon it.
- 7.2.11. In addition, with accommodating other recent and permitted yet to be implemented development within its settlement boundaries,
- 7.2.12. In addition, Straffan contains a number of services, amenities and retail offers that are situated within easy walking distance of the site as well as employment opportunities. It GAA club and grounds, petrol station, physiotherapist clinic, Straffan Parish Church, St. Brigid's Church, a Steam Museum, overnight stay accommodation, golf course through to food offers.
- 7.2.13. Further, the village of Straffan is served by public transport. With this including by way of bus (Line 120) to Dublin City centre and other settlements in between Bus Stop 104801 in Straffan to Heuston Station Stop 4413 with publicly available information indicating that there are circa 193 buses running weekly between the two.
- 7.2.14. Moreover, the rural hinterland around Straffan is a landscape setting that is recognised under local through to national planning provisions and guidance as being under significant urban generated pressure for residential development. As a result, it contains a proliferation in particular of one-off dwellings with the number of such dwellings increasing over the last number of decades.
- 7.2.15. The cumulative impact of these developments has eroded the visual amenities of the surrounding rural landscape and placed additional environmental burdens of this rural landscape due to the need for the majority of these dwelling units to provide proprietary water and foul drainage to meet there needs.
- 7.2.16. Alongside has diminished available agricultural land in a county where agriculture is a key economic driver and in a county where its network of public roads is put under increased pressure from developments like this that are recognised as being heavily dependent upon private car usage.
- 7.2.17. The influx of cars on New Road into the settlement of Straffan to collect children from the national school opposite is reflected in the large volume of traffic that I observed entering into and existing the village during my site inspection.

- 7.2.18. It is also reasonable, in my view, as part of considering this application that regard is had to the fact that subject site, despite effectively comprising the curtilage of a Protected Structure and therefore a site that is highly sensitive to change. With the current state of the site, particularly the northern section being underutilised and unkempt in a manner that detracts from its immediate suburban setting and as appreciated from New Road as well as adjoining properties.
- 7.2.19. In such a context, there is undoubtedly latent potential present in the north of the site to make a more positive contribution to the land use zone in terms of adding to the vitality and vibrancy of Straffan, alongside increasing its housing stock that may in turn may lessen the demands on the rural hinterland to accommodate one-off dwellings.
- 7.2.20. In addition, a sensitive design and layout solution for any future residential development at this location could open up the appreciation of Glebe House, a Protected Structure, as a building that should be appreciated in the round. Alongside including a restored and enhanced landscaped setting.
- 7.2.21. The proposed development of this site subject to appropriate density, design, layout through to respect of the built heritage, would typically be encouraged in such a location where, as said previously noted, there is access to services and amenities. Such locations are encouraged by Ministerial guidance including: the ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009’; the ‘Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2020’ through to the ‘Urban Development and Building Heights, Guidelines for Planning Authorities, 2018’) provided it integrates successfully with the existing pattern of development and provides adequate consideration to protecting the amenities of existing properties.
- 7.2.22. In addition, such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework which seeks to secure more compact and sustainable urban growth.
- 7.2.23. For example, under National Policy Objective 33 of the National Planning Framework it seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location. In addition, under National Policy Objective 35 of the NPF sets out an objective to: *“increase residential density in settlements, through a range of measures including reductions*

in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

- 7.2.24. Further, the document ‘Housing for All - A New Housing Plan for Ireland’, seeks increases in housing stocks in the country and the Climate Action Plan seeks to foster sustainable development with more climate resilient land use management.
- 7.2.25. Within that the planning system plays an important role ensuring that development is channelled in a sustainable manner to appropriate locations that can accommodate them with least environmental and other adverse impacts. This is in the interest of the common good and in the interests of future generations.
- 7.2.26. I am therefore satisfied that the overall general principle of residential development at this location is acceptable, subject to the consideration of all other relevant planning issues, including but not limited to the built heritage and amenity impact.

7.3. Planning History and Built Heritage

- 7.3.1. In my view it is of relevance that the appeal site has been subject to a number of previous planning applications for residential development within the original and surviving curtilage of Glebe House, a designated Protected Structure.
- 7.3.2. The most recent was subject to a First Party appeal to the Board that sought to overturn the decision of the Planning Authority to refuse planning permission for a development consisting of the demolition of a number of outbuildings; the conversion of Glebe House into apartment units; the conversion of the coach house into 1 no. dwelling unit; and the provision of housing units to the rear of Glebe House (Note: ABP-307534-20/P.A. Ref. No. 20227).
- 7.3.3. As set out under Section 4 above, the Board issued a split decision in relation to this development which granted permission subject to conditions the demolition of the modern single storey extension to the side/south west of Glebe House, the single storey detached dwelling to the rear of Glebe House and the boiler house adjacent to the north west corner of the site, and the conversion and refurbishment of Glebe House and associated extensions and outhouse to create four number apartments and the conversion and refurbishment of the Coach House.
- 7.3.4. On the given basis that this component of the proposed development, subject to compliance with the recommended conditions, would be consistent with the site and

pattern of development, would not seriously injure the integrity, setting and character of the protected structure, Glebe House, or the visual or the residential amenities of the area and would be acceptable in terms of traffic safety and convenience.

- 7.3.5. It was also considered by the Board that these particular components of the proposed development accorded with planning provisions and with the proper planning and sustainable development of the area.
- 7.3.6. In relation to the remainder of the development the Board refused the 18 number new dwellings proposed in the grounds of Glebe House based on a number of factors. With these including the dominance and the character of the suburban-type housing proposed within the scheme when combined with its overall design and layout.
- 7.3.7. Which the Board considered would be an inappropriate form of development at this location and would result in a negative visual impact on the character and setting of Glebe House.
- 7.3.8. In addition, the Boards stated reason and consideration noting that Glebe House is a designated Protected Structure under the Record of Protected Structures and is also NIAH listed.
- 7.3.9. In this regard, the Board considered to permit the proposed development would be contrary to Policy PS 2 of the Development Plan which seeks to provide protection for the special character of such structures from inappropriate development. On this basis it was considered by the Board that the proposed development would be contrary to the proper planning and sustainable development of the area.
- 7.3.10. I consider that this Board decision not only concurred with the Planning Authority in this case, but it was also consistent with the Boards previous decision in relation to a previously refused less dense residential scheme within the curtilage of Glebe House (Note ABP Ref. No. PL09.122790 (P.A. Ref. No. 00/73)).
- 7.3.11. On this point I note that the Board under ABP Ref. No. PL09.122790 similarly refused the provision of new housing within the grounds of Glebe House.
- 7.3.12. In this stated appeal case, the Board considered that the residential scheme which sought eight no. 2-storey dwelling units and their associated works would result in the destruction of the formal garden which forms part of the curtilage and landscape setting of Glebe House (Note ABP Ref. No. PL09.122790 (P.A. Ref. No. 00/73)).

- 7.3.13. It would appear from the planning history of the site and in the intervening years this formal garden and landscape setting of Glebe House has been subject to a significant loss of integrity and character due to poor custodianship.
- 7.3.14. The issue of the progressive on-going diminishment of Glebe House and its curtilage is a concern raised by Third Parties in this appeal case.
- 7.3.15. Such matters are for the Planning Authority to deal with as they see fit and I note that the planning history of the site includes enforcement proceedings. The details of which are unclear.
- 7.3.16. In relation to the development now sought under this application I consider that given the planning history of the site, it is incumbent that any application, in particular has regard to the most recent appeal case pertaining to the subject site which was decided by the Board on the 26th day of January, 2021.
- 7.3.17. Any residential scheme within the grounds of Glebe House, a Protected Structure, is required to demonstrate as part of any residential development for additional units that the design resolution and approach chosen has overcome the reasons and consideration for refusal relating to previously proposed dwelling units within its curtilage.
- 7.3.18. I also consider it incumbent that a formal landscape which is an integral component of the Protected Structure though in recent years been subject to neglect is appropriately addressed as part of any development.
- 7.3.19. With regards to overcoming the Boards previous reasons for refusing permission for the construction of dwelling units within the grounds of Glebe House. These grounds consist of the original historic plot associated with this particular Protected Structure. The Third-Party appellant argues that the proposed design and layout of the dwelling units now proposed under this application not only do not overcome the previous concerns raised by the Board but that the more dense residential scheme would give rise to more significant adverse impacts on the special character and the legibility of this Protected Structure in its surviving intact original curtilage.
- 7.3.20. I consider that there is significant merit in this concern having examined the design and layout of the proposed dwelling units on this built heritage sensitive to change site

which in my view does not put forward a robustly different approach to the previous dwelling units sought to the side and rear of Glebe House.

- 7.3.21. Further the design and layout does little to comprehensively address the loss of the landscape value of Glebe House that was derived from the site and rear of its landscaped garden plot. With the proposed development sought seeking to maximise unit provision in a homogenous suburban treatment of buildings, layout, and a cramped building to space relationships. Particularly in the context of the placement of new dwelling units within 24m of the side of building footprint of Glebe House. Alongside the space in between being characterised by its function as car parking and mainly hard surfaced with minimal buffering between the two.
- 7.3.22. I also consider that the placement of dwellings to the side of Glebe House in the manner proposed is inappropriate, unsympathetic and reflects the over densification sought to accommodate very suburban 2-storey dwelling forms in order to achieve a high number of units.
- 7.3.23. The approach is not particularly innovative in terms of achieving appropriate density whilst balancing the need to protect and safeguard the intrinsic special character of Glebe House.
- 7.3.24. There is also visual imbalance in the design layout between the relationship of Glebe House, Dwelling Units Labelled 17, 16, 19, 20, 21 and 22, particularly in terms of how these buildings harmoniously correspond with the creation of what is described as a landscaped courtyard. There is a lack of balance between the placement of units on the eastern and western side of the courtyard and this is particularly added to by the lack of balance in the placement of Building 'Block A2' and the dwelling units 17, 18 and 19.
- 7.3.25. A more successful approach for such a suburban treatment of dwelling units would have been to counterbalance 'Block A2' with the placement of a similar block opposite it on the other side of the landscaped courtyard.
- 7.3.26. Together with carrying through the placement of detached buildings lack those labelled 'C' to the north of it in a manner paralleling those to the north of 'Block A2'. This approach would have resulted in level of visual harmony, symmetry and built form balance, in terms of the building to space relationship within the historic intact curtilage of Glebe House.

- 7.3.27. Also such an approach though resulting in less units would have provided a greater opportunity for increased and more qualitative as well as innovative landscaping which is needed to also harmonise and balance the landscape within the curtilage of Glebe House as part of any residential development scheme.
- 7.3.28. Even with such changes there are further improvements required to ensure that the proposed intensification of dwelling units on this site that like the above suggested amendments can not in my view be resolved by way of conditions alone.
- 7.3.29. But require a more sympathetic reconsidered design and layout approach of improved architectural quality that can sit comfortably with Glebe House, whilst still balancing the need for the character of Glebe House to be better understood, safeguarded, and protected as part of the design concept.
- 7.3.30. In addition, the design of the formal spaces to the side and front of the proposed dwelling units together with the manner in which car parking is to be provided to the side and front of Glebe House and 'Block A' lack any consideration of restoration of any formalised landscaping or sylvan character. But instead is a car dominant landscape that effectively results in the only tangible historic landscaping of any value in terms of the respecting the historic setting of this building being that remaining effectively forward of its main building line.
- 7.3.31. Moreover, the landscaping as presented appears to seek opening up vistas of Glebe House and the proposed expansion of infill residential units within its historic curtilage as viewed from the public domain. This contrasts with its historic context where only glimpses of this historic building would be evident and with Glebe House's character being in part derived from its formal landscaped setting that had a strong sylvan and rural idyll presentation.
- 7.3.32. Based on the above considerations I am not convinced that this application has overcome the previous reasons for omitting dwelling units under ABP-307534-20 and, if permitted, would result in a development that would fail to accord with Section 17.15.2 of the Development Plan. This section of the Development Plan relates to development within the curtilage, attendant grounds and setting of protected structures and requires applications for development in such locations to protect the special character of these buildings and their setting. Including ensuring that new developments compliment their character as well as are of high quality.

- 7.3.33. Further, I am not satisfied based on the information on this file supports that the proposed development, if permitted, would not be contrary to Policy PS 2 of the Development Plan which seeks to: “*protect the curtilage of protected structures or proposed protected structures*”. With this policy advocating the refusal of permission for inappropriate development within the curtilage or attendant grounds of a protected structure which would adversely impact on the special character of the protected structure including cause loss of or damage to the special character of the protected structure and loss of or damage to, any structures of architectural heritage value within the curtilage of the protected structure.
- 7.3.34. Moreover, I consider that the proposed development, if permitted, as proposed would also conflict with Policy PS16 of the Development Plan which sets out that the Council will seeks to protect and retain important elements of the built heritage, including historic gardens, stone walls, landscapes and demesnes, and curtilage of features and Policy CH1 which sets out that the Council will seek to promote appreciation of the landscape and historical importance of traditional and historic gardens, particularly where they constitute an important setting to a protected structure.
- 7.3.35. In conclusion, it is my considered opinion that the concerns raised above are of sufficient weight to warrant the refusal of permission for the development sought under this application. Thus, I am not satisfied that to permit the proposed development would accord with the proper planning and sustainable development of the area.

7.4. Access

- 7.4.1. The proposed development seeks to use an existing access as well as provide a new vehicle access onto New Road to accommodate the proposed development alongside the existing and approved but yet to be implemented dwelling units permitted under ABP-307534-20.
- 7.4.2. The Third-Party Appellant in their appeal submission to the Board raises concern that due to the substandard nature of New Road and the quantum of traffic it accommodates. Which includes drop off and collections for the national school opposite which is served by 15 parallel parking would add significantly to the potential for conflicts to arise between the additional traffic movements associated with the proposed development for road users over and above the existing situation.

7.4.3. I also note to the Board that the Planning Authority's Transportation & Public Safety Department having had regard to the revisions made by the applicant as part of their further information response recommended that the proposed development be refused for the following stated reason:

"The proposed development and increased traffic in a highly trafficked pedestrian and cycling area, located in an existing heavily congested regional road adjacent to a school, would endanger public safety.

The proposed application would endanger public safety by reason of traffic hazard, reduced sightlines at proposed entrance to the development, lack of adequate and safe pedestrian and cycle facilities for the proposed development and obstruction of road users due to the movement of the extra traffic generated."

7.4.4. Having inspected the site and its setting during when the school opposite was operational I observed that New Road was indeed a heavily trafficked, congested through to at times was a blocked regional route that is under significant road user pressure during such times.

7.4.5. I also observed that parking my those collecting from the school appeared to not mind blocking or obstructing entrances, including that of the subject site, which would appear to still accommodate some habitable use in the buildings therein.

7.4.6. Against this context and having regard to the existing car parking arrangement of the school together with the revised footpath arrangement along the roadside boundary, the proposed provision of parallel parking/set down area, the additional quantum of vehicle and pedestrian movements that the proposed development would generate combined with the provision of an additional entrance with the latter requiring a loss of mature planting from the curtilage of a Protected Structure I am of the view that the reason for refusal put forward by the Planning Authority's Transportation & Public Safety Department is with basis and that the proposed development, if permitted, in the manner proposed would give rise to additional road safety and traffic hazard issues for road users.

7.4.7. I also note that email communication attached to file in relation to the proposed development sets out that the NTA has set out their full support for the national school in their participation with the Green Schools Programme and the associated National Safe Routes to School Programme.

- 7.4.8. This communication indicates that the NTA raised concerns over the proposed set down area proposed under this application on the basis that set down areas are being strongly discouraged under the Safe Route Programme initiative.
- 7.4.9. In this regard they note that the Safe Routes to School programmes promotes the use of Park and Strides, whereby children are dropped off in a designated area within walking distance of the school and parents are encouraged not to drive directly to the school for children.
- 7.4.10. It is also noted that this also reduces car engine idling and associated emissions which I note gives rise to poor air quality conditions around school with children being highly vulnerable to adverse impacts from such emissions.
- 7.4.11. Whilst I am aware that at present there is no 'Park and Stride' in place associated with the national school opposite. I raise concern that the parallel park/set down area is seeking a solution to the current issues that arises during drop off and collection of pupils during the school year along the roadside boundary of the site. With the solution being one that is indicated by the Planning Authority's Road Design and MD Office as a necessary intervention at least as a transitional arrangement to deal with the serious traffic and parking issues at the school until such a time as a 'Park and Stride' is identified.
- 7.4.12. In this context, whilst the provision of a 2m in width footpath along the entire roadside length of the site would improve connectivity and permeability for pedestrians given that the pedestrian footpath on the western side of New Road, which provides connection to the village core, terminates to the immediate south of the roadside boundary.
- 7.4.13. Notwithstanding this positive and setting aside the fact that the manner in which it would be achieved would result in a loss of sylvan character, it is unclear whether given the proximity of the site to the national school opposite. Alongside the development that has occurred in the vicinity of the school whether the proposed development together with the pattern of development within the village of Straffan itself that the design and layout of the scheme has had appropriate regard to permeability and connectivity. Whereby it has included as part of the overall design consideration potential for permeability and connectivity for vulnerable land users to access New Road from other lands to the south and south west. Given the pattern of

existing development within the village and the areas within the village where future residential development and consolidation of its urban form are being permitted and considered I raise a concern that the design as well as layout in terms of permeability and connectivity is inward looking and is one that encourages car usage as opposed to encouraging more outwardly looking sustainable development that includes qualitative improvements in the movement of vulnerable road users within settlements.

7.4.14. The latter approach is also encouraged as part of integrated and climate resilient approaches to land use planning.

7.4.15. While I am cognisant that the Planning Authority's Transportation & Public Safety Department included safeguards should a grant of permission be considered with this including the inclusion of a condition requiring that the entrance layout, roads, footpaths, turning areas and corner radii at junctions be designed in accordance with DMURS with corner radii of 4.5 – 6m to be provided. Alongside a requirement for the developer to provide a 2.0m footpath along the entire front boundary of the site and a set down parallel car parking with bollards along the entire front boundary unless otherwise agreed with the Planning Authority. With the given reason being in the interest of proper design.

7.4.16. I am not satisfied that this overcomes the reasons upon which it recommended refusal given that the recommended condition is only one of the safeguards recommended with an additional 19 separate other requirements that altogether seek to address design standards, public safety through to proper drainage.

7.4.17. These I do not consider are minor in their nature and scope.

7.4.18. On the basis of the above considerations and the information provided on file I am not satisfied that the proposed development is one that would not give rise to any serious road safety or hazard were it to be permitted. This concern is of substantive weight to support a refusal of permission for the proposed development sought.

7.4.19. I am also not satisfied given the built heritage and sylvan quality of the surviving original curtilage of Glebe House, a Protected Structure, that its roadside boundary treatment should be one that is designed to address a traffic related issue that arises outside of the site itself and an issue that if addressed along this boundary would not compromise the setting and curtilage of this Protected Structure.

7.5. Residential Amenity Impact – Properties in the Vicinity

- 7.5.1. Given the separation distance between existing dwellings and dwellings proposed under this application alongside the location of the site within the fringes of Straffan where there is an established pattern of low to medium residential development bounding the site to the south, east and west, I therefore concur with the Planning Authority that subject to appropriate safeguards, that includes site appropriate screening and boundaries, with improvements to that proposed under this application achievable by way of appropriate worded condition, that no undue adverse residential amenities would arise for properties in its vicinity.
- 7.5.2. In addition, should the Board be minded to grant permission nuisances arising during the construction phase of development should be addressed by way of appropriate conditions to ensure that no undue deterioration of established amenities arising during this time. There are standard conditions that deal with this phase of the development, and it would be appropriate to impose these to safeguard the residential amenities of properties in the vicinity of the proposed development.
- 7.5.3. Moreover, the visual buffering and screen that arises from mature planting on site, particularly in the vicinity of the site boundaries, should be safeguarded and reinforced so it continues to provide a functional barrier protecting privacy of adjoining and neighbouring residential properties.
- 7.5.4. In the event of the Board being minded to grant permission I recommend that appropriate safeguarding is given to these mature natural boundaries of merit, that qualitative and functional reinforcement natural as well as physical man-made screening between the site and properties within its immediate setting that are sensitive to change is also provided for by way of appropriate worded conditions.
- 7.5.5. Subject to these safeguards I consider no adverse residential amenity impacts would arise, including that of the appellants property.

7.6. Residential Amenity – Future Occupants

- 7.6.1. Should the Board be minded to grant permission for the proposed development I would advise that they seek improvements to the proposed residential unit's internal amenity provision by way of requiring them to meet local and national storage standards. I

note to the Board that this is set out under Condition No. 5 of the Planning Authority's notification to grant permission.

- 7.6.2. In addition to this I note that there are a number of other conditions included that seek to achieve improvements to the residential amenity for future occupants including ensuring parking provision is achieved in accordance with best standards including the provision of EV charging points, improved permeability and connectivity between the public realm within the proposed and existing residential units within the curtilage of Glebe House for all users,

7.7. **Other Matters Arising**

- 7.7.1. **Trees:** The planning application included a Arboriculturist Impact Assessment and Tree Protection Plan. It is noted the zoning map in the development plan includes Tree Woodland Preservation Objective. However, these trees have not been the subject of a Tree Preservation Order and it would appear since the local planning provisions have been adopted and since the previous appeal case was considered by the Board that there has been a further loss of trees on site. This is evident on site.

I consider that the loss of mature trees from the grounds of Glebe House, grounds which historically were formally designed to contain strong visual screening and containment of this building, its associated structures, its associated formal garden spaces, its entrance and driveway from the public road through to its site boundaries has diminished the special character and integrity of the original design intent for it, the site it occupied and the landscape setting it formed part of. In saying this I consider that this application seeks a significant further removal of over half of the surviving trees on site, i.e., 46 of the 81 trees.

Not only would this loss result in a significant deterioration of the sylvan character of this historic site and the surrounding wider setting of Glebe House as part of a village setting whose character is in part informed by its sylvan character.

It would also in my view open up Glebe House within its setting in a manner that would conflict with the original design intent of this dwelling and the grounds that comprise its curtilage.

The loss of trees together with the overall landscaping approach to the site as a whole as part of this proposal does not in my view compensate in quality and outcome.

Instead, it would result in an eroded, cramped in terms of buildings and hard landscaping through to a more open setting from which Glebe House would be appreciable.

Whilst I consider that the quantum of housing proposed under this application together with the creation of associated communal, semi-private and private amenity spaces in combination with the increased areas of surfacing accommodating access, parking, bin storage and the like would significantly erode the special character and integrity of Glebe House in a negative manner.

Notwithstanding these concerns, should the Board be minded to grant permission for the proposed development I recommend that it seeks by way of condition more qualitative landscaping outcomes that also ensures that sylvan character and self-containment through to privacy afforded as part of the original design intent for Glebe House's setting is more meaningfully and respectfully achieved.

Such a condition should be subject to the written agreement of the Planning Authority prior to the commencement of any development and I consider such a condition is appropriate in terms of safeguarding and protecting the curtilage of Glebe House, a Protected Structure, and the visual amenities of the area given that the mature trees on this site add to the sylvan character of its New Road streetscape scene.

- 7.7.2. **Public Infrastructure Connection:** The proposed development seeks new connections to public mains water and foul drainage. In this regard I note that the Planning Authority and Irish Water did not raise any capacity issues or any specific objection to this subject to standard in nature safeguards. Based on the information provided with this application and subject to valid connection agreements being put in place, I concur with the Planning Authority that these matters can be dealt with by way of suitable conditions should the Board be minded to grant permission.
- 7.7.3. **Part V:** I concur with the Planning Authority in this case that this matter can be appropriately dealt with by way of condition of planning permission. Should the Board be minded to grant permission I therefore recommend that they include a similarly worded condition to Condition No. 38 of the Planning Authority's notification order.
- 7.7.4. **Contributions:** Should the Board be minded to grant permission for the proposed development the proposed development is subject to the payment of Section 48 financial contributions under Section 13 of the Development Contribution Scheme

Kildare County Council, 2015 to 2022, as amended. On this matter I note that Condition No. 39 of the Planning Authority's notification order includes the applicable calculated Section 48 contribution at the time its decision was made. The sum of monies is correctly determined in accordance with the said scheme.

- 7.7.5. **Flooding:** Despite the presence of a large drainage ditch on the rear boundary of the site, having inspected the OPW CFRAMS flood extent maps, the appeal site is not located in, adjoining or in the immediate vicinity of a flood risk area and there is no record indicating that the site or its setting has been subject to flooding. I am satisfied that the site is not, therefore, at significant risk of fluvial flooding. Notwithstanding, any grant of permission should ensure appropriate surface water drainage measures that accord with best standards and that do not place any additional reliance on public infrastructure.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature, scale and extent of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, are situated c8.3km to the north east, i.e. the Rye Water Valley/ Carton SAC (pNHA) (Site Code: 001398) and c10.4km to the west of the site, i.e. Ballynafagh Bog SAC (pNHA) (Site Code: 000391) and Ballynafagh Lake SAC (pNHA) (Site Code: 001387) at their nearest point as the bird would fly. In relation to the site context and the presence of a large drainage ditch running along the rear of the site this watercourse does not drain into a river system that in drains into the Rye River/ Carton Valley SAC and there is no direct or indirect hydrological links between the appeal site to the said SAC or any other European sites. It is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 **Recommendation**

- 9.1. I recommend that permission be **refused**.

10.0 Reasons and Considerations

1. Having regard to the dominance and character of the suburban-type housing proposed, combined with the overall design and layout, it is considered that the proposed development would be an inappropriate form of development which would have a negative visual impact on the character and setting of the Protected Structure (RPS number B14-23), NIAH Ref: 11809006, Glebe House, and would, therefore, be contrary to Policy PS 2 of the Kildare County Development Plan 2017-2023 which seeks to protect the special character of the proposed structures from inappropriate development.

It is further considered that the proposed development would result in the further erosion and degradation of the landscape setting of Glebe House, a landscaping setting that has been recognised as one of its defining features that has survived up to recent times intact.

To permit the proposed development would therefore be contrary to Policy PS16 of the said Development Plan which seeks to protect and retain important elements of the built heritage, including historic gardens, and it would also be contrary Policy CH1 of the said Development Plan, which seeks to promote appreciation of the landscape importance of traditional and historic gardens, particularly where they constitute an important setting to a protected structure.

The proposed development would, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

22nd day of December 2022