



An
Bord
Pleanála

Inspector's Report ABP-315269-22

Development	Construction of a three-storey apartment block comprising 6 apartments.
Location	James's Lane, Eyre Street, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	221142
Applicant(s)	Michael Connors.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Michael Connors.
Observer(s)	No Observers.
Date of Site Inspection	24 th of June 2023.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.3ha and is located within the town of Newbridge, Co. Kildare. It is in an established residential area in the north-eastern end of the town. The site is rectangular in shape and forms part of the rear gardens of two semi-detached single storey cottages, (No's 376 and 377). These cottages face onto James's Lane with the two storey houses on Saint Dominic's Park to the north and east. James's Lane is a narrow lane that connects Eyre Street with College Park Road. The lane also provides vehicular access to two detached bungalows, a small two-storey residential development and some low-rise commercial units. Directly to the front of the site is a single storey building with associated parking that forms the corner of James's Lane and Eyre Street.
- 1.2. To the north, the site is bounded by the rear wall of No. 1947 St. Dominic's Park. A rear access lane known as Liffey Lane forms the eastern boundary of the site. This lane also provides access to the rear of the two-storey houses on St. Dominic's Park. The western site boundary is formed by the rear gardens of Grove House which faces onto College Park Road, and by No. 377 James's Lane, which is a single storey cottage.

2.0 Proposed Development

- 2.1. Planning permission is sought for a residential development to the rear of two single storey cottages. The development comprises a three-storey apartment block comprising six units. At ground floor level there would be with three, 2-bedroom apartments of 78.5m² with three, 3-bedroom duplex units of 113m² above.
- 2.2. Private open space for the units would be provided by terraces at ground floor level to the front of the building and first-floor balconies to the rear. Communal open space of 300m² would be provided within the site.
- 2.3. Vehicular access to the development would be from the existing access onto James's Lane. Car parking for 6 cars would be provided within the development.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the Planning Authority for the following reasons:

- 1. It is considered that the proposed three-storey development, having regard to its scale and massing on site, poor architectural expression and elevational treatment including articulation and integration within the context of the area, would have a visually obtrusive and dominant appearance, and would impinge on the residential amenity of the residential properties, particularly to the south of the site. The proposed development would be out of character with existing development in the immediate area, would seriously injure the residential and visual amenities of the adjoining properties, would depreciate the value of properties in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. Policy DL 1 of the Kildare County Development Plan 2017-2023, seeks to promote a high quality of design and layout in new residential developments. Furthermore the 12 Urban Design Criteria as indicated in the Section 28 Guidelines, Urban Design Manual Best Practice Guidelines, (DEHLG, 2009), seeks to ensure that new development is fully integrated, well designed and responds to its setting. It is considered that the proposed development does not comply with the 12 Urban Design Criteria in terms Context, Connections, Efficiency, Distinctiveness, Layout, Public Realm, Privacy and Amenity, Parking and Detailed Design, particularly in relation to the lack of regard to the context of the site and single storey cottages to the south. The proposed development would set an undesirable precedent for similar poor quality development and would be contrary to Policy DL 1 of the Kildare County Development Plan 2017-2023 and the provisions of the Urban Design Manual Best Practice Guidelines, (DEHLG, 2009) and would therefore be contrary to the proper planning and sustainable development of the area.*

3. *It is considered that the proposed development is premature due to the existing deficiency in the existing local road network and in particular James Lane serving the proposed development site, including considerations of capacity and width which would render that network, or any part of it, unsuitable to carry increased traffic likely to result from the development. In the absence of any proposals to improve the road network serving the site, the proposed development would interfere with the safety and free flow of traffic on James Lane, and further onto Eyre Street, and would endanger public safety by reason of traffic hazard.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer, (PO), dated the 4th of November 2022 informed the decision of the PA and includes the following,

- The proposed development is acceptable in principle with the zoning for the site. The site is an infill site and development of an appropriate scale and design could be acceptable.
- The proposed development fails to integrate with the surrounding pattern of development and presents an overbearing structure to the rear of the single storey cottages.
- Access to the development is through a narrow laneway which has restricted access and sightlines. Pedestrian connections have not been considered.
- A holistic approach to the development of the site has not been taken with 'future development' indicated along the northern boundary.
- The proposal has not demonstrated how the existing residential amenity will be retained. A shadow impact assessment has not been carried out.
- The design is a poor response to the site and lacks design and architectural expression.

- The proposal is contrary to Policy DL 1 of the Kildare County Development Plan by virtue of its scale, massing and design and the negative impact on adjoining residential development.

3.2.2. Other Technical Reports

Roads Transportation and Public Safety Dept. – Further information is requested to include,

- A revised Site Layout Plan showing car parking at a rate of 1.33 spaces per unit in accordance with Section 4.22 of the Apartment Guidelines, corner radii and longitudinal gradients within the site and at the entrance on James' Lane, surface water run-off details in accordance with the GSDSDS, EV charging points and pedestrian facilities.
- A Mobility Management Plan,
- A Stage 1 and Stage 2 Road Safety Audit,
- Swept Path Analysis for service vehicles,
- A Lighting Report and Site Lighting Layout including proposals to upgrade lighting on James's Lane if required,
- A Construction and Demolition Management Plan.

Water Services – Further information is requested. A Services Layout Drawing was not submitted with the application. Details are required regarding the layout of water, surface water and foul drains. Details of the drainage layout and drainage calculations are also required as well as attenuation storage details, soakaways and SuDS features.

Newbridge Municipal District Engineer – Further information is requested regarding the suitability of the existing entrance. The applicant is requested to demonstrate how the constraints of the laneway will be addressed.

Kildare Fire Service – A Swept Path Analysis to demonstrate access from James's Lane is requested.

Environment Section – Planning Conditions are recommended.

Housing Section – The development would qualify for Part V and a planning condition should be attached accordingly.

3.3. **Prescribed Bodies**

Uisce Eireann – Further information is required. A Services Layout Plan has not been submitted and details of the existing and proposed layout of drains and services with connections to services and details of the foul design and calculations have not been provided. The applicant is requested to engage with UE and to submit a Pre-Connection Enquiry to water and wastewater infrastructure.

3.4. **Third Party Observations**

A total of nine submissions were received by the PA and included a submission from Cllr. Pender. The following issues were raised,

- Excessive scale and height,
- Overlooking and overshadowing of adjoining properties,
- Negative impact on traffic,
- Insufficient information submitted,
- Access from Liffey Lane will be impacted,
- Inadequate access from James's Lane,
- Negative impact in traffic and services.

4.0 **Planning History**

PA Ref. 06/2515 – Planning permission refused by the PA on the 17th of January 2007 for the demolition of two semi-detached cottages and the construction of 12, 2-storey houses.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Kildare County Council. The operative Development Plan for the area is the Kildare County Development Plan, (KCDP), 2023-2029, which came into effect on the 28th of January 2023.
- 5.1.2. The application was assessed by Kildare County Council in accordance with the policies and objectives of the Kildare County Development Plan 2017-2023, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2017 County Development Plan and the 2023 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2023 – 2029 Kildare County Development Plan, (KCDP).
- 5.1.4. The site is also within the boundary of the Newbridge Local Area Plan 2013-2019 and is zoned objective B – Existing Residential / Infill. This plan was extended on the 19th of December 2018 to the 22nd of December 2021. It is an objective of the KCD to prepare a new LAP for Newbridge. Section 6 of the LAP sets out the Future Development Strategy for the town and seeks to protect residential areas of the town around the historic areas off Eyre Street.
- 5.1.5. The following sections of the KCDP are of relevance to the subject appeal.

Chapter 3 – Housing

Policy HO 07 – Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

Objectives –

HO 08 - Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the

roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built-up footprint.

HO 09 - Promote the transformation of key brownfield sites and identified regeneration areas into successful socially integrated neighbourhoods and promote area regeneration in parts of the urban centres which require physical improvement and enhancement in terms of quality of life, housing and employment opportunities.

Chapter 14 – Urban Design, Placemaking and Regeneration

Chapter 15 – Development Management Standards

15.2 – General Development Standards

15.2.2 – Overlooking / Separation Distances

15.2.3 – Overshadowing

15.2.4 – Soft Landscaping

15.4 – Residential Development

15.4.3 - Residential Density

15.4.5 – Design, Layout and Boundary Treatments

15.4.7 – Apartment Developments

15.6.6 – Public Open Space for Residential Development

15.6.7 – Private Open Spaces – Gardens, Terraces, Balconies

15.7 – Transport

15.7.2 – Cycle Parking

15.7.8 – Car Parking

15.8 – Surface Water

5.2. National Guidelines

- **Project Ireland 2040 - National Planning Framework (NPF)**

The NPF 2040 was adopted on the 29th of May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.

NPO 35 seeks to increase densities 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 building heights.

- **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2020).**

These guidelines provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

- **Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.**

The guidelines and accompanying Best Practice Guide set out 12 criteria under which design proposals should be assessed. The Best Practice Guide states that in smaller infill developments, the mix of housing should ensure that taken with the existing homes, the overall mix in the neighbourhood is conducive to maintaining a healthy balanced community.

5.3. **Natural Heritage Designations**

5.3.1. No designations apply to the site.

5.4. **EIA Screening**

5.4.1. Having regard to the limited nature and scale of the proposed development, its location within a serviced urban area, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment

arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal seek to address the reasons for refusal.

Regarding reason No. 1 –

- The proposed development has a contemporary style, and the design has been granted permission in a number of locations in Newbridge. (PA Ref. 21/48 and 21/1113 are referenced).
- It has been carefully designed to with large separation distances to adjoining properties.
- The development will only be visible from Eyre Street through a gap in the streetscape and as such will not have a dominant appearance.
- The design complies with building control standards for overlooking, separation and shadow. Adequate car parking, turning, bin storage, bicycle storage and public open space.
- The agent notes that they have been involved in previous regeneration schemes in the town.

Refusal Reason No. 2 –

- A decision was made to retain the existing cottages to the front of the site as they form part of the historical urban fabric. The public open space acts as a buffer and transition between the new and old development.
- The urban design of the scheme is dictated by the location of the entrance and the development is partially hidden from the public realm.

- The height of the development is not out of character with the adjoining houses on Eyre Street.

Refusal Reason No. 3 –

- The applicant will accept a suitable condition of planning with regard to a Construction Management Plan.
- The applicant is of the opinion that the limited number of traffic movements to and from the site, as generated by the 6 car parking spaces, will not endanger the public. The applicant contends that the narrow width of the laneway would result in traffic calming.
- The applicant is willing to accept any conditions of planning with regard to site services, standard road design etc. should the Board see fit to grant planning permission.

6.2. Planning Authority Response

- No response to the appeal on the file.

6.3. Observations

- No observations received.

7.0 Assessment

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Principle of Development
- Design & Layout
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The site is zoned objective B – Existing Residential / Landfill. The primary aim of this zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at an appropriate density. It is proposed to construct a development of six apartments on an infill site in a residential area. I am satisfied that the proposal is in accordance with the zoning for the site and with local and national policy to utilise existing sites in urban areas. Therefore, the application can be assessed on its merits and against the policies and objectives of the KCDP.

7.3. Design & Layout

- 7.3.1. The proposed development would be laid out with the apartment building at the centre of the site with an area of communal open space and car parking to the front, and an area marked for 'future development' to the rear of the site. The front of the would face onto the rear of the single storey cottages and the back towards the rear of the houses facing onto St. Dominic's Park. External finishes are contemporary in style and a CGI is provided on the plans. However, this image does not accord with the plans regarding finishes and external appearance and as such is not a true representation.
- 7.3.2. Whilst the site may be suitable for an infill development, I would share the concerns of the PO about how the proposal responds to the existing low-rise housing surrounding the site. The position of the building would present a large gable elevation to the rear of the two-storey houses on St. Dominic's Park, and the three-storey structure would be visually imposing when viewed from the rear of the single storey cottages. The only contiguous elevation shown in the application is a poor rendering of the development when viewed from Eyre Street and the application does not contain any drawings which illustrate the relationship between the proposal and existing development. However, after visiting the site, I would have serious concerns regarding the design response to the site in terms of its scale and orientation.
- 7.3.3. Vehicular access would be provided through an existing entrance that opens onto James's Lane. Concerns were raised by the PA regarding the access arrangement for the site and further information was requested. This lane already provides

access to existing residential properties but is narrow in width and would not allow for two passing cars. The internal access road as shown on the application is not wide enough to provide a footpath for pedestrians and the laneway does not have any pedestrian facilities. Drawings submitted with the application did not include any comprehensive design details that demonstrate how safe pedestrian access can be accommodated within the development or along the existing laneway.

- 7.3.4. The application form states that the development would connect with the existing public mains and wastewater services. No drawings were submitted that show the existing and proposed drainage arrangements and the applicant did not engage with Uisce Eireann or submit a Pre-Connection Enquiry. Details of the surface water arrangements were not submitted. The lack of details on access, drainage and services was raised by the PA but apart from the applicant stating that they were amenable to planning conditions, the issues were not addressed in the grounds of appeal. In the absence of any substantive details regarding how the site can be serviced and safely accessed, I am not satisfied that the development can be delivered without being adequately serviced or contributing to a traffic hazard.

7.4. **Residential Amenity**

Future Residential Amenity

- 7.4.1. I am satisfied that the apartments would be in accordance with the standards set out in the Apartment Guidelines and Section 15.4.7 of the KCDP in terms of gross floor area, internal space allocation, room sizes and private and communal open space. However, the orientation of the building would provide north-facing balconies and the provision of private space for the ground floor units would be sub-standard. Each of the ground floor apartments would have a patio of 9m² to the front with a privacy screen along the boundary. This space would be overlooked by the access stairs to the unit above and is located behind the bin storage area and a storage unit for the duplex unit. I am not satisfied that the development would provide high-quality private open space for any of the units given the design and orientation of the building. The positioning and layout do not demonstrate that the design has been well thought-out and responsive to the site context.

Existing Residential Amenity

- 7.4.2. The apartments would be orientated on a north-west axis with the front elevation facing towards the rear of the single storey cottages and the back towards the rear of the houses on St. Dominic's Park. A separation distance of c. 30m is shown between the rear of the cottages and the front of the apartment building at its closest point. A separation distance of c. 35m is shown between the rear elevation of the building and No. 1946 St. Dominic's Park. The separation distances as shown are in accordance with the recommended distance of 22m as set out in the KCDP. The eastern side-gable would face onto the rear gardens of the houses on St. Dominic's Park. Overlooking from this side would not be an issue as the windows on the upper levels would serve a kitchen store and a privacy screen is shown along the nearest balcony. I am satisfied that the potential for overlooking of adjoining properties could be mitigated through the separation distances proposed and the use of design measures such as opaque screens.
- 7.4.3. A Daylight & Sunlight assessment was not submitted with the application. Guidance contained in the British Research Establishment, (BRE), publication 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209 2022), (BRE Guidelines), recommends that loss of light to existing windows need not be assessed if the distance each part of the new development from the existing window is three or more times its height above the centre of the existing window. The distance between the closest house to the east is shown as 26.7m, which is more than three times the height of the building. As noted previously, the application does not contain any contiguous sections which demonstrate the relationship between proposed and existing houses.
- 7.4.4. I am satisfied that the development is unlikely to impact on the daylight to existing windows. However, it may have an impact on the rear gardens of the houses on St. Dominic's Park in terms of overshadowing. The BRE Guidelines recommend that 50% of any qualifying amenity area should be able to receive at least 2 hours of direct sunlight on the 21st of March. If because of a new development, the garden area that cannot receive 2 hours of direct sunlight on March 21st is reduced to 0.8 times its former size then the further loss if sunlight is significant. The application contains no information regarding the potential for overshadowing of adjoining properties and as such has not demonstrated that the development would have no impact on existing residential amenity.

7.5. Appropriate Assessment

- 7.5.1. A Stage 1 Screening for Appropriate Assessment was not submitted with the application. In accordance with obligations under the Habitats Directives, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.5.2. The proposed development is for the construction of a three-storey block of apartments with landscaping and ancillary development. The development would be connected to the mains water and wastewater services.
- 7.5.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 7.5.4. The closest European site is the Pollardstown Fen SAC, (Site code 000396), which is approximately 2.27km to the south-east of the site as the crow flies. Any potential impacts on European sites would be limited to the discharge of surface waters during the construction stage of the development. However, the development site is within a serviced urban area, at some remove from the European sites. There is also no direct or indirect hydrological connection between both sites.
- 7.5.5. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development within a serviced site, and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the development.

9.0 Reasons and Considerations

1. Having regard to the nature, scale and design of the proposed development within the context of the backland, infill site and its relationship to adjoining property, it is considered that the proposed development represents inappropriate backland development. The proposed development would be visually intrusive and dominant when viewed from the adjoining residential properties and would seriously injure the amenities of these properties. It would therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of the proposed site access, from a narrow laneway with restricted sightlines and no pedestrian facilities, it is considered that the traffic movements to be generated by the development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Sullivan
Planning Inspector

26th of June 2023