



An
Bord
Pleanála

Inspector's Report ABP-315646-23

Development

Demolition of shed/store and front boundary wall and construction of 2 no. two-storey, three-bedroom, semi-detached houses with off-street parking and amended vehicular access; the provision of landscaping, including boundary treatments; and the provision of all other associated site excavation, infrastructural and site development works above and below ground.

Location

32 McDonnell Drive, Athy, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

221310

Applicant(s)

Aideen Kelly

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Residents of McDonnell Drive

Observer(s)

None

Date of Site Inspection

08/06/2023

Inspector

Lorraine Dockery

1.0 **Site Location and Description**

- 1.1. The subject site, which has a stated area of 513 square metres, is located at McDonnell Drive, Athy, Co. Kildare. The overall site contains a two-storey, semi-detached house. This is an established residential area.

2.0 **Proposed Development**

- 2.1. Permission is sought for the demolition of an existing shed/store to side and construction of two no. two-storey, semi-detached dwellings, each with new vehicular entrance and associated site development works.
- 2.2. Each proposed dwelling has an approximate floor area of 127m².

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission GRANTED, subject to 12 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Reflects decision of planning authority; recommends a grant of permission

3.2.2. Other Technical Reports

Roads, Transportation and Public Safety- No objections, subject to conditions

Water Services- Conditions attached

Environment Section- No objections, subject to condition

Fire Service- No objection

Environmental Health- Acceptable, subject to conditions

4.0 **Prescribed Bodies**

Uisce Eireann- No objections, subject to conditions

5.0 Planning History

21/736

Permission GRANTED for relocation of an existing vehicular entrance, alterations to widen to allow for two parking spaces, relocation of existing pedestrian entrance and all ancillary site works and associated gates and site works

6.0 Policy and Context

6.1. Development Plan

The Kildare County Development Plan 2023-2029 is the operative County Development Plan.

Policy HO P6: 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.

Policy HO O6: Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

Athy Local Area Plan 2021-2027

Zoning: 'Objective B' which seeks 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

6.2. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

6.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The main points of the appeal are:

- Procedural Matter- legality of site notice due to location setback from boundary
- Traffic and safety concerns- will generate significant amounts of additional traffic, potential impacts on safety of road users especially pedestrians and children, decreased visibility, decrease in parking availability due to opening of new vehicular entrances
- Construction impacts- access to local amenities during construction works
- Amenity- impacts on character of the area and on community; setting of precedent

7.2. **Planning Authority Response**

None

7.3. **Observations**

None

7.4. **Further Responses**

A response was received on behalf of the first party in which there are no new planning matters raised

8.0 **Assessment**

- 8.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and further responses received, in addition to having visited the site. The primary issues, as I consider them, are (i) impact on visual and residential amenities arising from the proposed development (ii) traffic and transport matters and (iii) other matters.
- 8.2. The site is zoned 'Objective B' which seeks to 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'. I consider the proposed development to be in accordance with the zoning objective for the site.
- 8.3. The operative County Development Plan sets a generally favourable policy towards infill development, subject to compliance with normal planning criteria. I consider the proposal to be substantially in compliance with the operative County Development Plan. The proposal is also considered to be in accordance with national policy with regards the densification of appropriate urban infill sites.

Visual Amenity

- 8.4. I note the concerns raised in terms of impact on the character of the area. In terms of visual amenity, I am generally satisfied with the design approach put forward in this instance. I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. I do not consider the proposal to be out of character with existing development in the vicinity nor does it represent over-development of the site. I am satisfied that the proposed development is in accordance with the local planning policy in this regard.

Residential Amenity

- 8.5. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I note that there are no dwellings immediately to the east, south or west of the subject site. I am of the opinion that any impacts on residential amenity are in line with what might be expected in an area such as this. Given the height and design of the proposed dwelling, I am of the opinion that the proposed houses would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. There is an acknowledged housing crisis and this is a serviceable site, in an established residential area with adequate services, facilities and employment in close proximity. I have no information before me to believe the proposal would result in the setting of precedent for similar type developments. In any event, each application is assessed on its own merits.

Traffic and Transport Matters

- 8.6. I note the concerns raised in the appeal with regards to this matter. I am not unduly concerned in this regard. Given the limited scale of the proposed development (two dwellings), I would not anticipate it to lead to the generation of significant volumes of traffic. In-curtilage parking is proposed. I note that the Transportation Division of the planning authority have no objections to the proposal, subject to conditions. I am also of the opinion that any transportation matters could be adequately dealt with by means of condition.
- 8.7. In terms of loss of on-street parking, I noted at the time of my site visit that most houses have vehicular access with in-curtilage parking. I do not consider this issue to be so great as to warrant a refusal of permission or an alteration to the proposal put forward. This was not raised as a concern for the planning authority.
- 8.8. In terms of impacts of construction traffic, I note that construction works would be relatively short-lived. Given the proximity to the public park and its associated pedestrian activity, I recommend that the applicants be requested to submit a Construction Management Plan, prior to the commencement of any works on site, which would deal with matters including construction traffic, construction practices,

noise, hours of operation. I recommend that this matter be dealt with by means of condition, if the Board is disposed towards a grant of permission.

- 8.9. I am generally satisfied in this regard and have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.

Procedural Matter

- 8.10. I note that the appeal submission raises concerns regarding the legality of the site notice, with regards to its positioning on site. Issues of validation are a matter for the planning authority. Notwithstanding this, the purpose of the public notices is to give an indication to the general public that a planning application has been lodged on the subject lands and a broad outline of the development proposed. It is clear that the general public have been made aware of the proposed development, given the volume of signatures received on the appeal submission.

Conclusion

- 8.11. Having regard to the limited extent, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the Athy Local Area Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

9.0 Appropriate Assessment Screening

- 9.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

10.0 Recommendation

- 10.1. I recommend permission be GRANTED subject to conditions.

11.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Athy Local Area Plan 2021, and to the policies of the County Development Plan in terms of sustainable intensification and infill development, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would provide an adequate standard of residential amenity to future occupiers and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In order to safeguard the amenities of property in the vicinity.
4.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Reason: In the interests of visual and residential amenity.
5.	Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management.
6.	Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water. Reason: In the interests of public health
7.	The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters Reason: In the interests of public safety
8.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including management of construction traffic, hours of working, noise management measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity.
9.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

<p>and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>
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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.

Lorraine Dockery
Senior Planning Inspector

11th June 2023

