



An
Bord
Pleanála

Inspector's Report ABP-315783-23

Development	Removal of existing front boundary wall to widen existing vehicular entrance to existing driveway and all associated site works
Location	Dooyork, Dublin Road, Clane, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	221411
Applicant(s)	Shirley Whelan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Shirley Whelan
Observer(s)	None
Date of Site Inspection	04/06/2023
Inspector	Lorraine Dockery

1.0 **Site Location and Description**

- 1.1. The application site comprises a two-storey, semi-detached property within the built-up area of Clane.

2.0 **Proposed Development**

- 2.1. Permission is sought for removal of the existing front boundary wall to widen existing vehicular entrance and all associated site works.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to REFUSE permission for the following reason:

1. The proposed widening of an existing entrance is considered excessive in an urban area and would endanger public safety by reason of a traffic hazard and obstruction of road users and pedestrians due to the uncontrolled movement of traffic generated by the development. Further, the proposed development would reduce the capacity of the road and footpath due to the movement of traffic generated by the development onto an existing regional road, would set a precedent that could lead to a proliferation of similar type developments and would interfere with the safety and free flowing nature of traffic on the road and footpath. It is therefore considered that the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road and footpath users and thus would be contrary to the proper planning and sustainable development of the area

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The main points of the planner's report include:

- Reflects the decision of the planning authority; refusal recommended

3.2.2. Other Technical Reports

Municipal District Engineer- refusal recommended as proposal is considered excessive and would place passing pedestrians at risk

Water Services- conditions attached

National Roads Design Office- proposal will not impact on national road network

4.0 Prescribed Bodies

Uisce Eireann- conditions recommended

5.0 Planning History

None

6.0 Policy and Context

6.1. Development Plan

6.1.1. The Kildare County Development Plan 2023-2029 is the operative Development Plan for the area. The Plan took effect on 28th January 2023.

Zoning: 'Objective R2' which seeks 'To protect and enhance the amenity of established residential communities and promote sustainable intensification'.

15.4 Residential Development

Section 15.7.6 Access Requirements

6.2. Natural Heritage Designations

None

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:

- Safety concerns for people and property
- Existing entrance obstructs views to right when exiting due to pillars- poses danger to appellant, pedestrians and other road users
- Width of existing entrance is dangerous especially when turning right into property; risk of collision with pillars/gates; high volume of traffic noted on roadway
- Vans making deliveries cannot access property and must park on path and road

7.2. Planning Authority Response

No further comment

7.3. Observations

None

7.4. Further Responses

None

8.0 Assessment

8.1. I highlight to the Board that a new County Development Plan has been adopted, since the decision of the planning authority issued. I have assessed this appeal based on the current operative Kildare County Development Plan 2023-2029.

8.2. I have read all documentation attached to this file including the appeal and the report of the Planning Authority, in addition to having visited the site and its environs. I note the following:

- Main concerns of planning authority relate to creation of traffic hazard, obstruction of road users, setting of precedent and impact on free flowing nature of traffic on roadway (R403)
- Appellant raises concerns in relation to width of existing access and difficulties entering/existing due to same
- The existing access is 3.1m in width while that proposed is 7.35m
- There is an existing vehicular entrance at this location and the proposal seeks to widen that existing, with associated site development works. I would not anticipate there to be an excessive increase in traffic as a result of the proposed development, given the nature of the development serving a single dwelling. Notwithstanding this, at the time of my site visit, traffic was relatively heavy on this stretch of roadway and I noted that speeds appeared higher than the speed limit in place. The site is also close to a number of junctions including a relatively busy entrance into the Tesco supermarket opposite
- I acknowledge that the existing entrance is somewhat narrow, but not excessively so, and may prove difficult for some vehicles entering/existing the property. Notwithstanding this, I consider that the proposed access in excess of 7m is excessive and unnecessary at this location. If permitted, the complete removal of the existing front boundary wall would have negative visual impacts on the streetscape, in particular given the subject property forms one of a pair of semi-detached properties with similar boundary treatments. In addition, a width such as that proposed could lead to the setting of an undesirable precedent. I consider that a balance can be achieved and that the entrance could be widened to 3.5m in width (which is

considered standard in nature) without detriment to the visual amenities of the area or to the creation of a traffic hazard or obstruction of road users. I consider that this matter could be adequately dealt with by means of condition.

8.3 Having regard to the above, it is considered that the proposed development, subject to amendment by condition, would be consistent with the operative County Development Plan and 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

11.0 **Reasons and Considerations**

Having regard to the provisions of the Kildare County Development Plan 2023, the location of the site within an existing built-up area and the pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health 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>a) Vehicular entrance shall be a maximum of 3.5 m in width and shall not have outward opening gates. Revised drawings shall be submitted to the planning authority, for their written agreement, prior to the commencement of any works on site</p> <p>b) Footpath and kerb to be dished and revised entrance provided to the requirements of the planning authority. The dishing shall be a maximum of 3.5 metres in width</p> <p>d) All costs incurred by Kildare County Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>Reason: In order to ensure a satisfactory standard of development.</p>
3.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
4.	<p>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.</p>

Reason: In the interest of public health and surface water management.

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

04th June 2023