



An
Bord
Pleanála

Inspector's Report

ABP 318599-23

Development

Demolition of house and construction of two-storey office extension, internal modifications and alterations at No 3 Highland View Terrace to facilitate extension into new building, parking, signage and associated works and services.

Location

The Cottage, Highland View Terrace, Fairgreen. Naas. Co. Kildare.

Planning Authority

Kildare Co. Council.

Planning Authority Reg. Ref.

23365.

Applicant(s)

Ronan Clarke.

Type of Application

Permission.

Planning Authority Decision

To Refuse Permission.

Type of Appeal

First Party.

Appellant(s)

Ronan Clarke.

Observer(s)

None.

Date of Site Inspection

February 12th, 2024

Inspector

Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at Highland View Terrace, The Fairgreen, Naas. Co. Kildare. It is located to the south of the town centre and in an area of mixed uses. The site, which has a stated area of 0.8 Ha is long and narrow. It accommodates a single-storey dwelling and a two-storey terraced building, currently used as an office, which has been extended to the rear.
- 1.2. The site fronts onto the R448/Kilcullen Road and adjoins a terrace of two-storey buildings, with ground floor bay window features and small enclosed gardens to the front. Vehicular access to the site is via a narrow roadway on the south side of the terrace. The site is adjoined on its north side by a single storey dwelling that occupies a corner site at the junction of the R448 and St Michael's Terrace.
- 1.3. There are numerous established residential developments to the north and south and retail and commercial properties align the street. Opposite the site there a parade of shops including a supermarket (SuperValue). The Fair Green to the east provides a significant amenity space.

2.0 Proposed Development

- 2.1. The proposed development as described in the public notices submitted with the application proposes the following:
 - Demolition of single-storey house (73m²),
 - Construction of two-storey building (372m²) comprising an office extension on the ground and first floor,
 - Internal modifications and alterations at No 3 Highland View Terrace to facilitate extension into new building,
 - Installation of 10. car parking spaces (including 1 no. disabled parking space), electric car charging station, 7 no. bicycle parking spaces,
 - Bin storage and hard landscaped area to the rear,
 - New vehicular access,
 - Ancillary works and signage on elevation.

The application is supported by an Architectural Design Statement

- 2.2. Further information on the application was sought by the planning authority on May 25th, 2023. It related to the design of the proposed development, proposed access arrangements and impacts on vehicular and pedestrian safety, lighting proposals, services layout plan and surface water design proposals.
- 2.3. The response of October 11th, 2023 included revised drawings showing the front façade set back and aligned with the established building line and the roof line modified to a pitch roof in line with the existing buildings in the area. It included revised site layout plans showing the ground floor footprint reduced to increase the width of the underpass access to 5m, reduced car parking (6 no. spaces), on site circulation space, swept path analysis and site services. It also included an Engineering Services Report and Outdoor Lighting Report.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for 3 no. reasons as follows:

1. The proposed development by way of its design, scale and siting along this prominent location at the entrance to the historical core of Naas, would appear visually intrusive and dominant in appearance within the existing streetscape. The design of the proposed development is led by the desire for vehicular access and therefore appears out of character with existing pattern of development within the area and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed single width vehicular entrance and its location onto the R448 Regional Road is considered deficient in allowing free vehicular movements to and from the development and therefore represents a hazard to traffic and vulnerable road user safety due to the potential of vehicular obstruction on the public road and footpath network even allowing for the proposed internal passing bay. The average width of the proposed access road is less than the recommended minimum width of 5.5m for two-way free flowing traffic

movements. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users and therefore be contrary to the proper planning and sustainable development of the area.

3. The location of the proposed vehicular entrance conflicts with the existing pedestrian crossing facilities and junction on the public road network. The additional turning movements at the vehicular entrance will create a hazard to the safety of vehicular traffic on the public road network and vulnerable road users using the pedestrian crossing facilities located directly adjacent to the proposed vehicular entrance. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users and is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer notes that while the regeneration of the town in this location is acceptable, any proposed development must contribute positively to the architecture and public realm of the area. Although the site is not situated within the ACA, the Fairgreen area, in which the site is situated and overlooks, is a southern gateway to the historic core of Naas.

While the applicant has made an attempt to address the design issues raised and the scale of the development has been reduced from previous proposals, the bulk of the proposed building is located towards the front façade. Notwithstanding the revised drawings submitted in response to further information, it is considered that the development remains incongruous and out of character with the surrounding area.

3.2.2. Other Technical Reports

Area Engineer: No objections subject to conditions.

Roads. Transportation and Public Safety Department: Recommends refusal.

Environment: No objection subject to conditions

Strategic Projects & Public Realm Team: Raised issues regarding the design of the proposed development, its impact on the streetscape and established scale and character of the area.

Heritage Officer Report: No objection.

CFO: Fire Safety Certificate required.

3.3. Prescribed Bodies

Uisce Eireann: No services layout plan submitted. Further Information required.

3.4. Third Party Observations

None.

4.0 Planning History

On site:

22/1082: Permission refused for the demolition of single storey house, demolition of rear single storey office extension and the construction of a three-storey building with office accommodation and a digital hub facility, parking and vehicular access for 3 no. reasons relating to traffic safety, deficient parking arrangements and visual intrusiveness.

13/500068: Permission refused for changes to the front façade, modifying the existing bay window to a box window and ancillary works at No 3 Highland View Terrace on the grounds of negative impacts on the built heritage of the terrace and loss of vernacular architecture.

07/500112: Permission granted for the demolition of single storey bungalow and demolition of two-storey end of terrace house and construction of a new two-storey end of terrace house.

05/500149: Permission granted for the demolition of an existing dwelling house and construction of a three-storey over basement office and ancillary works.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the **Naas Local Area Plan 2021-2027**, which came into effect on December 1st, 2021.

The site is zoned 'R' -Retail/Commercial with an objective *'To support continued operation of existing commercial uses'*.

The LAP identifies 6 no. Core Regeneration Areas (CRA's) and the site is located within CRA 1: Main Street (Section 10.4.3). Key design principles are set out for the area, which includes improvements to public realm and high-quality design in new development.

Table 5.3 outlines that a cycle track/cycle lane is proposed along this section of the road.

5.2. Natural Heritage Designations

The closest European site is Mouds Bog SAC (Site code 002331) which lies c 8.1km to the west

5.3. EIA Screening

The proposal is a project for the purposes of the Environment Impact Assessment Directive. The development falls within a Class 10(b)(iv) (Infrastructure -Urban Development) set out in part 2 of Schedule 5 of the planning and Development Regulations 2001, as amended.

Having regard to the nature and modest scale of the proposed development which is significantly below the threshold in respect of Class 10(b)(iv) (Infrastructure -Urban Development), its location in a built-up urban area and the likely emissions therefrom, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal is structured to address the issues raised in the planning officer's report and the 3 no. reasons for refusal:

Reason for Refusal No 1:

- 6.1.2. The bay window feature of the terrace is repeated in the extension design by projecting out the front façade which is on the same building line as the bay windows. This creates a small courtyard at the main entrance which is bounded by metal railings and when landscaped will add to the streetscape.
- 6.1.3. The creation of a front courtyard off the existing main entrance to act as a buffer zone between the building and the footpath and to enhance the urban realm with high quality landscaping.
- 6.1.4. The glazed office/meeting area on the first floor which the planning authority states will dominate the front elevation exhibits the vibrancy within the building as perceived by the public passing the building. This area is a carry through on what has been achieved in the bay window of the existing building. This window will also maximise energy efficiency having an easterly orientation and embraces the view of the Wicklow Mountains.
- 6.1.5. The proposed design ensures that the proposed development respects and contributes positively to the streetscape and the front façade aligns with the established building line along Kilcullen Road.
- 6.1.6. There is variety in ridge heights in the area and the development includes an appropriate ridge height of two-storeys which reflects the character of neighbouring buildings.
- 6.1.7. Brick is incorporated into the design (similar to Supervalu across from the subject site and the Swans on the Green building at the junction). It will break the symmetrical vision of the existing terrace and create a book end with a visually interesting gable end unlike the existing.

- 6.1.8. The roof line is a pitch roof in line with the established character of the existing buildings in the area and the proposal aims to harmonise with the surrounding architectural context.
- 6.1.9. In response to the planning officer's view that the proposal is out of context, it is noted that the terrace buildings are not protected and are not located within an ACA. The proposal is a contemporary design and is more dominant as it book ends the neighbouring property but is still a very diminutive structure in comparison to surrounding buildings (SuperValu and Swans on the Green etc).

Reason for Refusal No 2 & 3

- 6.1.10. The Naas Municipal Town Council have no objections to the proposed vehicular entrance.
- 6.1.11. The Kildare Co. Council Transport, Mobility and Open Space Department recommend that the applicant examine a one-way system of entry only off the main street and exit only onto St Michaels Terrace which is a one-way street. This indicates that they have no objection to a vehicular entrance provided it is 'In' only. The adjoining neighbours have refused to allow the applicant to acquire a wayleave or purchase an access.
- 6.1.12. It was agreed by Naas Municipal Town Council Engineer that a new entrance away from the Kilcullen/ Ballymore Junction' is preferable for traffic and pedestrian safety provided the existing entrance is relinquished on receiving a favourable planning decision.
- 6.1.13. The proposed entrance on the northern end of the development is away from the junction and facilitates adequate provision of car parking for the business.
- 6.1.14. The entrance is in an urban environment with a traffic speed of 50kph and cars egressing would do so in a safe manner. The sight lines are in accordance with DMURS.
- 6.1.15. The pedestrian crossing traffic lights and the layout of the 'Swans' junction at Fairgreen slows vehicles and results in slow moving traffic.
- 6.1.16. The entrance design took account of the proposed Kilcullen Road Cycle Scheme by incorporating it in the design.

- 6.1.17. The proposal allows for a left-hand turning movement and in the event of meeting another car, a waiting bay is proposed (Fig 9). The width of the access road is 5m allowing two cars to pass each other comfortably.
- 6.1.18. Six car parking spaces are proposed. The car park is small and there will therefore be very few car movements with priority being given to incoming traffic. Reduced radii at the junction significantly improves traffic and pedestrian safety by lowering the speed at which a vehicle can turn the corner and by increasing intervisibility between users.

Conclusion

- 6.1.19. Having regard to the siting of the proposed development, to the established residential/commercial development in the immediate vicinity, and to the design and layout and servicing of the proposed office extension it is considered that the proposed development would not have any adverse impact on the residential amenities of adjoining properties, would not endanger public safety by reason of traffic hazard, and would be in accordance with the proper planning and sustainable development of the area and the provisions of the development plan.

6.2. Planning Authority Response

The planning authority stated that it did not wish to make any further observations.

6.3. Observations

None

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.
- 7.1.2. I consider that the main issues that arise for determination by the Board in this appeal relate to the following:
- Principle of the development

- Impact on the amenities of the area.
- Access and traffic
- Appropriate Assessment.

7.2. Principle of the development

- 7.2.1. The proposal is to demolish the existing single-storey dwelling known as ‘The Cottage’ on the north of the site in order to facilitate an extension of the existing office located in the two-storey building to the south. The site is located in an area zoned for commercial/retail uses, where office uses are open for consideration.
- 7.2.2. Having regard to the location of the site within the town centre and the established use of part of the site for commercial office purposes, I accept that the proposed development is acceptable in principle in this location, subject to compliance with normal planning criteria.

7.3. Impact on the amenities of the area

- 7.3.1. I share the concerns of the planning authority regarding the scale and design of the proposed extension. While modifications were incorporated into its design in response to further information, including the provision of a pitched roof similar to the terrace, the set back of the extension to the established building line, and the provision of a small garden with railings, these revisions are not sufficient to integrate the building effectively into the streetscape. I consider that the wide gap in the streetscape created by the proposed entrance, coupled with the bulk of the flat roofed projection and large glazed façade in the front elevation significantly overwhelm the scale and character of the existing terrace, which detracts significantly from the character and visual amenities of the area.
- 7.3.2. While I accept applicant’s argument that existing buildings in the area display wide variations in terms of building types, roof profiles and external finishes, the area derives its sensitivity from its location at the southern entrance to the historic core area of Naas as defined by the Naas LAP. It is within the Core Regeneration Area for Main Street, with a key design principle that any new urban form respects the scale, massing and fine grain of surrounding buildings.
- 7.3.3. I accept that the existing adjoining buildings are not listed as protected structures, however, they form an attractive uniform terrace within the streetscape, which would

be disrupted and overwhelmed by the design and scale of the proposed extension. I do not, therefore, accept that the proposed development harmonises with the existing architectural context, as contended by the applicant and I consider that the application should be refused on these grounds.

7.4. Access and parking

- 7.4.1. The proposal is to provide a vehicular entrance to the site which would be accommodated underneath the first floor of the extended building. It would provide access to the rear of the site and on-site car/bicycle parking space. A left-hand turning movement only is proposed. The entrance and access route would not be sufficiently wide to accommodate two-way traffic and an on-site pull-in bay is proposed to address this issue.
- 7.4.2. There is vehicular access to the rear from an entrance located at the southern end of the terrace. This access is seriously deficient in terms of width and available sightlines onto the adjoining regional road and would not be a suitable option to serve the proposed development.
- 7.4.3. There was a previous proposal on the site which proposed similar access arrangements (22/1082), which was refused by the planning authority. In the interim, changes are underway to the road network associated with the Kilcullen Road Cycle Scheme. The signalised pedestrian crossing close to the site has been removed and works are underway to reduce radii and realign the Rathangan Road/Ballymore Road junction. Under the scheme, it is proposed to replace the pedestrian crossing with a raised Toucan uncontrolled crossing and the existing cycle track would transition to a cycle lane to facilitate cyclist priority past on street parking and side road junctions. The scheme is designed to give higher priority to both pedestrians and cyclists.
- 7.4.4. In terms of the proposed entrance to the site, I note that the width of the entrance proposed under the original application was 4.2m, which was marginally increased in the current proposal from 4.58m to 5.0m in response to further information.
- 7.4.5. The current proposal does not address the previous concerns raised by the planning authority regarding the potential impacts of the new entrance on traffic and public safety. The proposed entrance is too narrow to accommodate car entering/exiting the site simultaneously, with the potential to result in queuing on the public road with

impacts on traffic safety. The proximity of the new uncontrolled pedestrian crossing to the proposed entrance and the planned provision of a continuous cycle track along the roadway at the front of the site creates the potential for conflict with cars entering/exiting the site with impacts on the safety of pedestrian and cyclists.

- 7.4.6. I would also note that under the provisions of the Kildare Co. Development Plan (Table 17.9), the proposed development (372 m²) generates a requirement for 12 no. carparking spaces (1 space per 30m gross floor area). The original application proposed 10 no. spaces which was reduced to 6 in response to further information, which coupled with the loss of on-street parking to facilitate the proposed entrance results in a significant deficit to serve the proposed development.

7.5. Appropriate Assessment

- 7.6. Having regard to the nature and scale of the proposed development, its location in an urban area connected to public services and the distance from any European site, it is concluded that no Appropriate Assessment issues arise as 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. On the basis of the above assessment, I recommend that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

On the basis of the above assessment, I recommend that permission be refused for the proposed development for the reasons and considerations set out below.

10.0 Reasons

1. The proposed development is located within the Core Regeneration Area of Main Street as identified in the Naas Local Area Plan 2021-2027, where it is a Key Design Principle that any new urban form be of high-quality design and respect the scale, massing and fine grain of the surrounding buildings. It is considered that the proposed development due to the scale, massing and

unsympathetic design features, which includes a gap in the streetscape to provide vehicular access to the rear of the site, would be inconsistent and out of character with existing development and seriously injurious to the visual amenities of the area. The proposed development would set an undesirable precedent for similar development in the future and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development in an area where higher priority is proposed for pedestrian and cyclist safety and the proximity of the proposed entrance to a pedestrian crossing facility, it is considered that the additional turning movements that would be generated by the proposed development onto the adjoining public road, taken in conjunction with the restricted width of the proposed entrance to the site, which is incapable of safely accommodating two-way traffic, the proposed development would give rise to queueing of vehicles, which would interfere with the safety and free flow of traffic on the public road and endanger public safety by reasons of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Breda Gannon
Planning Inspector

12th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 318599-23		
Proposed Development Summary	Demolition of house and construction of two-storey office extension, internal modifications and alterations at No 3 Highland View Terrace to facilitate extension into new building, parking , signage and associated works and services.		
Development Address	The Cottage, Highland View Terrace, Fairgreen. Naas. Co Kildare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	YES
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No		No.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____