



An
Coimisiún
Pleanála

Inspector's Report ABP-321453-24

Development	Retention of garage/fuel store and permission for change of use from storage to family flat
Location	Castlekeely, Carragh, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460946
Applicant(s)	Peter Mahon
Type of Application	Retention Permission & Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Peter Mahon
Observer(s)	None
Date of Site Inspection	25 th April 2025
Inspector	Aoife McCarthy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.048ha and is located in the townland of Castlekeely, Co. Kildare, located c.800m to the north-east of Caragh village.
- 1.2. The site is accessed via a gated entrance off the L6009 (a local secondary road), providing access to a series of single storey dwellings, with 1 no. two storey dwelling to the north of the subject site.
- 1.3. The subject site includes 2 no. single storey structures; a dwelling, on a north-east to south-west orientation and a separate single storey structure to the west of the principal dwelling, in residential use on the day of the site visit.
- 1.4. The site includes grassed garden to the rear of the main house.
- 1.5. The wider area is rural in character.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - A. Retention permission for alterations of the permitted ridge height of the permitted garage/fuel store and elevational amendments to the fenestration all of the existing garage/fuel store.
 - B. Planning permission for the change-of-use (including relevant internal modifications) of the existing garage/fuel store to a family flat, the construction of an extension connecting the existing house to the family flat, the construction of a new vehicular entrance to the property parallel to the existing entrance and all associated site works.
- 2.2. From a review of the plans and site visit, I note that the permitted garage/fuel store (P.A. Reg. Ref.:16/646 as amended by Reg. Ref.:16/1304) comprises a pair of self-contained two storey units, with single door access on the northern façade.
- 2.3. In this context, it was not possible at the day of site visit to enter the structure; however, it was possible to confirm the external changes correlate to the drawings as submitted with the application in the first instance.

2.4. The applicant is willing to omit the proposed additional vehicular entrance to the L6009, and to utilise access to the principal residence, as confirmed as part of the first party appeal.

2.5. Decision

2.5.1. The Planning Authority issued a Notification of a Decision to Refuse Retention Permission on 18th November 2024 for the following reasons:

1. The proposed development by reason of its arrangement, and the lack of documentary evidence to demonstrate a genuine need for a family flat would be contrary to the requirements for family flats as set out in Section 15.4.14 of the Kildare County Development Plan 2023-2029. In addition to the above, the proposed development contravenes Condition No. 4 of PL. Ref. No. 16/1304 which states the proposed garage shall not be used for human habitation. If permitted, the proposal would set an undesirable precedent for similar types of development in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the lack of sufficient detail with regard to wastewater treatment on site, the Planning Authority is not satisfied that the additional effluent loading generated by the proposed development can be catered for in the existing wastewater treatment system. To permit the development as proposed would be prejudicial to human health and the protection of water quality and would therefore be contrary to the proper planning and sustainable development of the area.

2.6. Planning Authority Reports

2.6.1. Planning Report (18th November 2024)

- The report includes a detailed planning history of the site including most recent permissions for the erection of two dwellings (Reg. Ref.:16/646) and for amendments to the residential garages as permitted Reg. Ref: 16/1304). They have also included reference to an Enforcement Case UD8551 refers).
- The report includes detailed local planning policy context.
- The local authority does not consider that the proposal is acceptable in principle within this rural area as the design does not reflect a traditional layout or appearance of a domestic garage.

- The local authority does not consider that the principle of the proposed change of use of the domestic garage as a family flat as acceptable, by nature of the design.
- The garage was never built or used as a garage; but comprises 2 no. apartments with single door access. The approval would contravene Condition 4 of parent permission (Reg.Ref.:16/1304).
- The applicant has not submitted sufficient housing need for the family flat.
- The proposal is not linked to the main house and would not be subservient to the main dwelling in terms of design; and would not meet the design criteria for a family flat (15.4.14).
- It has not been demonstrated that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading.
- The Council recommend that permission is refused on the that basis.

2.6.2. **Other Technical Reports**

Water Services Department (8th November 2024): No objection subject to condition.

Environment Section (18th October 2024): Request FI.

2.7. **Prescribed Bodies**

2.7.1. None received.

2.8. **Third Party Observations**

2.8.1. None received.

3.0 **Planning History**

3.1. **Subject Site**

3.1.1. **P.A. Reg. Ref.: No. 16/1304:** Planning permission was granted in March 2017 for a revised garage/fuel store for domestic use on each site, to that previously granted under 16/646 and all associated site development works. The works sought to increase the area of the garages from 45m² to 79m² with the inclusion of double roller doors on the front elevation.

Condition No. 4 states the following: The proposed garages shall not be used for human habitation or any commercial use or for the keeping of pigs, poultry, pigeons, ponies or horses, or any other purpose other than a purpose incidental to the enjoyment of the house.

- 3.1.2. **P.A. Reg. Ref.: No. 16/646:** Planning permission granted in March 2017 for the (A) erection of 1 no. storey and a half type house for David Mahon (B) erection of 1 no. dormer type house for Peter Mahon (C) garage/fuel store for domestic use on each site (D) Installation of an Oakstown BAF wastewater treatment system with soil polishing filter on each site and all associated site development works.
- 3.1.3. **Planning Reference No. 15/1067:** Planning permission refused in February 2016 for the (a) Erection of 1 No. storey and a half type house; (b) Erection of dormer type house; (c) Garage/fuel store for domestic use on each site; (d) Installation of an Oakstown BAF wastewater treatment system with soil polishing filter on each site and all associated site development works.
- 3.1.4. The application was refused on the grounds that the water table being <300mm from the surface.
- 3.2. **Enforcement Files (As cited by the Planning Authority)**
- 3.3. **Subject Site**
- 3.3.1. **No. UD8551** - Enforcement proceedings against Peter Mahon commenced on 28th May 2024 for the change of use of domestic garage to, two number apartments without the benefit of Planning Permission.

4.0 Policy Context

4.1. Kildare County Development Plan 2023-2029

4.2. Land Use Zoning

4.3. The site is located within the rural area of the County. Caragh Village is the closest Settlement to the subject site.

4.4. Development Plan Standards

4.4.1. The Plan includes the following relevant standards:

4.5. Development Plan/Extensions to Dwellings (Section 15.4.12)

Adapting residential units through extensions can sustainably accommodate the changing needs of occupants subject to the protection of residential and visual amenities. A well-designed extension can provide extra space, personalise and enhance the appearance of a dwelling. It would not be practical to set out a prescriptive approach to the design of extensions that would cover every situation, nor is it desirable to inhibit innovation or individuality. The following basic principles shall be applied:

- The extension should be sensitive to the appearance and character of the house and the local area (urban or rural).
- The extension shall have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure.
- The design and scale should have regard to adjoining properties.
- A flexible approach will be taken to the assessment of alternative design concepts and high-quality contemporary designs will be encouraged. A different approach may apply in the case of a Protected Structure, structures with significant heritage or within an Architectural Conservation Area.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Appendix 4 Rural House Design Guide.
- The extension should not provide for new overlooking or loss of privacy below reasonable levels to the private area of an adjacent residence.
- The cumulative impact of the existing extent of overlooking and the overlooking that would arise as a result of any proposed extension need to be considered.

- The extension should not have an overbearing impact on neighbouring properties. Large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- An adequate area of private open space, relative to the size of the dwelling should be retained, generally not less than 25sq.m.
- Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the proposed extension. Where this cannot be demonstrated, it will be necessary for the on-site wastewater treatment system to be upgraded as part of the development proposal.

4.6. Development Plan/ Domestic Garage / Store / Home-Work Pod / Garden Room (Section 15.4.13)

The development of a domestic garage/store/home-work pod /garden room for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store/home-work pod /garden room shall be single storey only, with a maximum gross floor area of 40m² and a maximum ridge height of 5m.
- The unit shall generally be located behind the front building line of the existing dwelling.
- In urban areas, the development will be assessed on the scale of the space surrounding the dwelling and any impact on neighbouring properties.
- The design and external finishes of the unit shall generally be in keeping with that of the dwelling house.
- The unit shall only be used for purposes ancillary to the enjoyment of the dwelling house and not for human habitation.

- The Planning Authority may consider exceptions to the criteria above having regard to the need for the development and the location and characteristics of the subject site.

4.7. Development Plan/ Family Flats (15.4.14)

Family flats (often known as granny flats) refer to a temporary subdivision or extension of an existing dwelling unit. They are a way of providing additional accommodation with a level of semi-independence for an immediate family member (dependent on the main occupants of the dwelling). Applications for a family flat shall have regard to the following requirements:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat.
- An occupancy condition may be applied.
- The proposed unit should be linked directly to the main dwelling by a connecting door.
- Accommodation must be subsidiary to the main dwelling in scale and only in exceptional cases will more than one bedroom be permitted where a need has been demonstrated.
- The design standards for house extensions shall be applied to the family flat.
- Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house.
- Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the family flat. Where this cannot be demonstrated, it will be necessary for the on-site wastewater treatment system to be upgraded as part of the development proposal. It is normal procedure to include conditions in any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

4.8. Development Plan/Rural House Design Guide (Appendix 4)

4.8.1. This document provides guidance on planning for a new home in rural County Kildare, with an emphasis on the importance of siting and good quality sustainable design.

4.8.2. Section 8.1 refers to Extensions and states the following:

A new house should be designed so that it is capable of absorbing sensitive future extension if necessary, rather than building a new dwelling.

A distinction should generally be made between the old and the new so that the various building phases can be recognised as a harmonious progression of development with the external form and historic character of the building being maintained.

Care should be taken that the proposed extension does not compromise the daylight, natural ventilation, or structural integrity of the original building. A good design should not confuse the legibility of the original building footprint and form. A good extension should be subservient to the main dwelling i.e. extensions should be so designed that they look like extensions rather than a new house attached to an old house.

4.9. Water Framework Directive Assessment

4.9.1. The closest waterbody to the subject site is Awillyinish Stream_010 (EPA Code: IE_EA_09A020300) located c.382.7 m to the west of the site.

4.9.2. The proposed development comprises Retention Permission for family flat with live in accommodation unit (2 no. self-contained units); Permission for change of use from residential garage to family flat and all associated works.

4.9.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

- 4.9.4. The reason for this conclusion is as follows:
- 4.9.5. The small scale and nature of the development.
- 4.9.6. The distance from nearest water bodies and lack of hydrological connections.
- 4.9.7. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

4.10. Natural Heritage Designations

- 4.10.1. There are no European sites within the subject site.
- 4.10.2. The closest European site to the subject site is Ballynafagh Bog SAC (Site Code: 000391), located c.5.2km to the south-east of the site.
- 4.10.3. The closest designated site is the Grand Canal pNHA (Site Code: 002104), located 1.7km to the north-east of the site.

4.11. EIA Screening

- 4.11.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

5.0 The Appeal

5.1. Grounds of Appeal

5.1.1. The grounds of appeal may be summarised as follows:

- The appellant is willing to omit the proposed new vehicular entrance.
- The applicant's brother requires live-in medical need and resides within a family flat which has been constructed within the permitted garage/fuel store.
- The applicant's brother should be treated as an exceptional case, referring to the medical evidence accompanying the application in the first instance and expanded as part of the first party appeal.
- The family flat has been designed to be subsidiary to the main dwelling in scale and meet house extension criteria of the Development Plan.
- The existing on site wastewater treatment system is newly constructed and can accommodate the additional loading.
- The proposal therefore meets the criteria for the provision of a family flat of the Development Plan (Section 15.4.4).
- The appeal is accompanied by a service engineers report, commissioned by the applicant, to examine the existing effluent and additional effluent loading.
- The appended report confirms that the property is served by a Clear Fox 8PE Wasate Water Treatment Plant with raised mound soil polishing filter. From a visual inspection, the report states that the wastewater system and soil polishing filter are good working order on the day of the site inspection.

5.2. Planning Authority Response

5.2.1. The Planning Authority has confirmed its decision and requests that the Board have regard to the planning and interdepartmental reports relating to this case.

5.3. Observations

5.3.1. None received.

5.4. Further Responses

5.4.1. None received.

6.0 **Assessment**

6.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the main issues in this appeal relates are as follows:

- Principle of Development
- Design and Layout
- Traffic and Transportation
- Site Services

6.2. **Principle of Development**

- 6.2.1. The subject site is located within the rural area, the closest Settlement being that of Caragh Village.
- 6.2.2. The proposed development relates to Retention permission for alterations to the permitted ridge height of the permitted garage/fuel store and elevational amendments to the fenestration all of the existing garage/fuel store.
- 6.2.3. Permission is also sought for a change of use (including internal modifications) of the existing garage/fuel store to a family flat, the construction of an extension connecting the existing house to the family flat, the construction of a new vehicular entrance to the property parallel to the existing entrance and all associated site works.
- 6.2.4. The local authority considers that the application would contravene Condition 4 of parent permission (Reg.Ref.:16/1304), restricting the use from, inter alia, human habitation. Whilst this is noted, the subject application is seeking to regularise this use, in accordance with the provisions of the Planning and Development Acts 2000, as amended.
- 6.2.5. I note that the Development Plan (Section 15.4.14) defines a family flat as relating to ““additional accommodation” with a level of semi-independence for a family member (dependent on the main occupants of the dwelling).”
- 6.2.6. As noted above, the permitted garage/fuel store (P.A. Reg. Ref.: 16/646 as amended by 16/1304) consists of a pair of two storey self-contained units within what appears

as a single dwelling, unconnected to the house. I note that the statutory notices refer to a (single) family flat rather than the pair of self-contained units, which I consider the notices to be entirely misleading.

6.2.7. As such, in my opinion, whilst the provision of a family flat at this location, may be acceptable in principle, the provision of two independent self-contained units is not.

6.2.8. In this context, this report provides an assessment of the subject proposal against a range of planning considerations, as outlined below.

6.3. Design and Layout

6.3.1. The appellant argues that the family flat has been designed to the house extension criteria as required under the Development Plan.

6.3.2. As noted above, the Development Plan defines a family flat as “additional accommodation” with a level of semi-independence for a family member (dependent on the main occupants of the dwelling), and not as a pair of self-contained units in what appears as a single dwelling.

6.3.3. This section of this report therefore provides an assessment of the subject proposal against design standards of the Development Plan (Section 15.4.14), taking account of the grounds of appeal, where relevant.

1. The applicant is required to demonstrate that there is a genuine need for the family flat:

- The applicant has included supporting information from a local care organisation (based in Newbridge) outlining that the applicant's brother, Thomas has been residing within the family flat unit, living independently. Thomas requires live-in care; and hence the requirement for the development of two separate units.
- The report notes that should Thomas no longer reside at his current residence, with supports in place by this care organisation and his family, that he would have no option but to declare as homeless, which would be totally unacceptable on the basis of his medical condition.
- The applicant's brother should be treated as an exceptional case.

- Thomas is noted to have twin sons, who regularly visit him at his apartment at weekends and holidays.
 - From a review of this documentation, I am satisfied that the applicant has provided sufficient documentary evidence to support the provision of a family flat on medical grounds, noting that this is not specified within the Development Plan.
2. An occupancy condition may be applied.
- In the event that the Commission decide to Grant Permission, I recommend the inclusion of a condition restricting the use to a family member; and that the unit shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use.
3. The proposed unit should be linked directly to the main dwelling by a connecting door.
- Whilst not raised by the appellant, it may be the case that the first party has interpreted the use of the term “should”, to infer that there is flexibility as to whether the family flat is connected directly to the principal dwelling by a connecting door or not.
 - However, I take the view that family flats should be connected directly to the principal dwelling.
 - The applicant has proposed to provide a corridor between the self-contained units and the principal dwelling in order to meet this requirement (between the eastern elevation of the proposed family flat and the south-western elevation of the existing dwelling (as indicated on the plans and not for Retention).)
 - From a review of the Plans and site visit, I consider that this corridor with a length of c.9.5m at a height of 3.064m corridor would be excessively long, with oversized windows or glazed doors* on both facades resulting in significant adverse impacts with respect to the residential and visual amenities of the subject dwelling and family flat. (*I note that there is no

annotation within the plans and particulars to confirm the nature of this glazing.)

- In this case, in the event that the Commission decide to grant permission, I recommend the omission of the corridor, having regard to the scale, design and associated impacts with respect to residential and visual amenities and live-in nature of the subject proposal.
4. Accommodation must be subsidiary to the main dwelling in scale and only in exceptional cases will more than one bedroom be permitted where a need has been demonstrated.
- The appellant argues that the proposal has been designed to be subsidiary in scale to the main dwelling.
 - Again, at the outset, I consider that the subject application cannot comply as the project relates to the provision of 2 no. self-contained units rather than a family flat. The subject structure, currently detached, is located at a distance from the principal dwelling, and as such, also cannot be considered to be subsidiary to the principal dwelling.
 - Notwithstanding, from a review of the plans and site visit, I note that the structure containing the two units has an area of 79m², serving a dwelling with an area of 214m². The unit has an overall height of c.6m, noting the existing dwelling to have an overall height of 7m.
 - As such, even on the basis the structure, in my view, could not be considered as subservient in scale to the principal dwelling. In addition, I consider that the proposed connecting corridor would result in a significant increase to the scale and mass of the structure further undermining any subservience in scale to the existing house.
 - As noted above, the applicant considers that his brother's medical/housing need warrants that this case constitutes an exceptional case and refer Commission to point 1 of this assessment in this regard.
 - In summary, in my view, the subject proposal relating to the provision of 2 no. self-contained units rather than family flat, cannot not comply with this standard. The structure, currently detached from and at a distance from

the principal house, similarly cannot be considered as subservient to the existing dwelling on site.

5. The design standards for House Extensions (5.14.2 of the CDP refers) shall be applied to the family flat.
 - As above, the proposal does not comprise a family flat but a pair of self-contained units, within a single structure to the rear (west) of the principal dwelling on site.
 - Notwithstanding, I note that the structure is designed in a style similar to the existing property, and by reason of scale and design, would not in my opinion, result in overlooking to the main dwelling or dwelling to the north of the site. However, I note that the subject connecting corridor from the existing property to the main dwelling, would include the introduction of large opes on the northern and southern facades, resulting in potential overlooking to and from the connecting corridor.
 - Having reviewed the plans, I also consider that the self-contained units are contrary to the County Rural House Design Guide, which require that extensions should be subservient to the main dwelling, “appearing as an extension rather than as a new house attached to the old.”
 - By reason of the location and distance of the subject structure to the main dwelling, as well as scale and design of the proposed connecting corridor, the subject proposal cannot be considered as ‘subservient’ and contrary to this guidance.
6. Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house.
 - The unit includes a single access door to the front of the family flat only, and as such is compliant with this provision.
7. Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the family flat. Where this cannot be demonstrated, it will be necessary for the on-site wastewater treatment system to be upgraded as part of the development proposal. It is normal procedure to include

conditions in any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

- As noted below, the applicant proposes that the self-contained units would be served by the existing wastewater system serving this site. From a review of the documentation including as submitted as part of the first party appeal, I consider that insufficient data has been provided to demonstrate that there is adequate capacity within the existing system to cater for the additional 2 no. ensuite bathrooms at first floor level.

6.3.4. Having regard to the above, I consider that retention permission for the change of use from domestic garage to family flat would not meet the requirements for a family flat (Section 15.4.14 of the Plan refers). The proposal relating to the provision of two no. self-contained units, with the appearance of a standalone dwelling, in the first instance cannot comply with this design standards as the proposal does not constitute a family flat. Having reviewed the plans, I am not satisfied that the location of the structure, as well as the design and location of the connecting corridor is of a sufficient design to ensure compliance due to its design which is not subservient to the dwelling. As detailed above, insufficient data has been provided to confirm that the existing wastewater system can facilitate the additional load. I recommend that Permission is refused on that basis.

6.4. Traffic and Transportation

- 6.4.1. The applicant is content for the entrance as proposed to be omitted from the scheme.
- 6.4.2. I refer the Commission to the proposed Site Layout Plan which indicates the position of the existing vehicular access to the site located along the wayleave. The Plan also indicates the position of the proposed entrance, parallel to the existing one.
- 6.4.3. The application and appeal do not provide detailed inputs with respect to this access.
- 6.4.4. The Local Authority has also not provided any commentary with respect to traffic and transportation in assessing this application.

- 6.4.5. Notwithstanding, the proposed development relates to the provision of a family flat to serve a relative of the dwelling on site, in effect forming part of this single residence rather than an additional separate unit.
- 6.4.6. Moreover, as the proposal relates only to the subject family flat (albeit which includes live in accommodation), in my opinion, there should be no intensification of traffic at the existing access to the L6009. I am therefore satisfied that traffic and transportation do not constitute grounds of refusal in this instance.
- 6.4.7. As such, in the event the Commission decide to grant Permission and Retention Permission, I recommend the inclusion of a Condition, requiring the submission of revised plans, omitting the proposed additional vehicular access as detailed above.

6.5. Site Services

Surface Water Drainage

- 6.5.1. The subject family flat would be served by soakpits as permitted under the parent permission (P.A. Reg. Ref.: 16/646 refers).
- 6.5.2. The Local Authority have not provided any commentary with respect surface water drainage in assessing the appeal.
- 6.5.3. I note that no information has been provided as part of the subject application with respect to surface water drainage associated with respect to the subject family flat.
- 6.5.4. As such, in the event that the Board decide to grant permission, I recommend the inclusion of condition, requiring that,

“Only clean uncontaminated surface water from the development should be discharged to the surface water system.”

Wastewater Treatment

- 6.5.5. As noted above, Reason 2 of refusal by the Council refers to “a lack of sufficient detail with regard to wastewater treatment on site, the Planning Authority is not satisfied that the additional effluent loading generated by the proposed development can be catered for in the existing wastewater treatment system.”
- 6.5.6. The first party appeal states that the existing on-site wastewater treatment system is newly constructed and can accommodate the additional loading. The response is accompanied by a service engineers report, which states that the property is served

by a Clear Fox 8PE Waste Water Treatment Plant with raised mound soil polishing filter. The report also states that the plant has been sized to accommodate 8 no. persons (6 no. persons based on a 4 bed detached house and 2 persons from the family flat) and is considered suitable for the current usage. The report outlines that from a visual inspection; the wastewater system and soil polishing filter are in good working order.

- 6.5.7. In this context, I note that the report does not include more detailed analysis with respect to the operational functionality of the existing system, including a more detailed analysis that the existing wastewater system (permitted under P.A. Ref.: 16/646) has sufficient capacity to cater for the subject proposal. The report was not accompanied by a Site Characterisation Form.
- 6.5.8. As such, in the absence of more detailed analysis, I concur with the local authority and consider that the subject proposal would be prejudicial to human health and the protection of water quality. I therefore recommend to the Commission that permission is refused on this basis.

Water Supply

- 6.5.9. From a review of the file, the subject family flat would be served by the existing public water supply connection, as permitted under (P.A. Reg. Ref.: 16/646).
- 6.5.10. A submission or observation has not been received from Uisce Éireann on the application or appeal.
- 6.5.11. Notwithstanding, having regard to the limited size of the subject proposal, it is considered likely that development can be serviced.
- 6.5.12. In the event the Commission decide to grant permission, I recommend the inclusion of a condition; requiring the applicant enter into a Connection Agreement with Uisce Éireann, to provide for any service connection to public water supply, and adhere to the standards and conditions in that agreement.

7.0 AA Screening

- 7.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).
- 7.2. I have considered the Retention Permission for a family flat/live-in unit; Permission for change of use from residential garage to family flat and all associated works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 7.2.1. The closest European site to the subject site is Ballynafagh Bog SAC (Site Code: 000391), located c.5.2km to the south-east of the site.
- 7.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 7.4. The reason for this conclusion is as follows:
- The distance from nearest European site.
 - The small scale and nature of the subject proposal.
- 7.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 7.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

I recommend that Retention Permission and Permission is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the nature and scale of the development as proposed and development to be retained, location of the family flat, location and design of the proposed corridor extension which is not subservient to the principal dwelling, insufficient data to confirm capacity within the wastewater system, it is considered that the development would not accord with the standards with respect to the provision of a family flat (Section 15.4.14) of the Kildare County Development Plan 2023-2029. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the lack of sufficient detail with respect to wastewater treatment on site, the Commission is not satisfied that the additional loading generated by the family flat can be accommodated within the existing wastewater system. To permit development in the absence of such data, would be prejudicial to human health and the protection of water quality. 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.

Aoife McCarthy
Planning Inspector

16th October 2025

Form 1 - EIA Pre-Screening

Case Reference	321453-24
Proposed Development Summary	Retention Permission for a single storey family flat; Permission for change of use from residential garage to family flat and all associated works
Development Address	Castlekeely, Carragh, Co. Kildare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☐ Yes, it is a 'Project'. Proceed to Q2. ☒ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	

Inspector: _____ Date: _____