



An  
Bord  
Pleanála

## Inspector's Report ABP-322012-25

### Development

Amendments to previously approved planning permissions (Reg. Refs. 21655 & 221483) consisting of 1 additional storey to Apartment Block B, increasing its height from 4-storey to 5-storey.

### Location

The Paddocks, Knockaulin, Leixlip, Co. Kildare.

### Planning Authority

Kildare County Council

### Planning Authority Reg. Ref.

24/61378

### Applicant(s)

Mulberry Properties Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

1. First Party
2. Third Party

### Appellant(s)

1. Mulberry Properties Ltd.
2. Berenice Flattery

**Observer(s)**

1. Knockaulin Residents Association
2. The Paddlocks and Knockaulin Residents Association

**Date of Site Inspection**

22<sup>nd</sup> May 2025

**Inspector**

Emer Doyle

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Appendix 1 – Form 1: EIA Pre-Screening and Form 2 - EIA Preliminary Examination

## **1.0 Site Location and Description**

- 1.1. The development is located is on Station Road to the north-west of the centre of Leixlip village in County Kildare. The proposed development forms part of a site which is irregular in configuration and has a stated area of 1.267 hectares.
- 1.2. The original site formed part of the curtilage of Hillford House which is located to the south of the site and accessed from Old Hill Road. This is a building of vernacular importance to Leixlip but it is not included in the Record of Protected Structures. It is proposed to convert an existing stone barn formerly associated with Hillford House into 3 no. residential units as part of the overall development previously granted on this site.
- 1.3. The site is within the built up area of Lexilip and the uses surrounding the site are predominantly residential and educational. The site is accessed through Knockaulin housing estate off the Old Hill Road.
- 1.4. The overall development is named as 'The Paddocks' and comprises a mix of residential units including semi-detached and terraced houses, maisonette units, apartments and the conversion of a stone barn into three residential units. The main section of the development comprises of a square overlooking an area of open space. The original permission provided for 2 apartment blocks within the development (originally named as Block 1 and 2 but now renamed as Block A and B). Both apartment blocks were originally granted as 3 storey blocks and this has since been revised to 4 storey blocks (see planning history below). Block A is within the complex and overlooking a central open space area and is substantially completed externally. The current application refers to Block B which is located adjacent to Station Road.
- 1.5. The site is located c.550m from Leixlip town centre and therefore within walking distance to many of the services and facilities available in the town. It is located c. 750m from Leixlip Louisa Bridge train station. The nearest bus stop is on Station Road adjacent to the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for 1 no. additional storey to Apartment Block B, increasing its height from 4-storey to 5-storey. This will provide 5 no. additional apartments, consisting of 2 no. additional 1-bed units and 3 no. additional 2- bed units. Permission is also sought to include alterations to existing floor levels & heights, the relocation of the previously approved bike store and the provision of 4 No. additional bicycle parking spaces.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority refused permission for 1 No. reason as follows:

Having regard to the nature, height, scale and design of the proposed development, the established scale of adjoining development and its relationship to the existing and permitted development in the vicinity of the proposed development, it is considered that the proposed development would represent a significant and overbearing development and would, if permitted, negatively impact and seriously injure the residential and visual amenities of the area, would be significantly out of character with the scale of existing and permitted development, would negatively impact on the character of the adjoining vernacular structure- Hillford House and the adjoining single storey outbuildings/barn structure on Station Road. Furthermore, the proposed development would materially contravene the zoning objective of the site- Existing Residential/Infill as set out in the Leixlip Local Area Plan, which seeks to protect and enhance the amenity of established residential communities and promote sustainable intensification. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The Planners report considered that there are serious concerns that the proposed development, with a significant increase in height, at a prominent part of the landholding would represent a significant departure from the initial scale and height of the permitted development. Furthermore, it is considered that the proposed development, involving an increase in height would form an overbearing feature in close proximity to single storey barn buildings and to Hillford House, a 19<sup>th</sup> century vernacular dwelling.

#### 3.2.2. Other Technical Reports

- **Transportation:** Further Information required in relation to car parking provision on the site.
- **Area Engineer:** No objection subject to conditions.
- **Environmental Health Office:** No objection subject to conditions.
- **Environment Section:** Further Information required in relation to waste management.
- **Fire Officer:** No objection.
- **Water Services:** No objection subject to conditions.

### 3.3. Prescribed Bodies

#### 3.3.1. No reports.

### 3.4. Third Party Observations

- #### 3.4.1.
- The submissions received by the Planning Authority reflect both the support for the proposed development in the third party appeal received by the Board and the concerns raised in the observations received by the Board.

## 4.0 Planning History

### On Site

#### **PA Reg. Ref. 19/6/ ABP Ref. 305284-19**

Permission refused by PA and on appeal to the Board for 33 no. residential units. The Board refused permission for 3 no. reasons relating to traffic safety, architectural heritage and design, and inadequate housing mix and inadequate density.

#### **PA Reg. Ref. 20/1300**

Permission refused by PA for 63 no. dwellings for 2 no. reasons relating to design and scale and impact on residential amenities.

#### **PA Reg. Ref. 21/655**

Permission granted for 58 no. units ranging from 2/3 storeys comprising 27 no. apartments, 24 no. houses, 4 no. maisonettes and 3 no. units in the converted barn open space and associated works.

#### **PA Reg. Ref. 22/1483/ ABP Reg. Ref. 315988-23**

Permission granted by PA and by the Board on appeal for an additional floor to both apartment blocks within the site. This permission provided for an additional 9 no. units between both blocks.

For clarity, Block 1 in the original permission is now identified as Block B and Block 2 is now identified as Block A.

#### **PA Reg. Ref. 24/60613/ABP Ref. 320828-24**

Permission granted by PA for an additional storey to 5 storeys and for 4 no. additional units to Block A. Under appeal to the Board this application was refused for 1 No. reason as follows:

Having regard to the nature, height, scale and design of the proposed development, the established level and scale of permitted development and its relationship to existing permitted development in the vicinity of the proposed development it is considered that the proposed development would represent a significant, discordant and overbearing development to what was previously permitted on the site. The proposed development with its increased height would represent a significant departure from the initial scale and height of the current permitted development and its relationship to adjacent residential development and therefore would not be in keeping with the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### Adjoining Site Hillford House

#### **PA Reg. Ref. 22/1409/ ABP Ref. 315901-23**

Permission refused by PA and by ABP on appeal for demolition of existing structures and construction of 3 storey apartment building comprising of 27 no. apartment units. The Board refused permission for 2 no. reasons relating to traffic safety and protection of architectural heritage.

## **5.0 Policy Context**

### **5.1. Relevant National Guidelines include the following:**

- National Planning Framework- First Revision April 2025
- Climate Action Plan 2025
- National Biodiversity Action Plan 2023-2030

### **5.2. National Planning Framework (NPF) First Revision April 2025**

#### **5.2.1. Relevant Policy Objectives include:**

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.



National Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment

National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 42: To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

### 5.3. Section 28 Ministerial Guidelines

5.3.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Design Standards for New Apartments, 2023

- Urban Development and Building Heights, 2018

#### **5.4. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

- 5.5. The statutory development plans are the Kildare County Development Plan 2023-2029 and Leixlip Local Area Plan (LAP) 2020-2023 extended to March 2026.

## **Kildare County Development Plan 2023-2029**

Volume 1 sets out broad policy and strategy in relation to the overall county including a settlement strategy and hierarchy in chapter 2 where Leixlip is identified as a self sustaining growth town in the settlement hierarchy.

Chapter 2 contains the core strategy for the County. The preferred development strategy will focus on: Achieving the critical mass in the Metropolitan Area Strategic Plan (MASP) area (Maynooth, Leixlip, Celbridge & Kilcock) and in the Key Towns of Naas and Maynooth together with measured growth with emphasis on economic growth in the towns identified as Self-Sustaining Growth Towns and Self-Sustaining Towns as per Table 2.7.

Chapter 3 of the plan relates to housing and section 3.7 to residential densities where table 3.1 outlines the density levels for different settlement types as per Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009).

Chapter 11 relates to the Built and Cultural Heritage. Section 11.17 deals with built and vernacular heritage. It is the policy of the Council under AH P9 to promote the protection, retention, appreciation and appropriate revitalisation of the built vernacular heritage of the county. It is an Objective under AH O63 to ensure that new buildings adjacent to vernacular structures and extensions to vernacular buildings are of an appropriate design and do not detract from the character of these structures.

Chapter 15 relates to Development Management Standards and sets out standards in relation to a range of matters including residential density, housing mix, car parking and public open space.

The standards also refer to building height indicating as the Section 28 Guidelines on Urban Development and Building Heights (2018).

## 5.6. Leixlip Local Area Plan

Zoning:

The appeal site is zoned 'B – 'Existing / Infill Residential' under the Leixlip Local Area Plan ('LAP') where the objective is 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

Chapter 4: Core Strategy

Objective CS1.1 is to support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas.

Chapter 7: Housing and Community

**Section 7.3** states given the proximity and connectivity of Leixlip to Dublin and being a key employment centre in the Dublin Metropolitan Area (DMA) it is anticipated that there will continue to be a strong demand for a varied mix and type of housing in the Plan area. There is a high proportion of 3-bed semi-detached type dwellings within the town. The Plan seeks to address this mono type of housing and will seek to ensure a greater mix of housing. Residential schemes should provide for both a mix of dwelling size and dwelling type to cater for a diverse range of housing needs. The overall design and layout of residential development should be of high-quality and comply with the urban design principles contained in the County Development Plan.

The following policies and objectives are considered relevant:

**Policy HC2** is to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.

**Objective HC2.1** is to ensure that a good mix of housing types and sizes is provided in all new residential areas including each Key Development Area (KDA) and appropriate infill/brownfield locations to meet the needs of the population of Leixlip, including housing designed for older people and people with disabilities.

**Objective BH1.2** To acknowledge and promote awareness of the origins, historical development and cultural heritage of the town, to support high quality developments that relate to local heritage and to ensure that new development respects and is responsive to the cultural heritage of Leixlip.

## **5.7. Natural Heritage Designations**

- 5.7.1. The subject site is not located within any Natural Heritage designated lands. The Royal Canal pNHA (Code 002103) is located circa 660m to the north of the site and the Rye Water Valley/ Carton SAC (Code 001398) and pNHA (001398) is located circa 380m to the east and the River Liffey pNHA (Code 000128) is circa 800m to the south.

## **5.8. EIA Screening**

- 5.8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The grounds of the First Party appeal can be summarised as follows:
- It is considered that the proposed development does not interfere with the character of the area and does not set a negative planning precedent.
  - The surrounding site context is changing with increased heights at accessible locations.
  - The assertion that the proposed development will negatively impact and injure the residential amenities of the area is unfounded.
  - Although it is acknowledged that Hillford House possesses some heritage value, it is not protected and is located some 46m southeast of Black B.
  - Figure 6.8 in the appeal provides for an updated Site Section when viewed with existing and permitted development.

- All of the council's other departments did not recommend a refusal.
- The context of Block B is different as site falls from Station Road. The location is more conducive to increased heights as it overlooks Station Road, a leading gateway to Leixlip town centre.
- The proposed development is compliant with the sites zoning objectives.
- The proposed development complies with all quantitative standards for apartments and has minimal impact on adjoining properties.

6.1.2. The grounds of the third party appeal can be summarised as follows:

- Kildare County Council previously granted permission for a fifth floor on Block A within the same development under 24/60613. It is not understood how the application can now be refused by the Council.
- The reference to Hillford House is most unusual as Kildare County Council haven't listed this building.
- The raising of the site by 0.6m to facilitate levels of roads and services is not a significant departure.
- Other 5 storey apartment blocks have been granted in Leixlip.
- Kildare County Council were satisfied that sufficient parking was available under the previous grants of permission.
- The fifth floor is far less imposing on Block B than Block A.
- Block B is significantly further away from buildings than Block A.

## 6.2. Planning Authority Response

- The Planning Authority response notes the contents of the appeal and observations, confirms its decision and refers to the reports of the planning authority in relation to the assessment of the planning application.

### **6.3. Observations**

6.3.1. Observations have been submitted by Knockaulin Residents Association and The Paddocks and Knockaulin Residents Association which can be summarised as follows:

- The third party appellant seeking a reversal of the refusal decision is understood to be the wife of the only listed director of Mulberry Properties Ltd. Fergal Flattery.
- The site is 5.5m from a bungalow and 4m from the boundary with Station Road from which it will be very prominent as the site is approximately 1m above the road level.
- The additional floor would seriously impinge on residential and visual amenity.
- The planner's report highlighted that this is a more conspicuous site than Block A. The FFL has increased by over 0.6m from that approved and this increase and the additional height proposed would have a significant visual impact and would be overbearing.
- With a building height of 17.25m, and the proposed FFL, the proposed development would be approximately 19m over the adjoining street.
- As viewed from The Paddocks and Knockaulin, it would present as an incongruous and intrusive insertion.
- Public and Communal Open Space is defective as much of it is marginal and of limited utility and amenity value.
- Insufficient Car Parking.

### **7.0 Assessment**

7.1. The issues of the subject appeal can be dealt with under the following headings:

- Principle of Development
- Density

- Height and Visual Impact
- Development Management Standards
- Appropriate Assessment

## 7.2. Principle of Development

- 7.2.1. The site is zoned as 'B' – 'Existing / Infill Residential' under the Leixlip Local Area Plan (LAP) 2020-2023 (as extended to 2026). The objective is 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'. Table 13.1 of the LAP states that dwelling is 'Permitted in Principle' under this zoning, subject to compliance with those objectives as set out under the zoning, subject to compliance with those objectives as set out in other chapters of this Plan.
- 7.2.2. I note that permission has previously been granted for residential development on this site and the site is currently a construction site. As such, the principle of development is acceptable at this location.

## 7.3. Density

- 7.3.1. I note that density is referred to in the appeal submission where the appellant quotes the previous Inspectors report under ABP 315988-23 as follows: *'The development if permitted will result in a level of density which is at the upper level of recommended indicative density or slightly exceeds it as I estimate if permitted the density will be at approximately 51 units per hectare. The site is not town centre but has frontage onto a road which provides for relative ease of walking to the town centre and adjoins or is readily accessible to high capacity public transport services including the rail network. A density at the upper range of density is therefore reasonable and acceptable.'*
- 7.3.2. The original permission provided for a density of c. 45 units per hectare (58 units as amended by Further Information Response). The additional 9 units permitted to Blocks A and B under ABP 315988-23 increased the density to c. 52 units per hectare. Taking into account the 5 additional units proposed in the current appeal,



the density on the total site of 1.267 hectares is now c. 56 units per hectare. This is above the target density of c. 35-50 units per hectare for Leixlip indicated in the Core Strategy of the County Development Plan.

7.3.3. I have had regard to the Compact Settlement Guidelines and consider this site to be an accessible suburban location where higher densities can be achieved. I have also had regard to the National Planning Framework First Revision which recognises the need for additional housing. In this regard National Policy Objective 45 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

7.3.4. I generally concur with the comments made by the Inspector on the previous application referred to above. This application now seeks permission for a further 5 no. units which increases the density. This site is within c. 550m of the main street of Leixlip and is located c. 750m from the Louisa Bridge train station and is well served by frequent bus services with a bus stop adjacent to the site. Leixlip is a Self Sustaining Growth town in Table 2.7 - Settlement Hierarchy and Typology of the Development Plan and these are locations where there are moderate levels of jobs and services. The policy and objectives in the Leixlip Local Area Plan, the County Development Plan, and the Core Strategy regarding density are not absolute and instead allow for appropriate and necessary levels of flexibility, which reflects the density range advised in the national guidance and allows for considerations of site-specific conditions. As such, I consider that the proposed density is appropriate at this location and is in compliance with national, regional, and local policy.

#### **7.4. Height and Visual Impact**

7.4.1. The issue of height and visual impact was raised as a concern by third parties in submissions received by the PA and by observers to the appeal. The Planning Authority reason for refusal considered that the scale, height and design would seriously injure the residential and visual amenities of the area and would negatively impact on the character of the adjoining vernacular structure Hillford House and the adjoining outbuildings/ barn structure on Station Road.

- 7.4.2. The original permission granted on the site provided for 2 no. three storey apartment blocks. This was revised to 2 no. 4 storey apartment blocks. Permission was refused by the Planning Authority and on appeal to the Board for an additional storey to Block A. This application now seeks an additional storey on Block B.
- 7.4.3. Block B is located closer to Station Road (R148) which is the main approach road to Leixlip from Maynooth. Block A is located deep within the new housing development and the main views of this Block are from within the site. Whilst visible from Station Road and Old Hill Road, this Block is less visible from these locations due to distance and mature trees.
- 7.4.4. Block B is located adjacent to Hillford House which is a large 2 storey 3 bay 19th century detached dwelling. Under An Bord Pleanála 315901-23, the Board refused permission for the demolition of Hillford House and for 27 apartments for 2 reasons relating to traffic safety and protection of architectural heritage.
- 7.4.5. I consider that this is a transitional site, c. 550m from the main street of Leixlip and 750m from Louisa Bridge train station. The current context of the site provides for mainly single storey and two storey buildings but it is clear that this is rapidly changing with both new and proposed developments in the vicinity of the site.
- 7.4.6. I consider that 5 storey development would be a significant departure from existing and permitted development in the area. The site is very prominent with traffic light junctions on both sides and open views from both directions. I do not consider that the proposed additional storey would easily integrate with existing and permitted development in the area.
- 7.4.7. Further, I consider that the proposed additional storey would detract from the proposal on the current site to convert an existing barn into 3 no. dwelling units and Hillford House on the adjoining site. The planner's report considered that 'the proposed development, involving an increase in height would form an overbearing feature in close proximity to single storey barn buildings and to Hillford House, a 19th century vernacular dwelling.' I concur with this view.
- 7.4.8. Hillford House was proposed as an addition to the RPS as part of the review of the Kildare CDP 2023-2029. The public consultation period ended in May 2022. It was decided not to proceed with the placing of the House on the RPS. It is not included on the National Inventory of Ireland (NIAH). However, it is a significant country

house, which the Conservation Officer considers to be of regional importance. It was considered more appropriate to initiate a Section 55 process in accordance with the provisions set out in the Planning and Development Act 2000 (as amended).

- 7.4.9. I consider that Hillford House is of importance to the town of Leixlip and the construction of a five storey apartment block in close proximity would detract from the sense of place and amenity of the area. Whilst I note that Hillford House is not on the RPS, it is a building of vernacular importance and currently forms a prominent and integral part of the streetscape. It is a conspicuous landmark in the local area due to its visual prominence on elevated ground and height and scale.
- 7.4.10. I consider that the contexts of Blocks A and B are somewhat different in that Block A is somewhat removed from public views as whilst visible from both Station Road and Old Hill Road, it is at a considerable remove from both these locations and the primary visual impact would be from deep within the site itself. On the day of inspection, this apartment block has been substantially completed and I do not consider that the Block as built significantly detracts from the visual amenities of the area.
- 7.4.11. I consider that Block B is entirely different as it is located in very close proximity to Station Road and it is required to raise the site level by 600mm in order to provide roads and services. I consider an additional floor at this location will have a significant overbearing impact. I do not consider that the addition of an additional storey would integrate successfully with the existing architectural heritage in the area including Hillford House and the adjoining barn.
- 7.4.12. It is an objective of the Development Plan under AH O63 to ensure that new buildings adjacent to vernacular structures and extensions to vernacular buildings are of an appropriate design and do not detract from the character of these structures. I consider that the proposed development is unsympathetic to the existing vernacular buildings in the vicinity and would physically dominate the streetscape at this location. The development proposed would be a very significant intervention when viewed from along Station Road in both directions, particularly in terms of its size, scale, bulk, and massing. In my opinion, the development would be a major departure from the existing residential character of the area. I consider that the proposed amendments to provide for an additional floor would be physically

imposing, domineering, and overly dominant in a visual sense. This is due to both to the character of the area presently which consists of single storey and two storey houses and the proximity to the vernacular structures. In my opinion, the proposed development would be visually incongruous and wholly inappropriate at this location.

- 7.4.13. I consider, having regard to the overall size, scale, height and massing of the proposed development, which is in proximity to a vernacular buildings and low rise development, that it would result in significant negative overbearing, overdominance and negative visual impacts and that it would significantly affect the amenity and established residential character of the area. Further the proposed development would detract from the character of Hillford House and would be contrary to Objective AH 063 of the Development Plan.

## **7.5. Development Management Standards**

- 7.5.1. The 5 no. apartment units proposed comply with the minimum standards as set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2023 in relation to internal space standards for apartments, dual aspect ratios, floor to ceiling height, storage spaces, amenity spaces including balconies/patios and room dimensions.
- 7.5.2. The overall proposal including the previously permitted development provides for a satisfactory mix of apartments and other residential units.
- 7.5.3. The observations raise concerns in relation to adequacy of car parking and adequacy of public open space. It is noted that the KCC Transportation Department Report seeks further information in relation to car parking provision. The Transportation report requires the applicant to submit a car park schedule of the car parking provided for the existing and proposed development and to provide a car parking study for the existing car parking arrangement within the development to assess if there are sufficient car park spaces to service the existing and proposed site.
- 7.5.4. The Planning Authority subsequently refused permission but I note that the appellant did not address this matter in the appeal response.

- 7.5.5. I have examined the site layout and note that 48 spaces are provided to serve the 16 no. permitted apartments in Block A, the 20 no. permitted apartments in Block B, the 5 no. proposed apartments in Block B, the 4 No. maisonette units and the 3 no. 1 bedroom units in the converted barn. All existing dwellings are provided with 2 spaces within their front gardens. Section 15.7.8 of the Development Plan requires the following maximum standards - 1.5 spaces per unit + 1 visitor space per 4 apartments. As such, the maximum requirement is for 60 no. spaces.
- 7.5.6. As stated in the County Development Plan, these are maximum standards and residential development in areas within walking distances of town centres and high-capacity public transport services which applies in relation to the appeal site should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking.
- 7.5.7. SPPR3 of the Compact Settlement Guidelines seeks to substantially reduce car parking provision in accessible areas. In this regard, I consider that the site is located within comfortable walking distance of Leixlip Village and the amenities therein. The site is adjacent to a bus stop served by high frequency buses and within 750m of the commuter train service at Leixlip Louisa Bridge train station. As such, I consider that a reduced car parking rate is appropriate in this instance as future residents will not be reliant on the private car for daily activities.
- 7.5.8. In addition, a car club space is also indicated on the site layout plan to support a reduced car dependent residential scheme.
- 7.5.9. As such, I am satisfied that adequate car parking is available to serve the proposed development.
- 7.5.10. In terms of public open space, the requirement set out in Section 15.6.6 of the KCC Development Plan is 15% for public open space. This scheme was originally granted under the previous Development Plan where the original requirement was 10%. I note that the overall provision within the site is located in 3 No. areas. The main area- A has 1002m<sup>2</sup>, area B for this apartment block has 729m<sup>2</sup> and area C, for Block B has 140m<sup>2</sup>. The total amount of public open space on the site is 1871m<sup>2</sup> which equates to 14.8%. Whilst this is slightly below the Development Plan standard,

having regard to the history of the site and taken together with public open space provision in the area, I am satisfied that the level of public open space is generally acceptable at this location.

## **8.0 AA Screening**

8.1. I have considered case ABP 322012-25 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The proposed development comprises modifications to a permitted development to increase the number of storeys from 4 to 5 and provides for an additional 5 no. apartment units.

8.2. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

8.2.1. 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. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

9.1. I recommend that permission be refused for the following reasons and considerations as set out below.

## **10.0 Reasons and Considerations**

Having regard to the nature, height, scale and design of the proposed development, the established level and scale of permitted development and its relationship to existing permitted development in the vicinity of the proposed development and

proximity to Hillford House, a building of architectural interest and heritage value, it is considered that the proposed development would represent a significant, discordant and overbearing development to what was previously permitted on the site. The proposed development with its increased height would represent a significant departure from the initial scale and height of the current permitted development and its relationship to adjacent and permitted development and therefore would not be in keeping with the visual or residential amenities of the area or the amenities of property in the vicinity of the site. Further, it is considered that the proposed development would negatively impact on Hillford House and would be contrary to Objective AH O63 of the Kildare County Council Development Plan 2023-2028 which seeks to ensure that new buildings adjacent to vernacular structures are of an appropriate design and do not detract from the character of these structures. The proposed development would, therefore, seriously injure the visual and residential amenities of the area, would be contrary to the provisions of the Development Plan and would 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.

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Emer Doyle  
Planning Inspector

29<sup>th</sup> May 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322012-25
<b>Proposed Development Summary</b>	The proposed development comprises of an additional storey to a permitted 4 storey apartment block comprising of 5 no. apartments.
<b>Development Address</b>	The Paddocks, Knockaulin, Leixlip, Co. Kildare.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	



<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10 b) i) Construction of more than 500 dwelling units.</p>

<p><b>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)?</b></p>	
<p><b>Yes</b> <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

**Inspector:** Emer Doyle

**Date:** 29<sup>th</sup> May 2025

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	322012-25
<b>Development Address</b>	The Paddocks, Knockaulin, Leixlip, Co. Kildare.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The subject appeal site has a stated site area of 1.267 hectares. The proposed development comprises the construction of an additional storey to a permitted apartment block comprising of 5 no. additional apartment units. There are no demolition works proposed.</p> <p>The works do not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster or is vulnerable to climate change.</p> <p>It presents no risks to human health.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The development is a brownfield site situated in a suburban area. It is not within any European site. It is adjacent to Hillford House which is a building of vernacular importance though not on the Record of Protected Structures.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b> Having regard to the relatively modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in

complexity, duration, cumulative effects and opportunities for mitigation).	combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.

**Inspector:** Emer Doyle      **Date:** 29/05/25

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)