



An
Coimisiún
Pleanála

Inspector's Report

ABP-322361-25

Development

Retention permission sought for change of use from garage and office (granted under file ref 21/1763) to residential use and connection to public sewer and watermain. Planning permission is sought for subdivision of site to include divisional fencing with screen landscaping to perimeter and all associated site works plus the creation of 1 extra car parking space by removal of remaining section of front boundary wall.

Location

Grove House, College Park,
Newbridge, W12 RX20.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

24380

Applicant(s)

Richard & Anne Bell

Type of Application

Permission & Permission for Retention

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Appellant(s)

Richard & Anne Bell

Observer(s)

None.

Date of Site Inspection

10th July, 2025

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located at Grove House, College Park, Newbridge, Co. Kildare, approximately 200m northwest of Main Street in the town centre and 180m west of the River Liffey, in a well-established residential area where the prevailing pattern of development is characterised by a combination of conventional semi-detached and terraced two-storey housing (with front & rear gardens and off-street car parking) interspersed with instances of detached single-storey and dormer-style bungalows. It has a stated site area of 0.044 hectares, is irregularly shaped, and primarily encompasses part of the rear garden area of the existing dormer-style dwelling house known as 'Grove House' along with a side passageway and a section of that area forward of the main residence and adjacent to the public road. The site is presently occupied by a conventional, single-storey, 'L'-shaped structure which is used as independent and self-contained residential accommodation. The wider site also includes a paved patio area and a gravel accessway which has been subdivided from the rear garden of 'Grove House' through the erection of 'shiplap' timber fencing (with the remainder of the perimeter site boundary generally defined by block walling).

2.0 Proposed Development

- 2.1. The subject proposal, as initially submitted to the Planning Authority, consists of the following:
- Permission for the retention of the change of use of a garage and office (previously permitted under PA Ref. No. 21/1763) to residential use (floor area: 85m²) and the connection of same to the public sewer and watermain.
 - Permission for the subdivision of the site, the erection of divisional fencing and screen landscaping to the perimeter, and all associated site works, including the provision of 1 No. additional car parking space to the front of the property (to be accessed directly from the public road) along with the removal of the remaining section of the front roadside boundary wall.
- 2.2. In response to a request for further information, additional details were provided which show the proposed construction of a 900mm high capped wall extending

between the front elevation of the existing dwelling house (Grove House) and the roadside boundary so as to delineate the new car parking space.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 31st March, 2025 the Planning Authority issued a notification of a decision to refuse permission & permission for retention for the proposed development for the following single reason:

- The retention of a dwelling in the rear garden of an existing two storey detached house, with proposed alterations to the front boundary of the existing house to accommodate the car-parking requirement for the dwelling to be retained, would result in the haphazard and disjointed development of a restricted site, and would be seriously injurious to the residential amenity of the existing two storey detached house and depreciate the value of property in the vicinity. The proposed development would therefore set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

An initial report details the site location, planning history, and the relevant policy considerations before assessing the proposal as a separate dwelling (as opposed to a family apartment) and noting that the principle of infill development and sustainable densification is considered acceptable. The report proceeds to analyse the overall design and layout of the proposal and notes that it will not give rise to any loss of residential amenity by reason of overlooking or overshadowing. It is further noted that while the narrow passageway to the proposed dwelling is not accessible by cars or other large vehicles, the proposal to locate a car parking space to the front of the existing dwelling ('Grove House') will be adequate, although further details will be

required as regards the boundary treatment defining this space. Reference is then made to the report of the Transportation Section which has requested that the applicant be required to demonstrate how emergency services / vehicles will be able to access the proposed dwelling. The report subsequently concludes by recommending that further information be sought in relation to the boundary treatment for the parking space and access by emergency services.

Following the receipt of a response to the request for further information, a final report was prepared which stated that the proposed car parking arrangement would result in a loss of residential amenity to the existing dwelling house which, when combined with the lack of vehicular access to the rear of the site, would constitute an unacceptable form of haphazard development. The report concludes by recommending a refusal of permission for the reason stated.

3.2.2. Other Technical Reports

Environment: No objection, subject to conditions.

Transportation, Mobility and Open Spaces: An initial report notes that no vehicular access is proposed to the new dwelling before recommending that the applicant be required by way of a request for further information to provide details on access for public, utility and emergency services vehicles.

Following the receipt of a response to the request for further information, a final report was prepared which states that there is no objection to the proposed development, subject to conditions.

Water Services: No objection, subject to conditions.

Kildare Newbridge Municipal District: No objection, subject to conditions.

Fire Service: No objection as the distance to the roadway is within an acceptable range.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. 211091. Was refused on 17th September, 2021 refusing Niall & Robert Bell permission for A. Demolishing existing dormer style dwelling B. Constructing 2 no. semi-detached two and a half storey dwellings, 2 no. single storey home office and store to the rear of the site, new boundary treatments and all ancillary site works.
- Having regard to the zoning objective of the site as 'B' Existing Residential / Infill in the Newbridge Local Area Plan, 2013-2019 (extended until December, 2021) and which primarily seeks to protect and enhance the established residential amenity of the area, it is considered that the proposed scale, design and heights of the proposed development would negatively impact the residential amenity and would be seriously injurious to the visual amenities of the area. Furthermore, the proposed development is contrary to policy provisions 17.4.5 of the Kildare County Development Plan, 2017-2023, which seeks to provide for high quality residential design that reflects and enhances local context. The proposed development would set an undesirable precedent for similar development in the area and would therefore be contrary to the proper planning and sustainable development of the area.
- 4.1.2. PA Ref. No. 211763. Was granted on 29th March, 2022 permitting Niall & Robert Bell permission for a) Demolishing existing dormer style dwelling. B) Constructing 1 no. two-storey semi-detached dwelling and 1 no. one and a half storey semi-detached dwelling, 2 no. single storey home office and store to the rear of the site, new boundary treatments and all ancillary site works.
- 4.1.3. PA Ref. No. 23694. Was refused on 14th August, 2023 refusing Anne & Richard Bell permission for the retention of alterations and change of use to existing outbuildings previously granted under Pl. Ref. No. 21/1763 to form 1 No. single storey residential family flat type dwelling, all associated landscaping and site works.

- The proposed development by reason of its arrangement, and the lack of documentary evidence to demonstrate 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. 2 of PL. Ref. No. 21/1763 which states that the garages / home offices 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.

4.1.4. PA Ref. No. 23695. Was granted on 2nd October, 2023 permitting Rob & Emma Bell permission for a) construction of two storey porch to front elevation (b) addition of dormer windows to front elevation (c) construction of two storey and single storey extensions to rear of existing dwelling, (d) minor alterations to existing elevations, (e) internal alterations to existing layout and all ancillary works.

4.2. On Adjacent Sites (to the immediate east):

4.2.1. PA Ref. No. 221142 / ABP Ref. No. ABP-315269-22. Was refused on appeal on 12th January, 2024 refusing Michael Connors permission for the construction of three-storey block accommodating 3 No. two-bed ground floor apartments with 3 No. three-bed duplex units at 1st and 2nd floors (six total). Bicycle store and bin storage, access road, car parking, landscaped gardens, outfall drains and all associated site development works, all at James Lane, Eyre Street, Newbridge, Co. Kildare.

- Having regard to the nature, scale and design of the proposed development, within the context of the backland infill site, and its relationship to adjoining property, it is considered that the proposed development would represent inappropriate backland development. The proposed development would be visually intrusive and dominant when viewed from the adjoining residential properties and would seriously injure the amenities of these properties, contrary to the relevant policies 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.
- Having regard to the nature of the proposed site access, from a narrow laneway with restricted sightlines and no pedestrian facilities, it is considered

that the traffic movements which would be generated by the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.2.2. PA Ref. No. 2460342. Was granted on 22nd July, 2024 permitting Michael Connors permission for a single storey dwelling to rear of existing cottage, subdivision of existing site, new shared access via existing site entrance, landscaping and all associated site development works, at James Lane, Eyre Street, Newbridge, Co. Kildare.

4.3. **Other Relevant Files:**

- 4.3.1. PA Ref. No. 2360380. Was granted on 26th February, 2024 permitting Bernie Stokes permission for a single storey dwelling to the rear of an existing cottage, subdivision of existing site, new shared access via existing site entrance, landscaping and all associated site development works, all at 682 Ballymany Cottages, Ballymany, Newbridge, Co. Kildare.

5.0 **Policy Context**

5.1. **National and Regional Policy:**

- 5.1.1. The '*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*' published by the Department of Housing, Local Government and Heritage in 2024 set out national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. They are accompanied by a companion non-statutory Design Manual that illustrates best practice examples of how the policies and objectives of the Guidelines can be applied. The Guidelines replace the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' and build on and update previous guidance to take account of current Government policy and economic, social and environmental considerations. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density,

housing standards and quality urban design and placemaking to support sustainable and compact growth.

5.2. Development Plan

5.2.1. *Kildare County Development Plan, 2023-2029:*

Chapter 3: Housing:

Section 3.3: Policy Context:

HO P1: Have regard to the DHLGH Guidelines on:

- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007);
- Sustainable Urban Housing: Design Standards for New Apartments (2020);
- Sustainable Residential Development in Urban Areas (2009);
- Urban Design Manual: A Best Practice Guide (2009);
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018);
- Housing Options for our Aging Population (2020) and Age Friendly Principles and Guidelines for the Planning Authority (2021);
- Design Manual for Urban Roads and Streets (DMURS) (2019).

Section 3.6: Housing Supply:

The Plan will support consolidation through infill development and the redevelopment of areas that are in need of renewal and the sustainable extension of established urban areas.

Section 3.7: Residential Densities:

HO P5: Promote residential densities appropriate to its location and surrounding context.

HO O4: Ensure appropriate densities are achieved in accordance with the Core Strategy in Chapter 2 of this Plan, and in accordance with the

principles set out in Guidelines for Planning Authorities on Sustainable Urban Development (Cities, Towns and Villages), DEHLG, 2009, Urban Design Manual: A Best Practice Guide, DEHLG, 2009; Urban Development and Building Height Guidelines for Planning Authorities (2018); and with reference to Circular Letter NRUP 02/2021 (April 2021).

HO 05: Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.

Section 3.8: Protecting Existing Residential Amenity:

Residential amenity is influenced by a range of factors, such as private outdoor amenity space, privacy, and natural light. The relationship of buildings to each other and their individual design can have a significant impact on these factors and on residents' comfort. In older residential areas, infill development will be encouraged, while still protecting the existing residential amenity of these areas.

HO 06: Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

Section 3.9: Regeneration, Compact Growth and Densification:

A key objective of the NPF and RSES is to increase the density of development in all built up areas, in order to achieve the indicated population targets in a compact and sustainable manner. Increased densities will facilitate optimising the use of serviced lands and maximising the viability of investment in social and physical infrastructure, in particular public transport.

It will be necessary to make the best possible use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, serviced by existing and proposed facilities and public transport. The existing housing stock of County Kildare provides a valuable resource in terms of meeting the needs of a growing population and its retention and management is of considerable importance.

- HO P6:* Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.
- HO O7:* Promote, where appropriate and sensitive to the characteristics of the receiving environment, increased residential density as part of the Council's development management function and in accordance with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.
- HO O8:* Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.

Chapter 5: Sustainable Mobility & Transport:

Section 5.11: Parking:

The Development Management Standards set out in Chapter 15 of this Plan set out maximum car parking standards. This affords a degree of flexibility and allows developers to submit a car parking analysis of a particular area to demonstrate the supply and demand for car parking spaces. An area-based approach will be taken to assess the analysis of car parking depending on the nature and location of the development and its proximity to public transport where possible. There is scope within the car parking standards as set out to consider the requirements of each site.

- TM P10:* Balance the 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, while meeting the needs of businesses and communities.

TM O111: All non-residential development proposals will be subject to maximum car parking standards (and minimum cycle parking standards) and all residential development proposals in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to DART+ services, Bus Connects routes and any designated bus only/ bus priority route) will be subject to maximum car parking standards (and minimum cycle parking standards) as a limitation to restrict car parking provision and achieve modal shifts to sustainable modes of transport.

TM O118: Ensure the electrical wiring that developers install for all new residential units includes a double socket Home Charge Point for Electric Vehicles in order to comply with the Sustainable Energy Authority of Ireland (SEAI) Triple E Register and to promote the use of night-time renewable electricity in transport. In this regard developers shall provide for within curtilage/driveway car parking unless otherwise agreed in writing with the Planning Authority.

Chapter 15: Development Management Standards:

Section 15.2: General Development Standards

Section 15.4: Residential Development:

Section 15.4.6: House Design

Section 15.4.14: Family Flat:

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.

Section 15.7.8: *Car Parking:*

Table 15.8 - Maximum Car Parking Standards

House: 1 space each for units up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater.

5.2.2. ***Newbridge Local Area Plan, 2013-2019 (as extended to 22nd December 2021):***

(N.B. No replacement plan has been adopted to date, however, Kildare County Council has indicated that it will have regard to this LAP until such time as it is reviewed or another plan made).

Land Use Zoning:

The proposed development site is located in an area zoned as '*B: Existing Residential / Infill*' with the stated land use zoning objective '*To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*'.

Other Relevant Sections / Policies:

Section 7.2: Housing:

Section 7.2.2: Housing Location and Density

HL 1: To ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space.

HL 3: To encourage appropriate densities for new housing development in different locations in the town while recognising the need to protect existing residential communities and the established character of the area.

HPO 2: To encourage the appropriate intensification of residential development in existing residential areas and the town centre, subject to compliance with relevant development management criteria and the protection of residential amenity of adjoining properties.

Section 7.7: Movement and Transport:

Section 7.7.3: Parking

PKO 2: To ensure that all new development contains an adequate level of parking provision with regard to the policies outlined in the County Development Plan, and to the standards set out in Chapter 19 of the CDP (or as subsequently amended).

5.2.3. *Pre-Draft Stage of the Newbridge Local Area Plan, 2025-2031:*

In accordance with Section 20(1) of the Planning and Development Act, 2000, as amended, notice has been issued by Kildare County Council that it proposes to prepare a Local Area Plan for the Newbridge area. An Issues Paper setting out the key planning issues pertaining to Newbridge was subsequently published and interested parties were invited to make submissions in relation to same by 28th November, 2023. No further update is available as to the progress of this plan.

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Pollardstown Fen Special Area of Conservation (Site Code: 000396), approximately 2.3km west of the site.
- Mouds Bog Special Area of Conservation (Site Code: 002331), approximately 2.3km north of the site.
- Mouds Bog Proposed Natural Heritage Area (Site Code: 000395), approximately 2.3km north of the site.
- Pollardstown Fen Proposed Natural Heritage Area (Site Code: 000396), approximately 2.4km west of the site.
- Curragh (Kildare) Proposed Natural Heritage Area (Site Code: 000392), approximately 2.8km southwest of the site.
- Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 3.7km east-southeast of the site.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (please refer to Form 1 and Form 2 in the appendices attached to 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.

7.0 The Appeal

7.1. Grounds of Appeal

- There was no indication in the request for further information that the Planning Authority had serious concerns as regards the proposed car parking provision with the request only referring to boundary treatment. This is confirmed by

reference to the Planner's Report which recommended that further information be requested wherein no issues were raised as regards the principle of the proposed car parking arrangement. It was open to the Planning Authority to omit the car parking by way of condition if this was of fundamental concern, however, it instead opted to refuse permission.

- The initial report of the case planner states that the '*single car parking space provides adequately for the dwelling for retention*' thereby indicating that the Planning Authority was satisfied with the principle of locating a parking space within the front curtilage of Grove House. However, notwithstanding that the further information request only sought clarification in relation to the boundary treatment for the proposed parking space, the Planning Authority subsequently formed the view that the proposed car parking arrangement would result in a loss of residential amenity to the existing dwelling house which, when combined with the lack of vehicular access to the rear of the site, would constitute an unacceptable form of haphazard development. This reversal in the position of the Planning Authority is incredulous.
- The purported loss of residential amenity to the existing dwelling house has not been clearly identified by the Planning Authority. The area to the front of Grove House is already used for car parking and does not have any overt amenity value (e.g. such as being used for relaxation or enjoyment purposes).
- In relation to the lack of vehicular access to the rear of the site, the proposal to provide a car parking space to the front of Grove House is intended to address this fact.
- In the event the Board agrees with the Planning Authority that a car parking space cannot be provided at the location proposed for reasons of amenity, the applicants are amenable to the omission of the parking space (and the replacement of the vehicular entrance with a pedestrian only access) as a condition of any grant of permission. This is considered a viable option given the proximity of the town centre and public transport (train and bus) – all of which are in close walking distance.

7.2. Planning Authority Response

- The Commission is referred to the planning and other technical reports on file which informed the assessment of the application.
- Contrary to the assertion contained in the grounds of appeal, it can be confirmed that the reference in the Planner's Report to the acceptability in principle of infill development and sustainable densification is intended to be interpreted in a general sense and not as relating specifically to the development proposed for retention.
- Further information was requested to establish the full extent of the proposed development and the element to be retained as the site was not fully subdivided by a physical boundary which raised uncertainty as regards the subdivision, and to address concerns in relation to access by emergency services. Following the receipt of the requested information a full assessment was then completed.
- Both the Chief Fire Officer and the Transportation Section of Kildare County Council determined that the proposed arrangement was acceptable in terms of accessibility for emergency services. However, the proposed car parking space was deemed to have a detrimental impact on the residential amenity of the existing dwelling house and, therefore, it was recommended that permission be refused on that basis.

8.0 Assessment

8.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout
- Other issues

These are assessed as follows:

8.2. The Principle of the Proposed Development:

- 8.2.1. The proposed development site is located in a well-established residential area on suitably zoned ('B: Existing Residential / Infill' with the stated land use zoning objective '*To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*') and serviced lands. In this regard, the Commission is advised that Kildare County Council has indicated that it will have regard to the Newbridge Local Area Plan, 2013-2019 until such time as it is reviewed or another plan made. Accordingly, I would suggest that the subject proposal concerns a potential infill site where the development of appropriately designed housing would typically be encouraged provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040': First Revision (April, 2025) including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 20 which states that '*In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth*'.
- 8.2.2. Further support is lent to the proposal by reference to the broader provisions of the Kildare County Development Plan, 2023-2029, with particular reference to Section 3.9 and Policy HO P6 which aims to '*Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation*'. Cognisance should also be taken of Policy HPO 2 of the Newbridge Local Area Plan, 2013-2019 (as extended) wherein it is the stated policy of the Planning Authority '*To encourage the appropriate intensification of residential development in existing residential areas and the town centre, subject to compliance with relevant development management criteria and the protection of residential amenity of adjoining properties*'.

- 8.2.3. The ‘*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024*’ also acknowledge the potential for infill development within established residential areas and assert that in order to achieve compact growth there will be a need to support the more intensive use of previously developed land and infill sites.
- 8.2.4. Therefore, having considered the available information, including the site context and land use zoning, and the design, scale & infill nature of the proposed dwelling, I am satisfied that the overall principle of the development is acceptable, subject to the consideration of all other relevant planning issues.

8.3. Overall Design and Layout:

- 8.3.1. By way of background, the Commission is advised that although permission was previously granted under PA Ref. No. 211763 for the demolition of the original dwelling house on site and the construction of 2 No. replacement semi-detached dwellings with 2 No. single-storey home offices & stores to the rear of the site, the applicants instead made the decision not to pursue this development as a whole but rather opted to retain the original dwelling house (which was subsequently extended and remodelled for occupation by the applicants’ son and his family) and to construct the permitted home offices / stores as an unified structure for use as a self-contained and independent dwelling house. The difficulty with this approach to the development of the site is that it has given rise to a scenario whereby the additional dwelling unit proposed for retention occupies a backland position to the rear of the property which is inaccessible by vehicular traffic and thus is reliant on the subdivision of the road frontage of the main residence for car parking, pedestrian access, and servicing purposes.
- 8.3.2. At this point, it should also be noted that the subject application has been expressly lodged for the retention of a change of use to residential accommodation as a dwelling house as opposed to a ‘family flat’ as has been emphasised in Section 5.3 of the accompanying ‘*Planning Statement*’ wherein it is stated that the proposal amounts to ‘*a standalone infill dwelling in its own right*’.
- 8.3.3. With respect to the broader design of the dwelling house proposed for retention, the construction itself has been set back from adjacent boundaries so as to avoid any encroachment of neighbouring properties while the separation distance between it

and the original residence on site, when taken in combination with the existing and proposed levels of screening, is such as to avoid any undue overlooking of that property while also ensuring the residential amenity of both sites. Similarly, given the site context, the overall scale, size, height, design, and siting of the proposed dwelling serves to mitigate against any potentially negative impact (such as by way of overlooking or overshadowing) on the residential amenity of those neighbouring properties to the east, west & south. Adequate provision would also appear to have been made for private open space to serve both the existing and proposed dwellings. However, the backland location of the new dwelling is problematic in that it is only accessible via a pedestrian gate and passageway which extends between the existing dormer dwelling house ('Grove House') and the southwestern site boundary with the result that dedicated car parking for the new accommodation is proposed to be provided to the front of the site in that area forward of 'Grove House'. Although the proposed parking space will be separated from the driveway / parking serving 'Grove House' by a new boundary wall and will be accessed via an independent entrance arrangement from the public road, it is notable that it will occupy a position immediately in front of a window serving a living room within 'Grove House'. Therefore, the scenario is likely to arise that any usage of the proposed parking space will have a detrimental effect on the residential amenity of 'Grove House' through increased noise, the glare of headlights, general disturbance (due to the movement of people and cars), and an overall loss of privacy. In this regard, while I would acknowledge the familial relationship between the applicants and the occupants of 'Grove House', I would reiterate that the subject application provides for the retention of the residential accommodation in question as a 'dwelling house' and not as a 'family flat' with the result that it would only be reasonable to except any such proposal to provide for the protection / preservation of the existing residential amenity of all neighbouring dwellings. Accordingly, I would concur with the assessment by the Planning Authority that the proposed car parking arrangement would detract from the residential amenity of 'Grove House' and, when taken in combination with the lack of vehicular access to the dwelling proposed for retention, would result in a disjointed and haphazard form of development.

- 8.3.4. In response to the suggestion by the applicants that the proposed parking space could be omitted by way of condition and that the proximity of the development to the

town centre and public transport would negate any requirement for parking provision, while I would accept that Table 15.8 of the County Development Plan refers to the provision of 1 No. parking space for houses with up to three bedrooms and that this is to be applied as a 'maximum' standard, while the Plan also affords a degree of discretion by allowing for a relaxation in the applicable parking standard in certain circumstances (e.g. in areas within walking distance of town centres and high-capacity public transport services), given the nature of the proposed development, including its use as a self-contained dwelling house, the site location in a well-established residential area where the prevailing pattern of development is characterised by conventional housing with dedicated off-street car parking, and noting the parking restrictions in place along College Park Road to the front of the site (as evidenced by the presence of a single yellow line on both sides of the carriageway), it is my opinion that the provision of a single on-curtilage parking space would be preferable in this instance.

- 8.3.5. In addition to the foregoing, I would draw the Commission's attention to the foul sewerage arrangements for the proposed dwelling as shown on the submitted site layout plan which would appear to show the foul sewer from that dwelling connecting into the existing sewer serving 'Grove House' i.e. the dwelling proposed for retention does not have its own independent connection to the public mains sewerage network. Given that the subject proposal concerns a 'standalone infill dwelling', it would not be appropriate to allow connection to the public mains sewer in the manner shown through third party lands. Any such arrangement could potentially give rise to significant difficulties should any issues arise with respect to the future operation / maintenance of the sewer or due to a change in the ownership of either of the affected properties. In my opinion, the shared sewerage arrangement shown is further evidence of the disjointed and haphazard nature of the proposed development.

8.4. Other Issues:

8.4.1. Procedural Issues:

Having conducted a site inspection, and following a review of the submitted drawings as well as the relevant planning history, it would appear that the physical construction of the existing structure (for which permission has been sought to retain

the change of use from garage & office to residential) does not accord with the plans and particulars previously approved under PA Ref. No. 21/1763. In this regard, it is notable that the stated floor area of the existing structure is 85m² whereas the permitted construction was to have measured 77m². In addition, the roof construction as well as the elevational treatment (in reference to the various alterations to the fenestration arrangements, doorways and the insertion of rooflights) differ from that previously permitted. Accordingly, given that the description of the development proposed for retention refers only to the change of use and connection to services, the Commission may wish to seek further details as regards the planning status of the actual structure.

- 8.4.2. In addition to the foregoing, it is apparent that the subdivision of the original site curtilage to accommodate the additional dwelling house (as has been carried out on site through the erection of timber fencing) does not correspond with that shown on the submitted site layout plan. More specifically, the separation distance between the northernmost gable of the proposed dwelling and the dividing fence currently in place on site is considerably less than the 13m separation shown on the submitted drawings.

9.0 AA Screening

- 9.1.1. **Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive):**
- 9.1.2. I have considered the proposed development, which comprises the change of use of a garage and office (previously permitted under PA Ref. No. 21/1763) to residential use, the subdivision of the overall site, and associated site development works, including connection to the public foul sewerage network and watermain, all at Grove House, College Park, Newbridge, W12 RX20, in light of the requirements S177U of the Planning and Development Act, 2000, as amended.
- 9.1.3. The subject site is located approximately 2.3km east of the Pollardstown Fen Special Area of Conservation (Site Code: 000396) and c. 2.3km south of the Mouds Bog Special Area of Conservation (Site Code: 002331).

- 9.1.4. 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.
- 9.1.5. The reasons for this conclusion are as follows:
- The small scale and nature of the proposed development;
 - The site location in a built-up urban area where public services are available;
 - The limited ecological value of the lands in question;
 - The distance between the appeal site and European sites and the absence of hydrological or other ecological pathways to any European site; and
 - The contents of the appropriate assessment screening report and determination completed by Kildare County Council.
- 9.1.6. 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.
- 9.1.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act, 2000) is not required.

10.0 Water Framework Directive Screening

- 10.1.1. The subject site is located in a well-established residential area, approximately 200m northwest of Main Street in Newbridge town centre and 180m west of the River Liffey. It is situated within the LIFFEY_080 WFD River Sub Basin (IE_EA_09L011000) and the Curragh Gravels East Ground Water Body (IE_EA_G_017) which has 'Good' chemical, quantitative and overall GW status.
- 10.1.2. The proposed development comprises the change of use of a garage and office (as previously permitted under PA Ref. No. 21/1763) to residential use, the subdivision of the overall site, and associated site development works, including connection to the public foul sewerage network and watermain. Surface water runoff is to be directed to an on-site soakpit and water butts.
- 10.1.3. No water deterioration concerns were raised in the planning appeal.

10.1.4. I have assessed the proposed change of use from a garage and office to residential accommodation and the associated site development works at Grove House, College Park, Newbridge, W12 RX20, 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 & 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.

10.1.5. The reason for this conclusion is as follows:

- The small scale and nature of the development, including the low-impact nature of the physical works proposed and the anticipated usage of the proposed development; and
- The nature of the receiving environment.

10.1.6. *Conclusion*

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.

11.0 **Recommendation**

11.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission & permission for retention be refused for the proposed development for the reasons and considerations set out below.

12.0 **Reasons and Considerations**

1. Having regard to the restricted size and configuration of the site, its relationship with neighbouring properties, the limited site access and servicing

arrangements, the positioning of the dwelling proposed for retention to the rear of an existing dwelling house, and the proposed alterations to the front boundary of the existing house to accommodate the car-parking requirement for the dwelling to be retained, it is considered that the proposed development would constitute haphazard and disjointed development, and would seriously injure the residential amenity and depreciate the value of the adjoining dwelling house by reason of noise, traffic, lighting and general disturbance. 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.

Robert Speer
Senior Planning Inspector

17th July, 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ABP-322361-25
Proposed Development Summary	Retention permission sought for change of use from garage and office (granted under file ref 21/1763) to residential use and connection to public sewer and watermain. Planning permission is sought for subdivision of site to include divisional fencing with screen landscaping to perimeter and all associated site works plus the creation of 1 extra car parking space by removal of remaining section of front boundary wall.
Development Address	Grove House, College Park, Newbridge, W12 RX20.
	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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> 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)	<u>Class 10(b)(i):</u> Threshold: 500 No. dwelling units Proposal: 1 No. dwelling house <u>Class 10(b)(iv):</u> Threshold: Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Proposal: 0.044 hectares

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

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322361-25
Proposed Development Summary	Retention permission sought for change of use from garage and office (granted under file ref 21/1763) to residential use and connection to public sewer and watermain. Planning permission is sought for subdivision of site to include divisional fencing with screen landscaping to perimeter and all associated site works plus the creation of 1 extra car parking space by removal of remaining section of front boundary wall.
Development Address	Grove House, College Park, Newbridge, W12 RX20.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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 proposed development comprises the provision of a single dwelling unit on an infill site in a mature suburban area characterised by residential development. Given the surrounding pattern of development, the proposal is not considered exceptional in the context of neighbouring housing and the receiving environment.</p> <p>The standalone development is comparatively modest and does not require the use of substantial natural resources or give rise to any significant waste, emissions or pollutants. By virtue of the design, nature and scale of the development proposed, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no overt risk to human health.</p>
Location of development (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).	<p>The proposed development is located in an established residential area. Water and foul sewerage services are available via connection to the public mains while stormwater is to be managed on site.</p> <p>Screening for the purposes of appropriate assessment has concluded that the proposed development would not be likely to have a significant effect on any European site.</p> <p>There are no further environmental sensitivities in terms of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,</p>

	absorption capacity of natural environment e.g. wetlands, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature and scale of the proposed development, the site location on serviced lands in a built-up urban area, the availability of mains water and foul sewerage services, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)