



An
Coimisiún
Pleanála

Inspector's Report ABP-322616-25

Development

Permission to construct an extension to the rear and side of existing dwelling and permission for change of use to 4 No. apartments consisting of 4 No. 1 bedroom apartment with modifications to front parking area rebuilding existing wall and proposed parking to the rear and all associated site works

Location

**14 Golf Links Road, Kilkenny City,
Co. Kilkenny**

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

2560106

Applicant(s)

Gibbons Kennedy LTD

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party Appeal

Appellant(s)

Gibbons Kennedy LTD (Applicant)

Observer(s)

Canice & Maura Hickey
Ciara O'Neill

David Murphy
Willaim Lennon

Date of Site Inspection

1st July 2025

Inspector

Frank O'Donnell

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1.0 Site Location and Description

- 1.1. The subject appeal site is located at no. 14 Golf Links Road, Kilkenny City. The site comprises an existing 2 storey semi-detached 3 bedroom dwelling, associated private open space to the rear and parking/ hardstanding area to the front. The subject appeal site has a stated site area of 0.052 hectares and forms part of a row of similar semi-detached dwellings fronting onto the public road to the east. The site frontage is open and allows for a minimum of 3 no. perpendicular car parking spaces. The existing dwelling has a stated floor area of 111 sqm. There is an existing single storey garage to the side of the main structure which conjoins the garage of the dwelling to the north, no. 15. Pedestrian access is available to the rear of the site from the front via a covered side passageway positioned between the dwelling and garage. The site is shown to measure 11.2 metres in width to the front and has an estimated overall length of c. 44 metres.
- 1.2. There is an existing single storey lean to shed at the rear of the property which includes a pedestrian access door onto an existing rear laneway. This rear pedestrian access door was blocked with earth and not readily accessible at the time of my site inspection. The remainder of the rear boundary of the subject appeal site, adjacent to the said laneway, is defined by a high block wall and there is no existing vehicular access to the site at this location. Other adjacent sites have established rear vehicular access and parking from this laneway, including a recently completed Local Authority (Part 8) infill housing development of a total of 6 no. units located c. 54 metres further to the south, ref. no. P8/6/18.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Demolition of existing single storey garage to the side (north) of the existing dwelling. The existing garage is shown to measure 5.9 metres in length by 2.7 metres in width (estimated floor area of c. 15.9 sqm).
 - Construction of extension to the side and rear of the existing dwelling to form a total of 4 no. 1 bedroom apartments. The side (north) extension is shown to extend beyond the side elevation of the existing dwelling by c. 3.1 metres and

is proposed to match the ridge height of the existing dwelling. A side passage to the rear of the site is proposed to be provided along the northern site boundary and is shown to have a minimum width of 900 mm. The proposed rear extension is part 2 storey (flat roofed) and part single storey and extends beyond the existing rear elevation by a maximum length of c. 11.8 metres. The proposed 2 storey element is estimated to extend a maximum of c. 8.3 metres beyond the existing rear elevation and includes access to 2 no. rear balconies at first floor level. The rear extension for the most part is shown to be offset by 3 metres from the existing rear shared site boundaries.

- All 4 no. Apartments are proposed as 1 bedroom units and are indicated to measure between 45 sqm and 58 sqm.
- It is proposed to reinstate the front wall along the site frontage to match neighbouring walls. This results in the former site entrance being relocated to the south of the site frontage. Additional modifications to the front include the installation of an area of artificial grass and the provision of 2 no. car parking spaces on a concrete slab finish.
- At the rear of the site, it is proposed to provide a new vehicular access onto the rear laneway, 3 no. car parking spaces and concrete hardstanding, communal open space (50 sqm), bin storage, covered bicycle storage for 4 no. bicycles, a new sliding access gate and 2 no. soakaways. The existing shed to the rear of the site is proposed to be retained for storage use.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Decision to REFUSE permission on 30th April 2025 for the following reasons:

1. *The proposed development is located along the Golf Links Road, which is busy distributor road in Kilkenny City. The predominant character of houses along the Golf links road and in the immediate vicinity of the proposed development is single family occupancy semi-detached units. The proposed conversion of a single occupancy unit to 4no. one bed*

units central to a line of similar semi-detached units will represent an undue impact by virtue of the intensification of use and will be incongruous with the long-established character on this road as being single use residential units. The proposed development therefore, considered by the Planning Authority to be an over development of the site. The proposed development will further set an undesirable precedent for similar developments along the golf links road and elsewhere and will significantly impact the current residential amenity of existing neighbours and negatively impact the property value in the immediate area. It is considered therefore that the proposed development would be contrary to the proper planning and development of the area.

2. *Notwithstanding the proximity of the public transport, the development, not being a City centre development, is deficient in car parking as only two car parking spaces can reasonably be provided by virtue of the current design, both with access to the Golf links Road. The proposed rear access relies on the use of a car road which is substandard and its use is thus, in accordance with section 13.5 of the City and County Development Plan 2021-2027, not acceptable unless upgraded to DMURS standards.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered the existing character of the area to be low density suburban type housing with single family occupation and that notwithstanding the policy supports for infill development and densification, the proposed change in house type and the associated increase in density in the centre of an established row of existing family homes is excessive and out of character with the area. The Local Authority Planner also had regard to the submissions on file and agreed that the proposal would present an undue impact on the built character of the area and would set an undesirable precedent for similar proposals thereby eroding the character of the area.

3.2.2. Other Technical Reports

- The **Environment Section** raise no objection to the proposed development subject to 7 no. conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. A total of 15 no. individual third party observations were received by the Local Authority, including some repeat observation submissions. Almost all (14 no.) the 15 no. submissions were from local residents opposed to the development. 1 no. submission was in support. One of the submissions in opposition to the proposed development had a total of 119 no. signatures. The issues raised are similar to those referred to in the planning authority decision but also include concerns in relation to planning history, undesirable precedent, unit type/ need and property devaluation.
- 3.4.2. The main issues raised in the above third party observations are covered in the Grounds of Appeal.

4.0 Planning History

4.1. Planning History on the Subject Appeal Site

- **2360541:** Permission to construct an extension to the rear and side of existing dwelling and permission for change of use to 5 No. apartments consisting of 4 No. 1 bedroom apartments and 1 No. bedsit with modifications to front parking area and parking to the rear and all associated site works. Permission was REFUSED on 17th October 2024 for the following reason:

1. *The proposed development is located along the Golf Links Road, which is busy distributor road in Kilkenny City. The predominant character of houses along the Golf links road and in the immediate vicinity of the proposed development is single family occupancy semi-detached units. The proposed conversion of a single occupancy unit to 4no. one bed*

units central to a line of similar semi-detached units will represent an undue impact by virtue of the intensification of use, removal of the entire front wall in intensification of parking that will be incongruous with the character of the road and impact the visual amenity of the road. The proposed development therefore, notwithstanding the reduction on one apartment is considered by the Planning Authority to be an over development of the site.

The proposed development will further set an undesirable precedent for similar developments along the golf links road and elsewhere and will significantly impact the current residential amenity of existing neighbours and negatively impact the property value in the immediate area. It is considered therefore that the proposed development would be contrary to the proper planning and development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject appeal site is zoned Existing Residential in the Kilkenny City and County Development Plan, 2021 to 2027. The relevant zoning objective for lands zoned Existing Residential is *'to protect and improve residential amenities and to provide for new residential development appropriate to the scale and character of the settlement.'* Permitted uses on lands zoned mixed use include dwellings and open space.

Volume 1 of the Development relates to Kilkenny County.

- 5.1.2. Volume 2 of the Development Plan relates to Kilkenny City.

- 5.1.3. The stated ambition for the City is *'to grow the City to achieve the targets set out under the RSES through: a compact form of development, the 4 neighbourhood model and City centre, the 10 minute city concept.'*

- 5.1.4. Section 2.9 of the Volume 2 relates to Zoning Objectives for the City and Section 2.9.3 relates to Existing Residential.

- 5.1.5. Section 5.9 of Volume 2 relates to Car Parking and notes that the Car Parking Standards set out in Section 12.12 (Table 12.3) are maximum standards and not minimum standards.
- 5.1.6. Section 6.3 of Volume 2 relates to Residential Development. Section 6.4 relates to Infill Development where it is stated that *'it is the Council policy to facilitate infill development where minimum requirements can be met and where the proposed development will not materially impact the residential amenity or character of neighbouring developments.'*

5.2. Guidelines/ Circulars

- Sustainable Urban Housing: Design Standards for New Apartments, 2023
- Sustainable Residential Development and Compact Settlement Guidelines, 2024

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:
- River Barrow and Nore SAC (Site Code 002162), c. 0.94 km to the east.
 - River Nore SPA (Site Code 004233), c. 1.18 km to the south.

5.4. EIA Screening

- 5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 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 main Grounds of Appeal can be summarised as follows:

- Ground 1 (Planning History, Reg. Ref. No. 2360541/ Nature of current proposal):
 - 2360541: Refused for overdevelopment and undesirable precedent.
 - The decision issued under 2360541 differed from the Request for Further Information issued where the proposal was considered reasonable. The refusal reasons did not refer to Qualitative Standards.
 - The decision to Refuse permission under 2360541 was not appealed.
 - Parking under 2360541 could have been addressed.
 - The Local Authority opinion that the houses in the vicinity are single family occupancy is incorrect. Numerous properties in the eastern environs of the City are rented and occupied by several individuals who do not compromise a single family unit. The subject proposal is not for multiple occupancy but is instead to create 4 no. single standalone residential units.
 - The proposed residential density of 77 dwellings per hectare is appropriate for this location as per recommendations set out in the Sustainable Residential and Compact Settlement Guidelines, 2024. The nearby constructed Local Authority housing development has an approximate density of 60 dwellings per hectare.
- Ground 2 (Local Authority Assessment):
 - The Assessment of the Local Authority is inconsistent with the reasons for refusal issued.
 - There is no reference in the Local Authority Planners Assessment to the contribution 4 no. 1 bed units could make towards reducing the high demand for 1 bed units.

- The proposal is no more out of keeping with the prevailing house types in the area than the 4 no. 1 bed house types permitted by the Local Authority on a nearby site to the south (Local Authority own development).
- Housing crisis: There is mounting support for this form of development.
- Limited Zoned Lands: There is very limited zoned land in the area. The subject proposal represents the sole current proposal for 1 bed units in the area.
- Ground 3 (Reason for Refusal No. 1):
 - Reason for Refusal no. 1 refers to an undesirable precedent. The Applicant submits that a Grant of Permission would set a desirable precedent.
 - Development Plan Policy Objective C6C promotes a mixture of residential types and sizes. The proposed development accords with this, increases housing mix allows for new entrants into housing, provides a stepping stone to future upsizing whilst remaining in the community and allows for downsizing.
 - Proposal increases housing mix and housing type as per government requirements, see Housing Development Management Requirements as per Urban Design Manual: A Best Practice Guide, 2009, (Section 6.3 Residential Development of Volume 2 the Development Plan, Kilkenny City).
- Ground 4 (Reason for Refusal No. 2/ Nearby Precedent (Local Authority Housing)/ Inconsistency):
 - Refusal Reason no. 2 contradicts the assessment and conclusion of 2360541.
 - The omission of Car Parking to the rear was not raised as a Reason for Refusal under 2360541 but it has now been raised as a reason for refusal.
 - The Applicant submits the rear parking is appropriate and works off the rear access lane which is already widely used. Similar vehicle access arrangements are already in place elsewhere in the City and are not to

DMURS specification. The Laneway is already in use by the recently constructed 4 no. Local Authority houses.

- The approved Local Authority housing scheme was presented to the Members having regard to the demand for 1 and 2 bed houses.
- Only 2 car parking spaces were provided within the said scheme. 5 no. other car parking spaces across the public road were provided which are public parking spaces.
- The Local Authority is inconsistent in terms of its approach to car parking requirements, particularly having regard to the location of the site within walking distance of the City Centre and along a Public Transport Corridor.
- The case presented by the Local Authority in its assessment of its own scheme, in terms of the shortfall in car parking, noted the proximity of the site to various surrounding services.
- The second reason for refusal is not warranted and is considered to be inconsistent with the stance taken by the Local Authority under planning file ref. no. 2360541 and its assessment of the Local Authority housing development.
- Owing to the regular bus service and the availability of public off street car parking, 2 no. spaces to the front of the development are considered by the Applicant to be sufficient and in accordance/ compliance with recommendations contained in the Sustainable Residential and Compact Settlement Guidelines, 2024. The proposal is also consistent with the nearby Local Authority housing development, in terms of Car Parking provision.
- Ground 5 (Reason for Refusal No. 2 Continued)
 - 10 Minute City Concept:
 - No regard in Reason for Refusal No. 2 to the 10 Minute City Concept, see Section 5.4.1 of Volume 2 (Kilkenny City) of the Development Plan.
 - The subject site is proximate to local services including schools and shops.

- The proposal fully complies with the 10 minute City concept.
- Ground 6 (Design of Rear Extension):
 - The proposed part 2 storey/ part single storey rear extension can be reduced in length and still satisfy the Apartment Guidelines. Extension is set off the house to the north. The proposals will not present any unacceptable loss of daylight/ sunlight for the adjacent property to the North in the late afternoon and evening during the summer months.
 - The design of the rear extension was not previously a concern in the assessment of planning file ref. no. 2390541 and did not feature as a reason for refusal.
 - No issue was raised in the submission from the adjoining property owner to the north in relation to potential visual or sunlight/ daylighting issues, as implied in the Planners Report.
- Ground 7 (Internal and External Consultees):
 - No objection to the proposed development is raised by the Roads, Water or Environment Sections of the Local Authority or indeed Uisce Eireann.
- Ground 8 (Need/ Justification):
 - Owing to growing employment creation in the City, the shortage of supply of starter homes and houses to rent, there is an increased demand for this type of smaller home, as proposed. The Applicant has provided a supporting Letter from a Local Auctioneer which refers to a severe lack of supply of affordable 1 bed units and considers the proposals will not serve to depreciate property values in the area which would be anticipated to remain stable.
 - The Applicant concludes, as follows:
 - The Local Authority u turn from its initial stance is inconsistent in itself and inconsistent with policy towards delivering densification and compact growth;
 - Demand is extremely high;

- The Board is Requested to Grant permission.

6.2. Planning Authority Response

- None

6.3. Observations

6.3.1. A total of 4 no. valid Observations were received to the Appeal which can be broadly summarised as follows:

- Overdevelopment/ Intensification/ Excessive Density/ Out of Character: The proposed development represents an excessive intensification of use on a restricted site. The proposal is Out of Character with the established semi-detached pattern of development in the area.
- Apartment Design and Layout: The standard of Apartment Design are not such that would constitute starter homes or attract employees from the financial or pharma sectors as suggested by the Applicant.
- Apartment Guidelines: The proposals do not accord with Apartment Guidelines as there is an over-provision of 1 bed units (50 % 1 bed units is required).
- Compact Settlement Guidelines: The proposals do not adhere to recommendations set out in Section 3.3.6 (Exemptions) and Section 3.4.2 (Considerations) of these Guidelines.
- Development Plan: The proposals do not adhere to recommendations set out in Sections 13.4.1 (Density) or the policies set out in Section 13.5 (Infill Developments) of the Development Plan.
- Accessible Location: High frequency public transport is not available in the Eastern Environs of Kilkenny. Site location alone is not a singular consideration in the determination of a small mid terrace site.
- Housing Need: There is sufficient supply and mixed housing already available, including 1 bedroom units within the City and Environs, including the eastern environs.

- The Development Plan Core Strategy concentrates on the Western Environs of the City where new employment is focused.
- There is no major employment centre proposed within the eastern environs of the City at present.
- There are other mixed tenure housing development available and under construction in the eastern environs of the City contrary to the Applicants opinion.
- Local Authority Housing: This was on a derelict site and followed consultation with local residents, see P8/6/18. The development comprises 6 no. units in total comprising 4 no. 1 beds and 2 no. 2 beds and was deemed to be compliant with the Development Plan and relevant National guidance.
- Refuse Management: It is unclear how it is proposed to manage same.
- Car Parking and Traffic: Concerns are raised in relation to the proposed reversing manoeuvre required to access the proposed 2 no. car parking spaces to the front. Existing public car parking opposite this development is in use by the residents of the said scheme. There are therefore no free spaces available. The provision of the proposed 2 no. Car Parking Spaces on site is substandard and below Development Plan standards.
- The remainder of the access lane to the rear, after the new Local Authority development, is substandard and solely fit for current use/ access to the rear backyards. DMURS compliance is not demonstrated.
- The existing cycle lane to the front of the property is frequently impacted by Car Parking.
- Lack of Consultation: There has been a lack of consultation by the Applicant with local residents.
- Property Boundary/ Construction Methodologies/ Structural Stability: There is a lack detail as to the proposed shared property boundary with the adjacent property to the immediate north and associated construction methodology/ future structural stability of adjacent garage.

- Residential Amenity: The proposals will serve to impact negatively upon the adjacent property to the North in terms of a Loss of Privacy/ Overlooking, Overshadowing and Loss of Daylight and Noise Impact.
- Planning History: A decision to refuse permission has already issued on planning reg. ref. no. 23/60106. The further information issued on 23/60106 does not indicate a subsequent Grant of permission will follow.
- Precedent: The proposed development, if permitted, would serve to create an undesirable precedent for similar proposals into the future. A similar nearby case, Appeal Ref. no. 318553-23, was refused on the basis of similar considerations.
- Miscellaneous Issues:
 - The Applicant submitted photos of a Local Bus Stop which is in fact a bus stop for a local school and not part of the TFI Public Transport route.
 - Occupancy for one large house will not be the same as for 4 no. individual houses.

6.4. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority and having inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Zoning
- Planning History
- Reason for Refusal no. 1
- Reason for Refusal no. 2

- Other Matters
 - *Apartment Standards*

7.2. Zoning

- 7.2.1. The subject appeal site is zoned 'Existing Residential' in the Kilkenny City and County Development Plan, 2021 to 2027, as varied. The relevant zoning objective is *'To protect and improve residential amenities and to provide for new residential development appropriate to the scale and character of the settlement'*. Permitted uses on lands zoned Existing Residential includes dwellings. I am satisfied that the principle for residential development on the subject appeal site is acceptable subject to compliance with normal planning and environmental considerations.

7.3. Planning History

- 7.3.1. The Commission will note the planning history on the subject appeal site where permission was previously refused for a similar proposal, albeit for a total of 5 no. units (4 no. 1 Bed Apartments and 1 no. bedsit, as per Planning Reg. Ref. no. 2360541), see Section 4.0 above. The 1 no. reason for refusal in that said case is almost identical to reason no. 1 in the subject appeal case and was concerned with the established predominant character of houses in the area being semi-detached and in single family occupancy, the intensification of use which the proposal would create, the impact of the proposals on the visual amenity of the road, that the proposal would represent overdevelopment, would create an undesirable precedent, would significantly impact the current residential amenity of existing neighbours and would negatively impact the value of property in the area. Although the previous proposal is similar to the current proposal, each planning application is assessed on its own merits having regard to the proper planning and sustainable development of the area.

7.4. Reason for Refusal No. 1

- *Character of the Area*

- 7.4.1. The subject appeal site comprises a 2 storey semi-detached 3 bedroom dwelling positioned in the centre of a row of similar two storey semi-detached dwellings which front onto Golf Links Road. I note the character of the adjacent and nearby housing developments of Newpark Lower to the north, west and southwest, Golf Links Road

to the east and the Fairways further to the northeast. I am satisfied that an overwhelming majority of dwellings in the general area are in single family occupancy and that the general character of the area can therefore be described as such, i.e. dwellings in single family occupancy.

- *Overdevelopment*

7.4.2. I estimate the existing residential density on the subject appeal site to be 19 units per hectare. The applicant proposes to provide a total of 4 no. units on the site which equates to a residential density of 76 units per hectare.

7.4.3. I note as per Table 3.5 of the Sustainable Residential Development and Compact Settlement Guidelines, 2024, it is recommended that residential densities in the range of 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns or Large Towns. In 'accessible' suburban/ urban extension locations (as defined in Table 3.8 of the Guidelines), densities of up to 80 dph (net) 'shall' be open for consideration. An accessible location is defined in the Guidelines, see Table 3.8 as *'Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus service.'* I note the location of the subject appeal site relative to the City centre and I also note there are existing bus services in the general area, KK1 (nearest bus stop to the subject appeal site is estimated to be 850 metres (11 mins walking distance) to the southwest on the west side of the Castlecomer Road) and KK2 (nearest bus stop to the subject appeal site is estimated to be c. 350 metres (5 mins walking distance) to the east on the south side of Johnswell Road). The available respective bus timetables for KK1 and KK2 indicate a frequency of 2 buses per hour. Therefore, notwithstanding the proximity of the subject appeal site to the KK2 bus stop on Johnswell Road, I do not consider the KK2 service to be a high frequency service as described in the Guidelines and as such a residential density of 76 units per hectare, as proposed is, in my opinion, unjustified and excessive for this location.

7.4.4. I note Section 6.4 of Volume 2 (City) of the Development Plan relates to Infill development where it is stated that *'it is the Council policy to facilitate infill development where minimum requirements can be met and where the proposed development will not materially impact the residential amenity or character of neighbouring developments.'* As noted further below, the proposed development is

considered to impact negatively upon the established residential amenity of neighbouring properties. As such, it is therefore my opinion that the proposed development, as presented, does not adhere to the aforementioned policy in relation to infill development.

- *Residential Amenity of Adjacent Properties*

7.4.5. I note the concerns raised in the Appeal observation submissions and the submissions to the Local Authority as part of the planning application. In particular, I note the submissions from immediately adjacent neighbours to the north and south of the subject appeal site and from other close by residents and the concerns raised therein.

7.4.6. I note from the submitted plans that it is proposed to extend the entire ground and first floor rear elevation by a minimum of 2.5 metres into the rear garden space for almost the entire width of the site, save for a proposed access passage along the northern elevation of a minimum of 900 mm in width. Along the southern site boundary this will mean there will be a new full height 2 storey wall of 2.5 metres in width positioned along the party boundary. Notwithstanding the flat roofed nature of the proposed rear extension, it is my opinion that this element of the proposed development, owing to the lack of an appropriate separation distance at first floor level, the extent of construction beyond the existing shared rear elevation (2.5 metres) and the proposed position of the extension along the shared party boundary, will serve to present an excessive overbearing impact upon the adjacent property to the south. I also note the position of the ground floor windows of the adjacent property to the south and the proposed orientation of the rear extension which is placed at an angle to the existing rear elevation. Having regard to the 45° approach to domestic extensions, as set out in Section 2.0 Light from the sky (Section 2.2 Existing Buildings, Figures 17 and 18) of BR 209 2022 Site Layout Planning for Daylight and Sunlight (3rd Edition), it is my opinion that the proposed development would result in an undue impact on the adjacent property by means of an unacceptable loss of available daylight to the rear ground floor window.

7.4.7. I note the relationship between the proposed rear elevation and the adjacent property to the immediate north where, as shown on the proposed Elevation and Section Drawing, no. 005, it is proposed to provide a new full height extended end

gable (6.0 metres in length/ existing depth of dwelling and 8.0 metres in height to match existing ridge height) and a rear 2 storey flat roofed extension for a combined length of 8.8 metres beyond the existing rear elevation (overall length of proposed 2 storey extension to the side and rear is therefore 14.7 metres, excluding the proposed external first floor rear screened balconies which extend a further 3.0 metres (17.7 metres in total)).

- 7.4.8. The subject appeal site and the adjacent property to the north are both conjoined at the side single storey garages. A separation distance of c. 8.0 metres exists between the existing 2 storey side gables of the respective properties. I note there is an existing ground floor rear kitchen extension to no. 15 and that all rear ground floor windows on this said rear extension are located along the rear west ground floor elevation and face east. Owing to the separation distances proposed to be observed it is, in my opinion, unlikely the proposed development would serve to result in any significant loss of daylight for the existing lower rear ground floor windows and indeed rear upper floor windows serving habitable rooms of the adjacent dwelling to the north.
- 7.4.9. Similarly, owing to the separation distances proposed to be observed, it is my opinion, the proposed development would not serve to result in significant overshadowing of the rear garden space of no. 15. It is accepted that although some overshadowing would occur to the rear patio area of no. 15, that having regard to the overall size of the existing rear garden of no. 15 (estimated to measure c. 325 sqm), such an impact would not, in my opinion, be significant.
- 7.4.10. I note there are no first floor side facing windows and that it is proposed to install 1200 mm high privacy glass to sides and rear of the rear first floor balconies. I further note there are 2 no. rear, west facing, first floor windows proposed to serve the sitting rooms of Apartment no's 3 and 4. In the case of Apartment no. 4, I estimate the said window would, at its closest point, be within c. 1.9 metres from the adjacent property to the north. Although this window will not serve to directly overlook the rear of the adjacent property to the north its proximity relative to the shared boundary together with the size and scale of the overall rear extensions, in my opinion, collectively present an overbearing impact upon the adjacent property to the north.

7.4.11. In summary, having regard to the overall scale, height and length of the proposed rear extension and the proposed intensification of use, it is my opinion that the proposals would present an overbearing impact upon the established residential amenities of both adjacent properties to the immediate north and south. The proposals, in my opinion, by reason of the excessive residential density and resultant intensification of use would be out of character with the established and prevailing pattern of development in the area which comprises dwellings in single family occupancy.

- *Precedent*

7.4.12. As set out further above, the proposed development is considered to represent overdevelopment which is out of character and scale with the predominant established pattern of development in the area. I note the concerns of the Local Authority in relation to the issue of an establishment of an undesirable precedent for similar proposals into the future, i.e. proposals which seek to convert existing single family occupancy residential units into multiple occupancy units within established residential/ suburban low density settings. I share the same concern that the proposed development, if permitted, would indeed serve to create an undesirable precedent for similar proposals in the area. In my view, such a precedent has the potential to gradually erode the established single family occupancy pattern in the area and in turn negatively impact the established character of the area.

- *Depreciation in Property Values*

7.4.13. I note the Applicant has submitted a letter from a Local Estate Agent which concludes that it is not envisaged there would be a depreciation in property values as a result of the proposed development.

7.4.14. While I note the Applicants submission, it is my opinion that the proposed development, as presented, serves to materially affect the enjoyment of the adjacent properties to the immediate north and south by reason of a significant negative impact upon established residential amenities. I therefore consider the proposed development, as presented, has the potential to depreciate the value of property in the area. The Applicants' submission does not, in my opinion, represent an evidence based assessment upon which a definitive conclusion could be arrived at in relation to a depreciation in property values.

- *Conclusion*

7.4.15. As set out further above, it is my opinion that the proposed development is of excessive residential density for this location, represents overdevelopment, would serve to impact negatively upon the established residential amenities of the area, would negatively impact the established character of the area and would set an undesirable precedent for similar proposals into the future. I am satisfied that the proposed development does not therefore adhere to the policy of the Local Authority in respect of Infill Development as set out in Section 6.4 of Volume 2 of the Development Plan which is to ensure no material impact on residential amenity and the character of the area.

7.5. Reason for Refusal no. 2

- *Car Parking*

7.5.1. I note the proposed on site car parking provision of 5 no. car parking spaces in the form of 2 no. spaces to the front accessing directly onto Golf Links Road and 3 no. spaces to the rear proposed to be accessed from an existing substandard communal access road. As per the Development Plan Car Parking standards set out in Section 12.12 of Volume 1, Table 12.3, the relevant Car Parking Standard for Apartments is a maximum of 1.25 spaces per unit and a maximum 0.25 spaces per unit for visitor parking. As per said standards, the proposed development of 4 no. Apartments therefore generates a maximum Car Parking demand for a total of 5 no. Car Parking spaces.

7.5.2. As discussed earlier above in Section 7.4.3 of this Report, the subject appeal site owing to the lack of high frequency public transport within 500 metres of the site, is not, in my opinion, located in an 'Accessible' location as defined in Table 3.8 of the Sustainable Development and Compact Settlement Guidelines, 2024. The applicable Car Parking standard is therefore that set out in the Development Plan, i.e. 5 no. Car Parking Spaces as proposed.

- *Access to the rear*

7.5.3. As stated, it is proposed to access the rear of the site via the existing substandard communal laneway. The proposal seeks to create a new vehicular access (including a new sliding gate) from the said laneway and to provide a total of 3 no. Car Parking

spaces on site. Numerous other sites at this location have established individual vehicular access via the said laneway. The proposed development does not include any proposals to upgrade the existing laneway to an acceptable modern standard.

- 7.5.4. I note Section 13.5 of the Development Plan relates to Infill Development where it is stated in Section 13.5.1.1 in relation to Development Management Requirements for Urban Infill Development that '*Infill/brownfield developments will be subject to normal siting and design criteria, which include sufficient access in accordance with the Design Manual on Urban Roads and Streets (DMURS).*' I am satisfied that the Applicant has not demonstrated that the proposed means of rear access complies with DMURS in terms of vehicular and pedestrian access and I therefore consider, in the absence of same, that the proposed rear access arrangements are substandard.

7.6. Other Matters

- *Apartment Standards*

- 7.6.1. I note the minimum aggregate bedroom floor area for a 1 bedroom Apartment, as set out in Appendix 1 of the 2023 Apartment Guidelines, is 11.4 sqm. The proposed Aggregate Bedroom Floor Area for Apartment no. 4 measures 7.1 sqm which is below the said minimum floor area.

- 7.6.2. I am not satisfied that the proposed development, as presented, complies with minimum standards and set out in the Apartment Guidelines, 2023.

8.0 AA Screening

8.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site infill site is located within a built-up urban area and is 0.94 km from the nearest European Site. The proposed development comprises the construction of 4 no. 1 bed Apartments.

No nature conservation concerns were raised in the planning appeal.

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.

The reason for this conclusion is as follows

- The relatively modest scale of the proposed development and lack of mechanisms that could significantly affect a European Site.
- The location/ distance from the nearest European Site and the lack of any connections to same.

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 (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

9.1. The subject appeal site is located at no. 14 Golf Links Road, Kilkenny City, County Kilkenny, to the north of the City centre and approximately 855 metres to the west of the River Nore (NORE_170).

9.2. The proposed development comprises

- Permission to construct an extension to the rear and side of existing dwelling;
- Permission for change of use to 4 No. apartments consisting of 4 No. 1 bedroom apartment;
- Modifications to front parking area rebuilding existing wall and proposed parking to the rear and
- All associated site works

9.3. No water deterioration concerns were raised in the planning appeal.

9.4. I have assessed the proposed residential development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & 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.

9.5. The reason for this conclusion is as follows:

- The relatively small-scale nature of the proposed development.
- The location of the subject appeal site, distance to the nearest water body and lack of direct hydrological connections.

9.6. 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.

10.0 Recommendation

10.1. I recommend that permission be REFUSED for the following reasons.

11.0 Reasons and Considerations

1. Having regard to the Existing Residential zoning objective of the site 'to protect and improve residential amenities and to provide for new residential development appropriate to the scale and character of the settlement', Section 6.4 (Infill Development) of Volume 2 of the Kilkenny City and County Development Plan, 2021 to 2027, and also having regard to the scale, mass, design and height of the proposed development, the Commission considered that the development would have an over-bearing, out of scale and out of character in comparison to the prevailing architectural context, would appear visually incongruous and would have a negative impact on the scale and character of the existing dwellings to the north and south. The proposed development would, therefore, by itself and by reason of the undesirable

precedent it would set for similar development in the area be contrary to the proper planning and sustainable development of the area.

2. As per Section 6.4 (Infill Development) of Volume 2 of the Kilkenny City and County Development Plan, 2021 to 2027 where in respect of infill development/ multiple unit sites it is stated that *'Infill/brownfield developments will be subject to normal siting and design criteria, which include sufficient access in accordance with the Design Manual on Urban Roads and Streets (DMURS).'* The Applicant has not demonstrated that an appropriate means of vehicular access to the site can be achieved in accordance with DMURS. 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.

Frank O'Donnell
Planning Inspector

10th September 2025

Form 1 - EIA Pre-Screening

Case Reference	322616-25
Proposed Development Summary	Permission to construct an extension to the rear and side of existing dwelling and permission for change of use to 4 No. apartments consisting of 4 No. 1 bedroom apartment with modifications to front parking area rebuilding existing wall and proposed parking to the rear and all associated site works.
Development Address	14 Golf Links Road , Kilkenny , Co. Kilkenny
	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)	Class 10 b) (i) Construction of more than 500 dwelling units. Class 10 b) (iv) 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. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

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"/>	
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-322616-25
Proposed Development Summary	Permission to construct an extension to the rear and side of existing dwelling and permission for change of use to 4 No. apartments consisting of 4 No. 1 bedroom apartment with modifications to front parking area rebuilding existing wall and proposed parking to the rear and all associated site works.
Development Address	14 Golf Links Road , Kilkenny , Co. Kilkenny
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 subject appeal site measures 0.055 hectares. The proposed development comprises 4 no. 1 bedroom Apartments and 5 no. Car Parking Spaces.</p> <p>The subject appeal site comprises an existing 2 storey semi-detached dwelling and single storey garage to side, rear and front garden/ circulation space.</p> <p>It is anticipated that the proposed development will not result in any significant use of natural resources, will not result in any significant production of waste, will not give rise to significant pollution or nuisance impacts, will not give rise to any significant risk of accident/ disaster or impacts upon 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 development is a brownfield site situated in a suburban area. The site is not located within an Architectural Conservation Area. There are no Protected Structures, recorded monuments or building/ features of the National Inventory of Architectural Heritage (NIAH) located on the subject appeal site or within the general vicinity. The site is not located within or adjacent to sensitive sites or European Sites including any Natura 2000 sites. The site is not located in what can be considered a densely populated area.</p>

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 relatively small scale nature of the proposed development, its location removed from sensitive habitats/features, 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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)