



An
Coimisiún
Pleanála

Inspector's Addendum Report

ACP-322825-25

Development

Construction of 4 No. dwellings with entrance via College Gardens, associated landscaping, boundary treatments, connection to public sewer networks, and all ancillary services and site works

Location

Borum (via College Gardens), Carlow, Co. Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

24/60257

Applicant

Cormac & Fiach O' Toole

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant

Cormac & Fiach O' Toole

Observer(s)

1. Andrew Lawler
2. Bernadette McNally

Date of Site Inspection

N/A

Inspector

Ian Campbell

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ACP-322825-25 (dated 3rd September 2025).
- 1.2. On the 21st October 2025 the Commission decided to defer consideration of this case and to issue a Section 137 notice as follows;

In considering the documentation on file the Commission noted that there are a number of Protected Structures in the vicinity of the appeal site:

- *RPS.Ref.CT68 ('Roseville' or Borlum')*
- *RPS Ref CT67 (Galaroga)*
- *RPS Ref CT65 (Garryown)*

The Commission noted Carlow County Development Plan 2022-2028 and in particular Chapter 10.13 Architectural Heritage and Policy PS P2 to 'Ensure the protection and conservation of the character, setting and special interest of all buildings, structures (or parts of structures) and sites, listed in the Record of Protected Structures, including their curtilage, attendant grounds, and fixtures and fittings'. The Commission noted the Planner's Report and that the proposed development is located adjacent to or within the curtilage or attendant grounds of protected structures and noted the response to the Further Information request received by the Planning Authority. on 28th April 2025. The Commission proposes to take account of the 'Architectural Heritage Protection: Guidelines for Planning Authorities' (2011) and the requirement in Policy PS P4¹ for an Architectural Heritage Impact Assessment which would address the impact on the curtilage of the Protected Structures including the impact on the remaining garden areas and would include contiguous drawings where appropriate.

- 1.3. This report considers the submissions made on foot of the request for further information.

¹ Require development proposals involving protected structures or proposed protected structures, to be subject to an Architectural Heritage Impact Assessment as described in Appendix B of Department of Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection: Guidelines for Planning Authorities' (2011).

2.0 Applicant's Response to the Commission's Decision to Request Further Information

2.1. The applicant submitted a response to the Commission's request for further information on the 10th December 2025, specifically an Architectural Heritage Impact Assessment (AHIA), prepared by a Conservation Architect. The applicant also proposes 'updated landscaping'². This is assessed below at paragraph 5.1.

3.0 Response from Planning Authority

3.1. The response from the Planning Authority states that it has no further comment to make.

4.0 Further Response

4.1. The response from the applicant and the Planning Authority were recirculated in accordance with Section 131 of the Planning and Development Act, 2000, as amended, and a response has been received from Andrew Lawler, noting;

- commentary on historical mapping contained in the applicant's submission is not definitive.
- no site notice was erected on the Kilkenny Road side of the site. The site notice at the end of College Gardens was not easily visible.
- the applicant has used a photo indicating no traffic in the vicinity of the proposed site entrance at College Gardens. This does not reflect the traffic problems in the area.
- the creation of a vehicular entrance through College Gardens would create a precedent, and would also result in impacts on adjoining property/residents of College Gardens during the construction stage of the proposed development.

² Drawing no. A301.1 (Site Layout and Landscape Plan) submitted to the Commission on the 10th December 2025 indicates a belt of Beech trees along the southern boundary of the appeal site.

5.0 Assessment

5.1. Impact on Protected Structures:

5.1.1. The applicant has submitted a AHIA which provides an assessment of the significance of the appeal site, its setting, identifies any special architectural/historical character or features of note and assesses the impact of the proposed development on surrounding Protected Structures. The AHIA has been prepared with reference to the Architectural Heritage Protection: Guidelines for Planning Authorities (2011), and includes an examination of historical mapping and the adjoining Protected Structures (Borlum, Galaroga and Garryowen). The AHIA follows the guidance set out at Section 13.3 of the Architectural Heritage Protection: Guidelines for Planning Authorities (2011) in relation to the contribution of structures/features to the character of a Protected Structure, with specific reference to Borlum. In this regard the AHIA notes the following (summarised);

- the development site was within the attendant grounds of Borlum, and did not form part of its curtilage.
- the development site is separated from the curtilage of the Protected Structure by a block wall and sheds.
- there are no items within the attendant grounds which affect the main structure, or any other structures.
- there are no features of interest within the attendant grounds that are connected with the use or enjoyment of the Protected Structure.
- the rear yards within the curtilage of the Protected Structure are unaffected by the proposed development.
- mature trees within the attendant grounds are largely to be retained.

The AHIA also notes the following (summarised) -

- the proposal to provide access through College Gardens prevents a road passing the Protected Structure(s). No new access will be required through the front setting of the Protected Structure. The proposals effectively extend the pattern of development established on College Gardens.

- the retention of trees will maximise the sylvan setting of the site.
- the area to the rear of the houses along Kilkenny Road is functional, with less adherence to symmetrical facades, numerous returns, lean-to's, sheds etc.
- the houses at this location are not unique, but represent a key development phase in the growth of Carlow town, and are of interest.
- the proposed works will have minimal impact on the character of the subject houses.
- there are no physical impacts on the historic fabric, setting or amenity of Borlum. The proposed development is confined to the rear, at a remove from the front setting, which is of primary significance.
- Borlum retains a substantial front and side-garden.

The AHIA concludes that the proposed development would not negatively impact on the adjoining/adjacent Protected Structures.

5.1.2. Having reviewed the AHIA submitted by the applicant, which examines the impact of the proposed development on Borlum, and also adjoining Protected Structures (Galaroga and Garryowen), and noting its methodology and conclusions, and in particular that the proposed development is located within the attendant grounds of Borlum, and not its curtilage; that the development site is separated from the curtilage of Borlum; that there are no features of interest within the attendant grounds that are connected with Borlum; that there are no physical impacts on the historic fabric, setting or amenity of Borlum; that the proposed development is confined to the rear, at a remove from the front setting of Borlum; and that the proposal to provide access through College Gardens prevents a road passing the Protected Structures, I am satisfied that the proposed development would not adversely affect the character or setting of Borlum, or the adjoining Protected Structures in the vicinity of the appeal site, i.e. Galaroga and Garryowen. Having regard to the additional submission received I conclude that the applicant has adequately addressed the issue raised by the Commission in relation to the requirements of both Policy PS P2 and PS P4 of the Carlow County Development Plan 2022 - 2028 regarding the protection and

conservation of the character, setting and special interest of Protected Structures and the submission of a AHIA.

- 5.1.3. I note that the applicant now proposes a line of Beech trees along the southern site boundary. In my opinion this will assist with the assimilation of the proposal, and will also protect the sylvan character of area.

5.2. Issues Arising

- 5.2.1. An observer to the appeal, Andrew Lawler, submitted a response to the information submitted on foot of the Section 137 request. The submission raises a number of issues, some of which were also raised in the observer's initial observation to the Commission, which I will address below.

- 5.2.2. Historical maps - the observer's submission notes that the historical mapping contained in the AHIA is not fact based, and relies on assumptions. I note that the interpretation of historic maps is invariably subject to assumptions framed by the authors understanding of the historical context. Importantly, I note that the AHIA has been undertaken by a Conservation Architect, who in my opinion is well placed to draw such assumptions based on the maps. I am therefore satisfied that the conclusions drawn from the historical mapping is acceptable in the context of the AHIA submitted.

- 5.2.3. Site notices - the observer's submission notes that a site notice was not erected on the Kilkenny Road side of the site, and that the site notice at the end of College Gardens was not readily visible. In terms of procedural matters and the alleged irregularities in terms of the erection of the site notice, I note that this issue was considered acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my *de novo* consideration of all planning issues material to the proposed development.

- 5.2.4. Traffic impact - the observer's submission notes that the applicant has used a photo (Fig. 8 in the AHIA) which does not accurately reflect the traffic issues at College Gardens, and also raises concerns that the creation of a vehicular entrance through College Gardens would create a precedent, and would result in impacts on adjoining

property/residents of College Gardens during the construction stage of the proposed development. Regarding the photograph used in the AHIA, I note that this image does not purport to indicate local traffic conditions but rather has been used in the AHIA to indicate the location of the proposed access in the context of impact on Protected Structures. Regarding the wider issue of traffic impact, I note that the issue of traffic impact was raised in the observations to the appeal and is addressed at paragraph 7.2.6 of my initial report. On this issue I noted that the proposed development comprises 4 no. dwelling with access through an existing housing estate, and that given the scale of the proposal I am satisfied that the proposal would not result in significant traffic congestion, nor would it give rise to any traffic safety issues.

6.0 Recommendation

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

7.0 Reasons and Considerations

Having regard to the provisions of the Carlow County Development Plan 2022-2028, the Carlow/Graigucullen Joint Urban Local Area Plan 2024 – 2030, including the 'Existing/Infill Residential' zoning of the site, and to the siting, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely affect the character or setting of adjacent Protected Structures, i.e. Roseville/Borlum, Galaroga or Garryowen, would not be prejudicial to public health, would be acceptable in terms of traffic safety, and would not have a significant impact on ecology or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

8.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further
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	<p>information and particulars received by the Planning Authority 28th April 2025, and as amended by the further information submitted to the Commission on 10th December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings, structures and boundary walls shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Úisce Eireann.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The construction of the development, and demolition works, shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>b) Location of areas for construction site offices and staff facilities;</p>

	<p>c) Details of site security fencing and hoardings;</p> <p>d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>e) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the Planning Authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
6.	<p>Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The proposed</p>

	<p>name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
7.	<p>All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of sustainable transportation.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the proposed development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p>

	Reason: In the interests of visual and residential amenity.
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
12.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
13.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application</p>

	<p>of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
14.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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.

Ian Campbell
 Planning Inspector

4th February 2026