



An
Coimisiún
Pleanála

Inspector's Report

ACP-322950-25

Development	House and associated site works.
Location	Sunbury Close, Kilcullen, Co Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2579
Applicant(s)	Seamus McGrath
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Seamus McGrath
Observer(s)	Nil
Date of Site Inspection	10/6/26
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site is located within an established housing development to the south of Kilcullen Town Centre.
- 1.2. The appeal site which has a stated area of c.0.04ha has a rectangular shape and is currently a maintained grassed area which includes a number of trees.
- 1.3. The appeal site is bounded by the public road (Sunbury Close) to the south, the side boundary of No. 6 Sunbury Close to the west, residential development to the north and a permitted residential development to the east.

2.0 Proposed Development

- 2.1. The application seeks planning permission for the following:
 - Construction of a single and half storey dwelling.
 - New entrance.
 - Connection to public water and sewerage.
 - Ancillary works.
- 2.2. The proposed dwelling would have an internal floor area of c. 223.5m² and would have a maximum height of c.7.2m. The proposed dwelling would have a nap plaster finish and a pitched tiled roof.

3.0 Planning Authority Decision

Decision

- 3.1 By order dated 11/6/25 the Planning Authority decided to refuse planning permission subject to 2 conditions as outlined below:

1. *The site is zoned 'F-Amenity and Open Space in the Kilcullen Settlement Plan (Variation No.1 of the Kildare County Development Plan 2023-2029), the zoning*

objective for which is 'to protect and provide for open space, amenity and recreation provision'. Dwellings are not permitted on lands zoned for amenity and open space, therefore, it is considered that the proposed development, if permitted, would be contrary to the zoning objective of the amenity and open space lands and as such would be contrary to the proper planning and sustainable development of the area.

2. *The proposed dwelling by reason of its massing, scale and height would be out of character with adjoining properties and would seriously injure the residential amenity of properties in the vicinity by reason of visual impact. The proposed development would also result in a shortfall on private open space, resulting in substandard residential amenity for the occupants of the dwelling, would set an undesirable precedent for similar development and would therefore be contrary to the proper planning and sustainable development of the area.*

3.1. Planning Authority Reports

Planning Reports

3.1.1 There is one planning report on file dated 10/6/25. The area planner notes that the land is within the 'F'-Open Space and Amenity in the Kilcullen Settlement Plan 2023-2029. It is noted that residential development is not permitted in the F Zone and therefore the principle of a dwelling at this location is therefore not acceptable.

3.1.2 In addition to this, it is noted that the proposed development would be 1 metre higher and the width would be considerably wider than the existing dwellings along Sunbury Close and therefore the proposed development would be out of character with the area.

3.1.3 Refusal was recommended on this basis.

3.1.4 Other Technical Reports

- **MD Engineer:** Report dated 27/5/25 requesting further information.
- **Water Services:** Report dated 2/5/25 outlining no objection, subject to conditions.

- **Environment:** Report dated 1/5/25 outlining no objection, subject to conditions.

3.2. Prescribed Bodies

3.2.1 There are no responses from Prescribed Bodies on file.

3.3. Third Party Observations

3.3.1 7 submissions were received. The main issues outlined were as follows:

- Loss of amenity and community green space.
- Loss of light, privacy and outlook.
- Out of character and visually obtrusive.
- Zoning, sustainability and alternative sites.
- Cumulative development.
- Land ownership.
- Administrative issues.

4.0 Planning History

Appeal site

Reg. Ref. 78/822: Application for 6 No. detached dwellings. Permission granted, subject to conditions. Condition 13 is of pertinence to this appeal:

13. Site No.7 shall not be developed as a house site but shall be developed as public open space, and shall be levelled soiled, seeded and grassed as required by condition 7 above.

Site to the east

Reg. Ref. 2461327 (ABP-322772-25) Application for a Large-Scale Residential Development (LRD) consisting of 180 No. dwellings, medical / healthcare units and offices along with a wastewater pumping station and all ancillary development and associated site works. Permission granted, subject to conditions.

5.0 Policy Context

5.1 Development Plan

Kilcullen Settlement Plan 2023-2029

5.1.1 It is noted that the Kilcullen Settlement Plan is incorporated into the framework set out in Vol. 2 of the *Kildare County Development Plan 2023-2029*, the plan aims to ensure the town develops as a thriving area where people want to live as well as having a key economic and social function for its community.

Kildare County Development Plan 2023-2029

HO 06: Which seeks to 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.

HO 08: Which seeks to 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.

HO 018: Support high-quality design in new housing and to promote housing that is attractive, safe, and adaptable to the needs of existing and future households.

HO 050: Require that new dwellings incorporate principles of sustainability and green principles in terms of design, services, and amenities with careful consideration in the choice of materials, roof types (i.e. green roofs).

Development Management Standards:

Section 15.2.1 Site Coverage and Plot Ratio

Section 15.4 Residential Development

Section 15.4.5 Design, Layout and Boundary Treatments

Section 15.4.6 House Design

Section 15.6.7 Private Open Spaces

Section 15.8 Surface Water

5.2 National/Regional Plans/Policies

National Planning Framework - Project Ireland 2040-updated in April 2025 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (January 2024). These Guidelines set 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.

Quality Housing for Sustainable Communities (2007) These guidelines identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience, to be particularly relevant.

5.3 Natural Heritage Designations

5.3.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Pollardstown Fen SAC (Site Code: 000396) which is located c. 7.5km to the north of the site and the Moulds Bog SAC (Site Code: 002331) which is located c. 8.8km to the north-east of the site. Further to this, the Poulaphouca Reservoir SPA (Site Code: 004063) is located c. 10.8 km to the east of the site.

5.3.2 In addition to the above, the appeal site is located c. 2.5km to the east of the Curragh (Kildare) pNHA (Site Code: 000392)

5.3.3 A screening exercise for Appropriate Assessment will be undertaken in Section 9 below.

6.0 EIA Screening

6.1. 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. Please see Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 A first party appeal has been received from Seamus McGrath against the decision of Kildare County Council to refuse planning permission. The appeal can be summarised as follows:

- Previous application (lodged 13 March 25) was declared invalid. When this application was made the site was zoned 'residential infill'.
- The zoning was changed at a meeting of Kildare County Council on 31/3/25. This zoning was rushed through in order to stop the proposed development.
- A land registry map is included showing that the site in question was owned by M. McGrath, not only does this include the appeal site but the whole access road and footpath.
- This confirms that this piece of land is private and not for the enjoyment of any neighbours or public persons. This area can be fenced off or sell this piece of land at any time.
- Kildare County Council have granted planning permission to Oakway Homes on an adjoining site for a pedestrian walkway through Sunbury Close which is through private lands owned by the applicant's father. How can Kildare County Council grant permission without consultation with the Landowner.

7.2. Planning Authority Response

7.2.1 A response has been received from Kildare County Council by letter dated 1/8/25. This letter can be summarised as follows:

- The Planning Authority notes the content of the appeal and confirms its decision. The site is not zoned for residential purposes in the Kilcullen

Settlement Plan. Please refer to the planner's report and reports of the various technical departments.

7.3. Observations

7.3.1 There are no observations on file.

7.4. Further Responses

7.4.1 There are no further responses on file.

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file, including submissions and responses, the report of the local authority and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design / Scale
- Flooding
- Water Framework Directive
- Appropriate Assessment Screening.

8.2 Principle of Development

8.2.1 The appeal site is zoned "F-Open Space and Amenity" which has the objective *"to protect and provide for open space, amenity and recreation provision."*

8.2.2 Residential development is not permitted within the 'F' zone. The proposed development is therefore not acceptable in principle, and considering this, in my opinion, the proposal would represent a material contravention of the *Kildare County Development Plan 2023-2029* and the Kilcullen Settlement Plan (Vol. 2 of the *Kildare County Development Plan 2023-2029*).

Kilcullen Settlement Plan

8.2.3 I note that the concerns of the first party with respect to the adoption of the Kilcullen Settlement Plan.

- 8.2.4 I make the Coimisiún aware that a note on the Kildare County Council Website states that at a Special Meeting of Kildare County Council on 31st March 2025, the Elected Members of Kildare County Council adopted Variation 1 of the Kildare County Development Plan 2023 - 2029: Kilcullen Settlement Plan. Variation 1 of the Kildare County Development Plan 2023 - 2029 takes immediate effect.
- 8.2.5 The application which is currently being considered was lodged with Kildare County Council on 22nd April 2025. Therefore, I am satisfied that the assessment of this application and the ultimate decision made by Kildare County Council was done under the correct planning framework which was adopted by Kildare County Council.
- 8.2.6 I note the concerns of the first party with respect to the adoption of the Kilcullen Settlement Plan, however, in my opinion, in determining an appeal the Coimisiún should not concern itself with the procedural steps by the Local Authority with respect to how the Kilcullen Settlement Plan was adopted. The Coimisiún must have regard to the planning framework for the area as it stands and which is in force at the time of the decision. Therefore, the assessment of this application should be confined to the proper planning and sustainable development of the area having regard to the provisions of the adopted *Kildare County Development Plan 2023-2029* and the *Kilcullen Settlement Plan* (Vol. 2 of the Kildare County Development Plan 2023-2029).

8.3 Design / Scale

- 8.3.1 Reason No. 2 for refusal states that the proposed dwelling by reason of the massing, scale and height would be out of character with adjoining properties and would seriously injure the residential amenity of properties in the vicinity of the site by reason of visual impact. In addition to this, the proposal would result in a shortfall in private open space resulting in substandard residential amenity for occupants of the dwelling.
- 8.3.2 The proposed dwelling would be a floor and half and would have a height of c.7.2m with a nap plaster finish. The proposed dwelling would have an overall floor area of c. 223.5m². At ground floor level the dwelling would comprise of a kitchen, 2 bedrooms, a bathroom, a plant room and a living room. At first floor level the proposed dwelling would comprise of two bedrooms and a bathroom.
- 8.3.3 The existing dwellings within Sunbury Close have heights of c. 6.1m. I note that the proposed dwelling would have a slightly different design to the existing dwellings within Sunbury Close. While I note that the design of the proposed dwelling is not the same

as the existing dwellings within Sunbury Close, in my opinion, the scale and design of the proposed dwelling is not so out of character with the existing dwellings that it would have an undue impact on the character of the area.

8.3.4 The proposed dwelling would have an open space area of c. 44m². I refer the Coimisiún to SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities which outline that a minimum of 50m² is required for 4-bedroom dwellings. While I note that the proposal would not achieve this minimum standard, I note that SPPR 2 states that for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. The appeal site has an area of 0.04ha given its location in proximity to Kilcullen Town Centre, I am satisfied that a reduction in the area of private open space of c. 6m² is warranted in this case.

8.3.5 Having considered the foregoing; I am satisfied that the design / massing and private open space of the proposed dwelling is generally acceptable and that the proposal would not have an undue impact on the character of the area. While this may be the case, it does not overcome the substantive the reason for refusal as recommended in this case.

8.4 Flooding

8.4.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.

8.4.2 Having considered all the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within an urban area of Kilcullen in County Kildare and comprises of a one and a half storey dwelling.

- 9.2. The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Pollardstown Fen SAC (Site Code: 000396) which is located c. 7.5km to the north of the site and the Moulds Bog SAC (Site Code: 002331) which is located c. 8.8km to the north-east of the site. Further to this, the Poulaphouca Reservoir SPA (Site Code: 004063) is located c. 10.8 km to the east of the site.
- 9.3. In addition to the above, the appeal site is located c. 2.5km to the east of the Curragh (Kildare) pNHA (Site Code: 000392)
- 9.4. There is no hydrological link between the subject site and the European sites.
- 9.5. Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.6. This determination is based on:
- Distance from European sites.
 - Small scale and domestic nature of the development

10.0 Water Framework Directive

- 10.1. The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.
- 10.2. An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 10.3. The LIFFEY_060 (IE_EA_09L010700) is c. 163m to the north of the appeal site. This waterbody is classified as at-risk ecological status. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).
- 10.4. I have assessed the proposal 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.

10.5. The reason for this conclusion is as follows:

- The scale of the proposed development, and
- The fact that the site is connected to public water and wastewater services.

11.0 Recommendation

11.1. I recommend that planning permission should be refused for the reason and considerations set out below.

12.0 Reasons and Considerations

12.1 Having regard to the grounds of appeal, the public open space zoning objective, the established pattern of development in the area, the policy framework provided by the *Kildare County Development Plan 2023-2029* and the Kilcullen Settlement Plan (Vol. 2 of the *Kildare County Development Plan 2023-2029*) and on the basis of the information submitted with the application and appeal, the Coimisiún notes that the appeal site is located zoned “F-Open Space and Amenity” which has the objective “to protect and provide for open space, amenity and recreation provision. Residential development is not permitted in the F-Open Space and Amenity” zone, the proposed development, would therefore, materially contravene the provisions of the Kildare County Development Plan and the Kilcullen Settlement Plan (Vol. 2 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Ronan Murphy
Planning Inspector

15 June 2026

Appendix 1 - Form 1

EIA pre-screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ACP-322950-25		
Proposed Development Summary	House and associated site works		
Development Address	Sunbury Close, Kilcullen, Co. Kildare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended).	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings,	Preliminary examination required (Form 2)

		or for 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.	
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5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: _____

Appendix 3: Standard AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Case Reference Number: ACP-322950-25				
Step 1: Description of the project and local site characteristics The proposal comprises of the construction of a single and a half storey dwelling, new entrance, connection to public sewage and water and ancillary works.				
Brief description of development site characteristics and potential impact mechanisms	The appeal site comprises of an area of public open space within an existing residential development to the south of Kilcullen Town Centre.			
Screening report	No			
Natura Impact Statement	No			
Relevant submissions	No third-party submissions raised specific concerns in terms of impacts on the European Sites.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Pollardstown Fen SAC (Site Code: 000396)	Calcareous fens with Cladium mariscus and species of the Caricion davalliana [7210] Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	c. 7.5km to the north	No, no hydrological connection from the appeal site	No

	Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]			
Moulds Bog SAC (Site Code: 002331)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	8.8km to the north-east of the site	No, no hydrological connection from the appeal site	No
Poulaphouca Reservoir SPA (Site Code: 004063)	Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183]	10.8 km to the east of the site.	No, no hydrological connection from the appeal site	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The appeal site is not hydrologically connected to any of the identified Natura 2000 sites and therefore, it is considered that the development does not have any effects on any European site.

No	Likelihood of significant effects from proposed development (alone): N
None	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N

Step 4: Conclude if the proposed development could result in likely significant effects on a European site.

I conclude that the development (alone / in combination with other plans and projects) does not result in likely significant effects on a European site. No mitigation measures are required to come to this conclusion.

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000, as amended, I conclude that the development for which retention is sought individually or in combination with other plans or projects does not give rise to significant effects on Pollardstown Fen SAC (Site Code: 000396), Moulds Bog SAC (Site Code: 002331) or Poulaphouca Reservoir SPA (Site Code: 004063) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site,
- The lack of any hydrological connection with any of Natura 200 site
- Consideration of the conservation objectives of:
 - Pollardstown Fen SAC (Site Code: 000396),
 - Moulds Bog SAC (Site Code: 002331)
 - Poulaphouca Reservoir SPA (Site Code: 004063)

Appendix 4: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING						
Step 1: Nature of the Project, the Site and Locality						
An Bord Pleanála ref. no.	ACP-322950-25	Townland, address	Sunbury Close, Kilcullen, Co. Kildare			
Description of project	The proposal comprises of the construction of a single and a half storey dwelling, new entrance, connection to public sewage and water and ancillary works.					
Brief site description, relevant to WFD Screening	The appeal site comprises of an area of public open space within an existing residential development to the south of Kilcullen Town Centre.					
Proposed surface water details	Connection to public drains					
Proposed water supply source & available capacity	Public water supply					
Proposed wastewater treatment system & available capacity, other issues	Connection to public sewerage.					
Others?	The site is not within a Flood Zone.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

River Waterbody	c.163m	LIFFEY_060 (IE_EA_09L0107 00)	At Risk	At risk	None identified	Surface water run-off.	
Groundwater Waterbody	Underlying site	IE_EA_G_003	At Risk	At risk	None identified	Groundwater	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
Operational Phase							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
3.	Surface	LIFFEY_060 (IE_EA_09L0107 00)	Overland flow	Failure of drainage	None proposed but standard conditions relating to stormwater is anticipated.	No. the proposed development would be connected to public surface water drains and public sewerage.	Screened out.
4.	Ground	IEGBNI_NW_G_0 59	WWTS to ground		None proposed, the proposed development would be connected to public sewerage	No, the proposed dwelling would be connected to public	Screened out.

						sewerage and would not impact on groundwater	
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A