



An
Coimisiún
Pleanála

Inspector's Report

PL-500248-CW-25

Development

The subdivision of an existing site, the construction of a two storey dwelling to be accessed by an existing entrance which will become a shared entrance, connection to services, new boundary treatments.

Location

Rose Cottage , Blackbog Road, Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

2460343

Applicant(s)

Naomi Kelly & Jonathan Fogarty

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Ronan Fitzgerald

Observer(s)

None

Date of Site Inspection

29th January 2026

Inspector

Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.0.392ha, is situated to the rear of Rose Cottage, Blackbog Road, Co. Carlow. The site is situated approximately c.1km to the south of Carlow Town Centre.
- 1.2. The surrounding area comprises of a mix of residential developments and single detached dwellings. The site shares its southern boundary with a sports ground associate with Carlow National School which is situated to the south-west of the site along Green Road.
- 1.3. The site is relatively flat in nature and is currently occupied by a part single part two storey dwelling and a number of out buildings which appear to be in agricultural use. In addition, there are a number of boats in storage on the site.

2.0 Proposed Development

2.1. Original Application

- 2.1.1. Permission was sought for the sub-division of an existing site and the construction of a two storey dwelling with access provided via the existing entrance which will provide for a shared entrance, connection to services, new boundary treatment and all associated site works.
- 2.1.2. The proposed infill dwelling has a stated area of c.245.21sq.m, has a maximum ridge level of c.8.065m and is set c.84m to the rear of the host dwelling on site. The proposed dwelling provides for a two storey 4 bed dwelling which is finished with a pitched roof profile with open gable features along the front elevation. Finishes are indicated as being nap plaster, natural stone and a slated roof.

2.2. Amended Design

- 2.2.1. On foot of a request for further information the original design of the dwelling was amended, and the overall floor area of the proposed dwelling was reduced by c.18.27sq.m so that it was now c.226.94sq.m and the ridge level was reduced to a maximum height of c.7.565m.

2.2.2. In addition, the position of the proposed dwelling was amended which resulted in an increased separation distance to the northern and southern boundary of the site and the distance to the host dwelling.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information, the Planning Authority Issued a decision to grant permission on the 13th October 2025 subject to 12 no. conditions.

Conditions of note are as follows:

Condition no. 12 – Section 48 Development Contribution of €9,531.48.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer dated the 17th December 2024 provides for a description of the site and its location, the proposed development, internal reports received, submission received from prescribed bodies and third-parties, relevant planning history, relevant local planning context and provides for an Appropriate Assessment and EIA Screening determination.

The assessment notes that while the principle of development is acceptable in terms of the land use policy, concerns remain over the design and layout, the impact on residential amenity of adjoining properties, boundary treatment, provision of private open space, depiction of all structures on site on the site layout plan, sightlines, car parking provisions, water/wastewater connection, surface water management and issues relating to storage on site. As such the following further information was requested:

- Item 1

Submit revised plans demonstrating compliance with Section 3.15 and Policy UI.P1 of the CDP.

- Item 2

Submit contiguous elevation of proposed dwelling alongside adjacent dwellings to the north and west.

- Item 3

- Clarify if window is proposed on 1st floor northern elevation to serve ensuite as no natural light to this room.
- Address impacts of single storey structure on site and its use and indicate on amended site plan.

- Item 4

Submit a landscape plan including:

- Supplementary boundary treatment to protect neighbours amenity.
- Details of planting on eastern boundary.
- Boundary treatment along proposed access road.

- Item 5

Amend site layout plan to accurately indicate all structures on site and outline use of each.

- Item 6

Submit sightline drawing.

- Item 7

Submit details of carparking provision.

- Item 8

Submit Confirmation of Feasibility for water and wastewater connection from Uisce Eireann.

- Item 9

Submit SUDs proposal.

- Item 10

Respond to concerns raised by 3rd Parties – overlooking/overshadowing.

- Item 11

Clarify timeline for boat storage which appear to be on site.

3.2.2. Further Information Response

A response from the applicant was received by the Planning Authority on the 22nd October 2025 and provided for the following:

- Item 1
 - Footprint was reduced by omitting 2 no. single storey annexes to the rear – dwelling now has a floor area of c.226.94sq.m (reduction of c.18.27sq.m);
 - Dwelling re-orientated on site to face southwards ensuring dwelling does not impede development potential of lands to east.
- Item 2

Height of dwelling has been reduced by 0.5m (from 8.06m to 7.56m) – illustrated on contiguous elevation.
- Item 3

(a) Re-deign illustrates 2 no. 1st floor bedroom windows will address neighbouring property but separation distance of 29.45m and landscaping will protect amenities – minimising overlooking.

(b) Single storey structure is a shed.
- Item 4

Landscaping plan submitted – illustrates all boundary treatments.
- Item 5

Revised site plan submitted indicating all structures on site – structures on site have been in use for agricultural purposes. If dwelling granted agricultural practices will cease. Structures have been in place for more than 7 years (aerial imagery submitted).
- *Item 6*

Sightlines of 90m in each direction indicated on amended site plan.
- Item 7

Revised site plan indicates the provision of 4 no. car parking spaces – 2 to serve existing and 2 for proposed.

- Item 8

Confirmation of Feasibility from Uisce Eireann submitted.

- Item 9

No response provided.

- Item 10

The relocation, reorientating and reducing the overall height and footprint of the proposed dwelling the concerns of the objector would be greatly reduced.

- Item 11

Boats on site are in the process of being removed.

The second report of the Planning Officer dated the 8th October 2025, provides or a robust assessment of the further information received and recommends in line with the decision issued by the Planning Authority that permission be granted.

3.2.3. Other Technical Reports

Area Engineer:

- Report dated 20/11/2024 requesting further information to demonstrate sightlines.
- Report dated 07/10/2025 No objection subject to condition

Fire Officer - Report dated 29/11/2024 notes no objection subject to condition.

Environment Section

- Report dated 19/11/2024 no objection subject to condition.
- Report dated 25/09/2025 no objection subject to condition.

Senior Executive Engineer - Report dated 20/11/2024 no objection subject to condition.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

The Planning Authority received 1 no. 3d Party Observation which the Planning Officer provides a detail summary of under Section 5 of their 1st report. A further observation was received on foot of the further information submission and again a detailed summary is provided within the 2nd report if the Planning Officer.

The concerns raised are in keeping with the grounds of the 3rd party appeal.

4.0 **Planning History**

PA Ref 06/5662 Permission GRNATED for the demolition of the 2 storey dwelling and shed structures and the construction of 2 no. blocks of 2 no. semi-detached two storey dwellings, 1 no. block of 4 no. two storey dwellings, and 1 no. two storey detached dwelling and all site works.

5.0 **Policy Context**

5.1. **Section 28 Ministerial Planning Guidelines.**

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

Development standards for housing are set out in Chapter 5, including:

1. SPPR 1 - separation distances

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level.

5.2. **Carlow County Development Plan 2022-2028**

5.2.1. Land Use Zoning

The subject site is zoned under objective 'Existing /Infill Residential' on the Carlow Town Land use zoning Map 15.1. This objective seeks to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new improved ancillary services. The provision of a dwelling is considered to be acceptable in principle under this zoning objective.

5.2.2. Other relevant Sections:

Chapter 3 – Housing

- Section 3.15 – Other residential development in Urban Areas

Urban Infill and Backland Development

The development of underutilised infill, large corner sites and planned co-ordinated backland development in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions may be considered for infill and backland development. Connections to the surrounding area and services should be identified and incorporated into proposals. Backland development proposals shall avoid piecemeal development that adversely impacts on the character.

Policy UI.P1: Encourage and promote the development of underutilised infill, corner and planned co-ordinated backland sites in existing urban areas subject to appropriate siting, compliance with development management standards for dwellings and the character of the area and the environment being protected.

Chapter 12 – Urban Design and Placemaking

Chapter 16 – Development Management Standards

Section 16.8.5: Residential Amenity

In terms of residential amenity proposed residential schemes shall be designed having regard to the following:

- The need to protect amenities of existing residents in the locality of the subject development.
- A minimum 22m separation between directly opposing first floor habitable rooms in residential properties shall generally be observed.
- A minimum of 2.5m distance between detached and semi-detached dwellings shall generally be provided.

5.3. **Carlow Graiguecullen Joint Urban Local Area Plan 2024-2030**

The subject site is situated within the boundary of the Carlow Graiguecullen Joint Local Area Plan where the land use zoning is reflective of the County Plan.

Relevant Policies are as Follows:

HS. P4 Require that an appropriate mix of housing type, tenure, density, and size is provided in all new residential areas and in appropriate brownfield/infill areas to meet the needs of the population of Carlow-Graiguecullen, including the needs of older people, people with disabilities, and including social housing, and affordable housing

UR. P2 Provide for existing unmet housing need as identified by the Carlow County Council and Laois County Council social housing needs assessments through the provision of social and affordable housing using a range of delivery mechanisms.

Other relevant Sections:

Chapter 5 Core Strategy and Housing.

Chapter 11 Climate Action.

5.4. Natural Heritage Designations

The subject site is not situated within or directly abutting any Natura 2000 designated sites. The site is situated approximately 538.21m to the east of the River Barrow and River Nore SAC (Site Code 002162).

6.0 EIA Screening

6.1. The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

The commission received a 3rd Party appeal, on the 10th November 2025, from an adjoining resident to the north, against the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

Introduction

- It is noted that the appellant does not have an objection to the principle of development (an infill dwelling on the appeal site) subject to it not impacting their existing residential amenities or that of the local area.
- Response made by applicant to Further Information exacerbated concerns rather than over coming them – 3rd party open to dialogue for further changes which may require this proposal being withdrawn and a new application submitted.

1. Application Description

- A number of unauthorised structures on site not referenced in application description – not subject to retention permission to regularise them.
 - Granting permission would be tantamount to an endorsement of unauthorised development.
- Further information introduced a possible future development – further information not subject to public participation.
 - Possible future development is assumed to be a further house.
 - Neighbouring properties denied an opportunity to make views known on this amendment.
 - Excluding unauthorised structures for possible future development indication no intention to regularise them.
 - Agriculture indicated as use – no agriculture land left to serve.

2. Unauthorised Development

- Granting permission would be premature pending retention permission to keep or remove structures on site.
- The fact that structures have been on site for over 7 years does not render them authorised.

3. Access

- Existing access is 3m in width with no visibility at the junction with public road and crosses a pathway with separate markings for cycle and pedestrians.
- Amended sightline drawing indicates 50m sightlines to the far side of the road carriageway rather than the nearside – this is incorrect.
- X distance was set at 0m not the required 2.5m.
- Applicant does not have control of land either side of the access to improve sightlines.
 - Works required to obtain sightlines would be unacceptable in terms of hedge removal/tree removal.
- Permission refused under ACP-323049-25 for similar.

- Previous permission on site involved demolition of existing dwelling and relocation of the site entrance to a central location where sightlines could be achieved.
- Proposal represents a traffic hazard and is not in accordance with County Development Plan Standards.

4. Backland Development

- CDP Policy U1 P1 relates to backland development.
- Backland development can be positive – subject to siting and not impacting negatively on amenity of the area.
- Front door of existing dwelling opens directly onto access track – shared with proposed house and any future house.
 - Passing traffic will impact existing residents – noise and light pollution & traffic hazard.
 - Irrelevant from Planning point of view if the owner and occupier of existing house is related to applicant – permission ensures to the land not individuals.
- Layout of curtilage and orientation – give rise to unacceptable impacts that are typical symptoms of unacceptable backland development.
 - Dwelling surrounded by hardstand- potential for car lights to shine into neighbouring (appellants) properties.
 - Power lines on site not included on site-plan which is required - may force dwelling further east impacting circulation space and exacerbate nuisance from car light pollution.
- First floor windows will directly overlook area of open space and rear widows of existing dwelling:
 - Tolerable 22m distance prescribed by development plan within new housing developments – the proposal is a single house endeavouring to establish itself in an existing residential area not a new development.

- Loss of residential amenity from car light pollution and privacy loss – indications of unacceptable backland development.
- Proposal represents poor backland development and should be refused.

5. Other Matter

a) Loss of privacy and overbearing impact.

- Overlooking from rear windows will lead to loss of privacy.
- Originally submitted plan – house looked directly into neighbouring garden:
 - no indication of change in levels in terms of spot levels of cross sections.
 - Concern of overshadowing and overbearance.
 - Issue of lack of detail was not addressed in response to further information.
- House reorientated on foot of further information request with two-storey rear projection facing private amenity space – no reason for 1st floor windows to be positioned here:
 - Could have been re-positioned to avoid overlooking.
 - Request that if Commission grant permission that a condition relocating these windows be included.
 - Further information response showed height of dwelling reduced by 0.5m and moved 1.3m to the south – token changes do not materially reduce overbearing impact.
- Commission is requested to refuse layout, scale and design of proposal on grounds of its unacceptable impact on neighbouring property.

b) Boundary Treatment

- Landscape plan indicated reinforced northern boundary between applicant and 3rd Party appellants site:
 - Deciduous plants in existing hedgerow are bare in winter and gaps occur – direct intervisibility.
 - Reinforced planting will not prevent this.

- Under PA Ref 06/5662 condition 9(a) required a 2.5m capped and plastered wall on northern boundary within the application site –
 - Expect same condition if Commission are minded to grant permission.
 - A 2m post and pillar fence would also be acceptable built within appeal site with existing hedgerow to remain in place.

7.2. Applicant Response

A response from the applicant was received by the Commission on the 10th December 2025 and can be summarised as follows:

1. Unauthorised Development

- Structures on site are outside the boundary of the subject site – unrelated to proposal.
- Historically they have served agricultural purposes – existence has no bearing on the assessment and should not form part of the consideration.

2. Misinterpretation of possible future development

- This notion has no planning status forms no part of the current application and cannot therefore constitute a development proposal.
- Unreasonable to object to a development that has not been applied for.
- Any future development would require its own permission.
- Applicant wanted the Planning Authority to be aware of the potential future needs of other family members – this is context to assist in the Planning Authority in its assessment but does not form part of the present development.

3. Sightlines, Road Safety, Access

- Qualified engineer has confirmed sightlines in compliance with the County Development Plan can be achieved – demonstrated on drawing submitted.
- Entrance is historic which has served family lands – fully committed to providing any additional measures required.

- Reference to permission refused by the Commission (ACP-323049-25) – proposal involved the removal of 43m x 5.6m of hedgerow on a rural road – contrary to Kilkenny County Development Plan (s.12.11.10.1).
- Entrance can be made wider if required by the Planning Authority – engaged with neighbour and willing to engage and trim hedgerow.

4. Traffic generation

- Development is a single-family home – generating normal domestic traffic.

5. Incorrect classification as backland development

- Site forms part of a long-standing family-owned residential lands – addressed by established laneway.
- This is not speculative development but reflective of natural intergenerational use of family lands.
- Site more adequately supports the proposed development and meets criteria of current development plan – every effort made in terms of height and separation distance so no impact on neighbour.
- Redesigned proposal – site layout, height, area and position to alleviate concerns raised.
- Separation distance of nearly 30m provided – was in excess of requirements.

6. Claims of Noise, Light or Disturbance

- Claims are speculative and overstated – laneway will be primarily used by a single domestic vehicle.
- No commercial or intensification use.

7. Privacy, Overlooking and Overbearance

- Concerns regarding residential amenity addressed
- All separation distances meet and exceed development plan standards.
- Dwelling has been repositioned and reduced in height and scale.
- Previous concern with no windows on side elevation – roof light included ensuring no window directly overlooks appellant property.

- Applicant fully addressed this matter – amendments made in good faith.
- Concern now raised over position of 1st floor window – appellant remains dissatisfied even after reasonable and responsive design changes made.

8. Design responsiveness and applicant cooperation

- Applicant proactively engaged with Planning Authority – made substantial amendments responsive to official feedback.
- Response to Further Information demonstrates flexibility, good faith and willingness to comply with Authorities guidance.

9. Boundary Treatments

- Concern noted – landscape plan reinforces existing boundaries and applicant prepared to provide additional planted screening.
- Applicant co-operated fully by adjusting landscape plan to maximise privacy.
- Can be easily addressed by planting evergreen tree to maintain continuity of boundary screening.
- Noted no boundary erected on appellants side and matter has never been previously raised.

10. Overall context of application

- Appellant presents development as if it were a major scheme.
- This is a single modest family home on family land in family ownership for nearly a century – full support of landowner and relatives residing here.
- Supports long standing family presence in community.
- Development is modest in scale, policy compliant, fully consistent with sustainable principles, local character and established family based settlement patterns.

7.3. **Planning Authority Response**

A response from the Planning Authority was received on the 4th December 2025 which directs the Commission to the reports of the Planning Officer and notes that they have no further comment to make.

7.4. **Observations**

None received.

8.0 **Assessment**

8.1. **Introduction**

Having examined the application details and all other documentation on file, including the reports of the Local Authority, having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Impact on amenities.
- Traffic Issues.
- Boundary Treatment
- Other Issues

8.2. **Principle of Development**

- 8.2.1. The subject site is zoned under objective 'Existing /Infill Residential' under both the Carlow County Development Plan 2022-2028 and the Carlow Graiguecullen Joint Local Area Plan where the aim of this objective seeks to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new improved ancillary services.
- 8.2.2. The provision of an infill dwelling is permitted in principle under the land use zoning matrix associated with Existing /Infill Residential objective. Therefore, I consider the proposed development to be acceptable in principle.

8.2.3. I note that on foot of a request for further information the applicant amended the proposed dwelling by reducing the overall footprint, the ridge level and also re-orientated the proposed dwelling on site. In the interest of clarity my assessment pertains solely to the plans and particulars furnished to the Planning Authority on the 22nd September 2025 as part of the response to the request for further information.

8.3. Impact on amenities.

8.3.1. It is contended by the 3rd Party Appellant that the proposed infill dwelling will give rise to a negative impact on the existing level of residential amenities enjoyed by dwellings situated to the north by way of loss of privacy, overlooking and overbearing. It is argued that the proposal represents poor backland development and should be refused.

8.3.2. With regard to overlooking, I note that the proposed dwelling has been set c.14.2m from the northern boundary of the subject site and c.29.45m from the rear elevation of the nearest dwelling, that of the 3rd Party Appellant, situated to the north. Section 16.8.5 of the Carlow County Development Plan 2022-2028 requires a minimum 22m separation between directly opposing first floor habitable rooms. Furthermore, SPPR1 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024, requires that *'statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level'*.

8.3.3. Furthermore, SPPR 1 further states *"...when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, above ground floor level shall be maintained"*.

8.3.4. While the appellant contends that the separation distance standard set out within the County Development Plan applies only to new housing developments and that the proposal is a single house endeavouring to establish itself in an existing residential area not a new development, I do not accept this interpretation and consider that the separation distances set out both within the County Plan and the Compact Settlement Guidelines apply to all type of residential development whether it be infill or large-scale

developments. No other definition for applying this separation standard is provided within the County Plan or National Guidance.

- 8.3.5. Overall, having regard to the separation distances provided which are in excess of both Section 16.8.5 of the Carlow County Development Plan 2022-2028 and SPPR1 of the SPPR1 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024, I do not consider that the proposed dwelling will give rise to issues of overlooking or loss of privacy.
- 8.3.6. The proposed dwelling is served with 2 no. windows at 1st floor level along the northern elevation which serve bedrooms. The appellant has requested that in the event the Commission grant permission for this development that these 2 no. windows be relocated to the side elevation. Again, having regard to the separation distances provided I do not consider this to be necessary. Furthermore, if the windows were to be relocated this would then provide for a blank elevation which would present to the rear boundary which I consider would be visually obtrusive upon the private amenity space serving dwellings to the north.
- 8.3.7. Having regard to the orientation of the site relative to the path of the sun and the significant separation distances provided, I do not anticipate any issues of overshadowing will be anticipated.
- 8.3.8. The appellant notes that there is no indication of the change in levels from the appeal site to that their landholding as there are no spot levels on plans submitted. I note that the site layout plan submitted as part of the response to further information, drawing no. 04-09-NK-24, provides spot level of all portions of the site extending from north to south and east to west. There is no statutory requirement to provide spot levels for adjoining sites.
- 8.3.9. Concern has also been raised with regard to the provision of hard standing surrounding the proposed dwelling and the implications it may have for car lights to shine into neighbouring (appellants) properties. I note that the site plan submitted indicates that car parking provided to the front of the dwelling. While there may be some level of additional light pollution from the proposed dwelling, having regard to the urban location of the subject site within a residential context and within the environs of Carlow Town, I do not consider that it would be to a level that would negatively impact upon the current level of residential amenity enjoyed at this location.

- 8.3.10. A final concern is raised over the location of the front door of the proposed dwelling which it is contended opens directly onto access track shared with the proposal, host dwelling and any future potential development. I consider that this access track is a private laneway which will serve the host dwelling and will terminate with serving the proposed dwelling. The only traffic passing the proposed dwelling will be that of the residents of the proposed development, guests of the future possible residents and possibly delivery vehicles. This level of traffic would not give rise to issued of noise pollution or indeed a traffic hazard. I consider this not to be an issue.
- 8.3.11. In conclusion, I do not accept the concerns raised by the 3rd Party Appellant in this instance and consider that the proposed dwelling will not give rise to any undue negative impact upon the current level of amenities enjoyed at this location.

8.4. Traffic Issues.

- 8.4.1. It is contended that the existing entrance proposed to serve the development does not benefit from the sightlines required. The appellant states that the amended sightline drawing indicates 50m sightlines to the far side of the road carriageway rather than the nearside and that this is incorrect. Furthermore, that the x distance was set at 0m not the required 2.5m.
- 8.4.2. The applicant was requested to submit a revised site layout plan indicating sightlines in accordance with Section 16.10.7 of the Carlow County Development Plan 2022-2028. The subject site addresses the Blackbog Road which is a local road (L4018) and as such in accordance with Section 16.10.7 of the County Plan sightlines of 90m (y-distance) from a setback of 2.5m (x-Distance). The amended site layout plan submitted to the Planning Authority on the 22nd September 2025, indicates sight lines of 50m in both directions however it is unclear as to what set back these were measured from.
- 8.4.3. The report from the Senior Executive Engineer, dated the 7th October 2025, states that the applicant has provided evidence that sightlines for this local primary road are greater than 40 metres and that this is acceptable.
- 8.4.4. I accept the contention of the appellant as it is evident from the drawing submitted that the sightlines are indicated to the far side of the road carriageway as opposed to the nearside, which is required. It is unclear to me from assessment of the County

Development Plan, how the Engineer of the Planning Authority deemed sightlines greater than 40m to be acceptable as this appears to be as odds with the requirements of Section 16.10.7 of the County Plan.

- 8.4.5. From undertaking a site visit I witnessed that the visibility from the existing entrance, from a set back of 2.5m to be limited and impeded by existing hedgerow to the south which appears to be outside of the red line boundary of the subject site. Section 16.10.10 of the Carlow County Development Plan 2022-2028 states with regard to obtaining the required sight lines that *“Third party consent letters for works not on an applicant’s land is also required with the planning application. The applicant maybe requested to submit a formal legal agreement together with a map showing the extent of the lands affected outside the site boundary and detailing the works required to comply with the visibility splays.”*
- 8.4.6. While I note the applicant in response to the 3rd Party Appeal has stated that a qualified engineer has confirmed sightlines in compliance with the County Development Plan can be achieved and that they have engaged with neighbouring landowners who are willing to allow for works to their property, no evidence to this extent has been provided.
- 8.4.7. In conclusion, having regard to the requirements of Table 16.5, Section 16.10.7, and Section 16.10.10 of the Carlow County Development Plan 2022-2028, the information on file , and from what I witnessed on site, the applicant has not demonstrated that the entrance to serve the subject site would not give rise to a traffic hazard. I recommend that permission be refused in this instance.

8.5. **Boundary Treatment**

- 8.5.1. As part of the request for further information, the applicant was requested to address the boundary treatment and provide for supplementary planting along the northern boundary to protect the amenities of the adjoining properties. The applicant in response submitted a landscape plan , drawing no. 02-09-NK-24, which clearly indicates supplementary planting which included Sorbus Aucuparia and also a double row of Crataegus Monoguna.
- 8.5.2. The appellant contends that the planting proposed is of deciduous plants is not acceptable and has requested that a condition be attached in line with condition 9(a)

of the previous permission granted on site so that the applicant is required to provide a 0.5m capped and plastered wall on the northern boundary within the application site or a 2m post and pillar fence would also be acceptable.

8.5.3. The previous development permitted on site under PA Ref 06/5662 provided for 9 no. houses which is a significant intensification of development as to what is being proposed under this application which would warrant a more aggressive form of boundary treatment.

8.5.4. I consider that in this instance the provision of supplementary planting as indicated on the landscape plan , drawing no. 02-09-NK-24, submitted is acceptable and will protect the amenities of both the existing residents to the north and future potential residents of the proposed dwelling.

8.6. Other Issues

8.6.1. Unauthorised Development

Concern was raised by the appellant to this appeal with regard to a number of unauthorised structures on the site, I note that any consent granted on site will pertain solely to the development described within the statutory notices associated with the application. The matter of enforcement falls under the jurisdiction of the planning authority.

8.6.2. Statutory Development Description

An Appellant to this appeal has raised concern over the lack of public participation at further information stage with a particular reference to plans indicating 'possible future development'.

I note that my assessment pertains solely to that described within the statutory notices and description of development. Any reference to future potential development of the overall land holding has not formed part of my assessment and would be subject to a separate application which would be required to be lodged with the Planning Authority in the first instance. Any consent granted subsequent to my assessment will be tied to that of the statutory notices associated with this appeal.

9.0 **Appropriate Assessment**

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and River Nore SAC (Site Code 002162) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.1. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA.

9.2. See Appendix 2 of this report for Appropriate Assessment Screening Determination. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 **Water Framework Directive**

10.1. The subject site is situated at Rose Cottage , Blackbog Road , Carlow. The application is seeking permission of the sub-division of the subject site and the provision of a two storey infill dwelling and all associated site works.

10.2. The Burren River is situated c.299m to the east of the site and Barrow River is situated c.544 m to the west of the site. The site is also situated within the Athy-Banglatown Gravels groundwater catchment.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies 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.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that the decision of the Planning Authority be overturned and permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the restricted sight lines availability at the proposed entrance and the failure of the applicant to demonstrate that the required sightlines would be available or that they have the required legal interest to maintain adjoining private lands free of impediments, it is considered that the proposed vehicular entrance would be contrary to Table 16.5, Section 16.10.7, and Section 16.10.10 of the Carlow County Development Plan 2022-2028 and would represent a serious traffic hazard. Therefore, to grant permission would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Kathy Tuck

18th February 2026

Appendix 1

EIA Pre-Screening

Case Reference	ACP-500248-25
Proposed Development Summary	The subdivision of an existing site, the construction of a two storey dwelling to be accessed by an existing entrance which will become a shared entrance, connection to services, new boundary treatments.
Development Address	Rose Cottage , Blackbog Road , Carlow
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?	<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.	
<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.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ACP-500248-25
Proposed Development Summary	The subdivision of an existing site, the construction of a two storey dwelling to be accessed by an existing entrance which will become a shared entrance, connection to services, new boundary treatments
Development Address	Rose Cottage , Blackbog Road , Carlow.
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).	Permission is sought for the sub-division of the subject site and the provision of a infill dwelling situated to the rear of the existing dwelling on site. Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site. The development would not result in the production of significant waste, emissions, or pollutants.
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).	The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site. The nearest designated site is situated c.538.21m to the east. (The River Barrow and River Nore SAC (Site Code 002162)). There is no direction connection from the subject site to the River Barrow and River Nore SAC. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments. There are no other locally sensitive environmental sensitivities in the vicinity of relevance.
Types and characteristics of potential impacts	There would be no significant cumulative considerations.

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The proposed development comprises the sub division of the existing site and construction of a dwelling and all associated site works to the rear of Rose Cottage, Blackbog Road , Carlow.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. It was concluded that a full Appropriate Assessment of this project is therefore not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- The River Barrow and River Nore SAC (Site Code 002162)

There are no direct natural hydrological connections from the subject site to any Natura 2000 Sites.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on River Barrow and River Nore SAC (Site Code 002162) or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by Planning Authority.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.