



## Inspector's Report

**PL-500279-KE-25**

<b>Development</b>	Retention for pergola and garden shed.
<b>Location</b>	38 Ardrath Meadow, Celbridge, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2560995
<b>Applicant(s)</b>	Rafael Amorim
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant Retention with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tania Rosa Cuevas & Sandip Kumar
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> March 2026
<b>Inspector</b>	Emer Doyle

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in Ardrath Meadow, a relatively new housing development located on the R405 in the Celbridge, Co. Kildare.
- 1.2. The appeal site has a stated area of .022ha. The site comprises of a two storey semi-detached building. The development to the rear of the building consists of a shed which is in use as a home office, and a pergola with a paved area.
- 1.3. In terms of the surrounding area, the site is within a new residential area consisting of a mix of apartments and dwellings. The area surrounding the site is characterised by a mature residential area together with the Castletown Demesne to the north of the site. The M4 Business Park is located on the R449 in close proximity to the site.

## 2.0 Proposed Development

- 2.1. Retention permission is sought for shed and a pergola with a total area of c. 31m<sup>2</sup> to the rear of the existing dwelling.

The shed height varies from c. 2.2m closest to the party boundary to c. 2.5m facing into the site. The total area of the shed is c. 12.5m<sup>2</sup>.

The pergola has a height of c. 2.8m. The total area of the pergola is c. 18.5m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 5 No. conditions of a standard nature for this type of development.

### 3.2. Planning Authority Reports

#### Planning Reports

The planner's report notes that the garden shed is currently used as an office and the pergola is ancillary to the main dwelling. It is stated that the garden shed has an acceptable floor area, height, length and width according to the requirements of Section 15.4.13 of the CDP. It is concluded that the PA considers that the pergola

and garden shed seeking retention are appropriate and satisfactory. No development contribution is applicable.

#### Other Technical Reports

- **Environment Section:** No objection.
- **Area Engineer:** No objection subject to conditions.
- **Water Services:** No objection subject to conditions.

### 3.3. Prescribed Bodies

- None on file.

### 3.4. Third Party Observations

- One third party observation was submitted to the Planning Authority. The issues raised are similar to those raised in the appeal.

## 4.0 Planning History

### **ACP 306504-20**

Permission granted for a strategic housing development consisting of 154 apartment units and 218 houses on a 9.18h site at this location.

### **PA Reg. Ref. UD 8793**

Enforcement notice issued by PA in relation to erection of shed, pergola and associated decking.

## 5.0 Policy Context

### 5.1. Development Plan

#### Celbridge Local Area Plan 2017-2023

The subject site is zoned Objective C - New Residential under the Celbridge Local Area Plan 2017-2023 which seeks to provide for new residential development.

I note that the planning authority's website indicates that Kildare County Council will have regard to this plan until such time as it is reviewed or another plan is made.

### **Kildare County Development Plan 2023-2029**

Section 15.4.12 relates to extensions to dwellings.

Section 15.4.13 is also considered relevant as follows:

#### Domestic Garage / Store / Home-Work Pod / Garden Room

The development of a domestic garage/store/home-work pod /garden room for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

The domestic garage/store/home-work pod /garden room shall be single storey only, with a maximum gross floor area of 40m<sup>2</sup> and a maximum ridge height of 5m.

The unit shall generally be located behind the front building line of the existing dwelling.

In urban areas, the development will be assessed on the scale of the space surrounding the dwelling and any impact on neighbouring properties. The design and external finishes of the unit shall generally be in keeping with that of the dwelling house.

The unit shall only be used for purposes ancillary to the enjoyment of the dwelling house and not for human habitation.

The Planning Authority may consider exceptions to the criteria above having regard to the need for the development and the location and characteristics of the subject site.

## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is not located on or within any designated Natura 2000 site(s) or Natural Heritage Area(s). The Rye Water Valley/Carton SAC (Site Code: 001398) is located c. 2.6 km to the north of the site. In addition to this, the Royal Canal pNHA (Site Code: 002103) is located c. 2km to the north of the site.

## 6.0 EIA Screening

6.1. The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. One third party appeal was lodged against the decision of Kildare County Council to grant permission. The appeal can be summarised as follows:

- The Planning Authority previously required the demolition of this structure, confirming that it did not comply with the Planning and Development Regulations. The development fails to comply with the provisions of Class 3 of the Exempted Development Regulations. The applicant did not seek consent from the appellant as required by Class 3.
- Structural Concerns and risk to shared fence. The added weight and pressure from the metal beams threaten the stability of the fence and maintenance of the fence will be difficult.
- Concerns regarding height and scale and overshadowing.
- Concerns regarding noise and disturbance particularly during rainfall.
- The appeal requests the Commission to consider removal of the structure or relocation to the other side of the garden or to the front garden or reduction in height and repositioning away from the shared boundary fence.

### 7.2. Applicant Response

7.2.1. The response submitted on behalf of the applicant can be summarised as follows:

- There is no requirement for the applicant to comply with exempted development regulations as the Planning Authority has issued a grant of permission.

- There is no element of the structure that overhangs into the neighbouring property.
- The structure is constructed to the rear of the property and cannot be seen from the public road.
- The applicant has not submitted any noise report to support their claim in relation to noise from rainfall on the roof of the structure.

### 7.3. **Planning Authority Response**

7.3.1. The Planning Authority confirms its decision and refers the Commission to the planning report and the various technical reports on file.

### 7.4. **Observations**

- None.

## 8.0 **Assessment**

8.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- Impact on Residential and Visual Amenities
- Other Matters

### 8.2. **Impact on Residential and Visual Amenities**

The main concerns raised in the appeal relate to impacts on residential amenities including overshadowing and noise. Impacts on visual amenities are also of concern including the height of the existing development.

In terms of overshadowing and loss of light, I accept that there may be some impacts on the appellants garden, however given the orientation of the site and the limited scale of the development and the limited height over the existing boundary fence at this location, I am satisfied that such impacts would not have undue impact on surrounding residential amenity.

In terms of noise from raindrops on the pergola and shed roof, I accept that there may be some impacts which may cause sleep disturbance given the proximity to the bedroom window of the appellants. However, the appellants have not submitted any noise report or other information to substantiate their claim. I consider that the combined area of the pergola and shed is not excessive in size and such structures are considered to be relatively common place in rear gardens in residential areas. I note that the shed with an area of c. 12.5m<sup>2</sup> is used for home working and is in line with the requirements set out in Section 15.4.13 of the Development Plan. I note that no concerns have been raised in relation to noise associated with the use of this structure. I do not consider that impacts of noise and disturbance would be so great as to warrant a refusal of permission.

The appellant considers that the structure is visually obtrusive and out of character with the surrounding area and that design and scale clashes with the established pattern of development. It is considered that this may have an impact on property values. In terms of the impact on property values, I note that no information or evidence has been provided to corroborate the appellant's claim. The main visual impact of the proposed development is from the appellant's property. I refer the Commission to the photographs submitted in the appeal documentation. The height of the pergola is c. 2.8m and the height of the element of the shed adjoining the party boundary is c. 2.2m. I do not consider that the height or scale of the development is excessive on zoned lands in a built up urban location. I note that whilst glimpses of the development are available from limited locations in the immediate vicinity of the site, having regard to the height and scale of the development, I am satisfied that the subject development, if approved, would not seriously injure the amenities of the area. Overall, I am satisfied that the development is to a high standard and does not detract from the existing streetscape.

In conclusion, having regard to the location of the existing development within an existing residential development, together with the design, height and scale, it is my opinion that the development will not negatively impact the visual amenities of the area or the residential amenities of adjacent properties in the vicinity.

### 8.3. **Other Matters**

#### Exempted Development

The appeal sets out the requirements of Class 3 of the Exempted Development Regulations in Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended). It notes that the development does not comply with the conditions and limitations set out for this Class.

The response submitted on behalf of the applicant states that having regard to the grant of permission by the Planning Authority, there is no requirement for the development to comply with the exempted development regulations.

I concur with this view and consider that the applicant is aware of same and has applied for permission for retention in order to address this issue.

#### Structural Concerns and risk to shared fence.

The appeal considers that the added weight and pressure from the metal beams threaten the stability of the fence and maintenance of the fence will be difficult.

I note that no information or evidence has been provided to corroborate the appellant's claim in relation to impacts on the structure of the fence. I am of the view that it would be more difficult to maintain the fence due to the proximity of the structure and as such, the onus is on the applicant to have due regard to this and maintain the area in a proper manner.

## 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 subject site is not located within a designated site, the Rye Water Valley/Carlton SAC (Site Code: 001398) is

located c. 2.6 km to the north of the site. The proposed development consists of the retention of a shed and pergola within the rear garden of an existing dwelling and all associated site works. No conservation issues were raised in the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Scale and size of the development within an existing residential development.
- Distance to the nearest European site - the Rye Water Valley/Carton SAC (Site Code: 001398) c. 2.6 km to the north of the site.
- The lack of connections to the SAC.
- Connection to public water, drain and sewer.

I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

10.1. As previously indicated, the subject development comprises of the retention of a shed and pergola in the rear garden of an existing dwelling located within a residential development in Celbridge, Co. Kildare. The subject development is indicated as connecting to the existing services network in respect of foul and storm drainage. The appeal site is situated within an established urban area which is in close proximity to the Liffey\_115 IE\_EA\_09L011900 (good status) (some 460 metres to the south of the site). No specific water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

The nature and scale of the works and

The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

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 that the temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

11.1. I recommend that retention be GRANTED for the reasons and considerations outlined below.

## **12.0 Reasons and Considerations**

Having regard to the new residential zoning objective for the site, the provisions of the Kildare County Council Development Plan 2023-2029, the nature, scale and design of the development to be retained and their use ancillary to the house, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not unduly impact on the residential amenities of property in the immediate vicinity, would not negatively impact on the surrounding visual amenities, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

2. The use of the pergola and shed shall be restricted to a residential use directly associated with the use of the existing house on the site for such purposes, and the structure shall not be sub-divided from the existing house, either by way of sale or letting or otherwise, and shall not be used to provide residential accommodation for a family member/ granny flat or used for commercial purposes.

**Reason:** To ensure that the development complies with the terms of the permission in the interest of orderly development.

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.”

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Emer Doyle

Planning Inspector

10<sup>th</sup> April 2026

**Appendix 1: Form 1 EIA Pre-Screening**

<b>Case Reference</b>	500279-KE
<b>Proposed Development Summary</b>	Retention for pergola and timber garden shed and all associated site works and services.
<b>Development Address</b>	38 Ardrath Meadow, Celbridge, Co. Kildare.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>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?</b></p>	
<p><input checked="" 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. <b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	N/A
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	N/A

<p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p>N/A</p>
<p>No <input checked="" type="checkbox"/></p>	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_