



An
Coimisiún
Pleanála

Inspector's Report PL-500467-KE-25

Development	Construction of an apartment building comprising 4 no. apartments and associated site works.
Location	Naas Road, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	25/60225
Applicant(s)	Xhezaj Construction Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Xhezaj Construction Ltd
Observer(s)	None
Date of Site Inspection	1 st October 2026
Inspector	David Freeland

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History	7
5.0 Policy Context	8
5.1. Development Plan	8
5.2. National Guidance	10
5.3. Natural Heritage Designations	12
6.0 EIA Screening	13
7.0 The Appeal	13
7.1. Grounds of Appeal	13
7.2. Planning Authority Response	14
7.3. Observations	14
7.4. Further Responses	14
8.0 Assessment	14
9.0 AA Screening	18
10.0 Water Framework Directive	19
11.0 Recommendation	19
12.0 Reasons and Considerations	19
Appendix 1: Form 1 EIA Pre-Screening	
Appendix 2: Form 2 - EIA Preliminary Examination	

1.0 Site Location and Description

The appeal site is located on the south-eastern side of the Naas Road (R445), approximately 260 metres north-east of the Liffey Bridge in Newbridge. The surrounding area is predominantly residential and institutional/community including primary and secondary schools to the immediate west.

It has a stated area of 0.075ha, is residual in nature and overgrown and is bounded to the road by a low stone wall. It is approximately 41 metres deep and between 16.7 metres and 20.7 metres wide.

To the north-east is Little Connell Mews, a recently constructed development of three two-storey dwellings. No. 1 Little Connell Mews is a detached dwelling fronting the Naas Road and Hawthorn Close. Its side wall is approximately 1.75 metres from the appeal site, and its private open space (approximately 55.6 sq.m) lies to its rear (south) adjoining the site boundary. Nos. 2 and 3 are semi-detached dwellings facing Hawthorn Close with rear gardens of approximately 3.5 to 8.4 metres in depth facing the appeal site.

To the south-west is a single-storey dwelling which is set back approximately 3.8 to 7.9 metres from the boundary, and to the south-east is a one-and-a-half storey dwelling.

2.0 Proposed Development

The development as initially proposed provided for the construction of an apartment development consisting of 4 apartments (3 No two bedroom apartments and 1 no. one bedroom apartment), construction of a single storey detached bin and bicycle building, entrance, car parking and landscaping and all associated site works.

Amendments Proposed as part of Further Information

The scheme was redesigned at further information stage. The building was brought forward to generally align with No. 1 Little Connell Mews and car parking (5 no. spaces) was relocated to the rear accessed by a 4.8 metre roadway along the south-western side. The revised scheme contains two two-bedroom units at ground floor (Units 1 and 2) and a one-bedroom and a two-bedroom unit at first floor (Units 3 and 4).

Amendments Proposed as Part of Appeal Submission

The appeal is accompanied by a revised drawing which proposes the omission of the first floor external access walkway, provides frosted glazing to the first floor windows on the north-eastern elevation, relocates the Unit 3 bedroom to the front elevation, adds a 10.1 sq.m patio to Unit 1 and revises internal storage. The footprint, height (7.335 metres) and position of the building are unchanged.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council decided to refuse permission on 20th November 2025 for the following reasons:

1. Having regard to:

- Apartment 1 not being provided with any private amenity space,*
- Apartment 3 provided with a substandard enclosed private amenity space, and*
- Apartment 1 and Apartment 4 provided with inadequate storage provision (Apartment 1 - 5.7 sqm and Apartment 4 - 5 sqm respectively)*

The proposed development would not meet minimum standards as set out for apartment developments in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, 2023 and if granted, the proposed development would seriously injure the residential amenities of future residents, or depreciate the value, of property in the vicinity. Furthermore, the proposed development would be contrary to Objective HO O6 of the Kildare County Development Plan 2023-2029 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 is achieved in all new developments and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposed corridor at first floor level (linking Apartment Unit 3 and Apartment Unit 4) and the provision of a bedroom window onto this

corridor, these elements, being located approximately 1.3m from the shared boundary with existing residential properties, would give rise to significant overlooking of these properties and their rear amenity space and would seriously injure the amenities, or depreciate the value, of property in the vicinity and if granted, the proposed development would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the lack of information provided to enable a robust assessment of the surface water drainage, in particular the 'overground pond to provide attenuation on site to discharge to ground' (the tank would abut and be located immediately adjacent to existing residential properties in the vicinity), it is considered therefore that the impact of the development on the residential amenity of adjoining properties cannot be determined. The development would be contrary to the policies and objectives of the Kildare County Development Plan 2023–2029 relating to sustainable urban drainage and if granted, has the potential to seriously injure the residential amenities of property in the vicinity and could potentially be prejudicial to public health, and if granted, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Planner's Report (17th April 2025) is summarised as follows:

- The report considered infill residential development acceptable in principle under the 'B – Existing Residential/Infill' zoning of the Newbridge Local Area Plan 2013-2019.
- The report raised concerns regarding the design and car-dominated layout, compliance with the apartment guidelines, boundary treatments and surface water drainage. Further information was requested on 23rd April 2025 relating to 10 no. items.

The second Planner's Report (19th November 2025) is summarised as follows:

- The report considered the response unacceptable. It raised concerns regarding the absence of private amenity space for Unit 1, the enclosed

balcony to Unit 3, storage for Units 1 and 4, and overlooking from the first floor corridor and bedroom window approximately 1.3 metres from the shared boundary, with reference to the 35 metre separation distance in Section 15.2.2 of the Development Plan.

- The report stated that the Water Services Section had recommended clarification of further information on the surface water proposals, which could not be sought within the statutory period. It applied the 2023 apartment guidelines, the application having been lodged before the 2025 guidelines issued. Refusal was recommended for three reasons. AA and EIA screening concluded that neither was required.

3.2.2. Other Technical Reports

Initial Reports following Submission of Application:

- Water Services: Report dated 13th March 2025 - Request Further information
- Roads, Transportation and Public Safety: Report dated 7th April 2025 – Request Further information
- Environment Section: Report dated 24th March 2025 - No objection subject to conditions
- Building and Development Control: Report dated 8th April 2025 - No objection subject to conditions
- Chief Fire Officer: Report dated 9th April 2025 - No objection subject to conditions
- Kildare-Newbridge Municipal District: Report dated 14th April 2025 - No objection subject to condition
- Housing Section: Report dated 24th April 2025 - No objection

Reports following Submission of Further Information:

- Water Services: Report dated 6th November 2025 – No objection subject to conditions
- Roads, Transportation and Public Safety: Report dated 30th October 2025 – No objection subject to conditions

3.3. Prescribed Bodies

No reports received from Prescribed Bodies

3.4. Third Party Observations

One submission was received from occupants/owners of the adjoining property to the south-west (Eircode: W12 YV26). The submission is summarised as follows:

- The observation raises no objection in principle but requests a 2.4 metre screen wall along the common boundary and the redesign of the rear first floor balcony to avoid overlooking.

No further submission was received on the significant further information.

4.0 Planning History

There is no planning history on the appeal site.

Adjoining Site to the North-East – Little Connell Mews (No.'s 1-3)

P.A. Ref. 22/762: Permission Granted for (a) The construction of a new detached three-bedroom two storey dwelling house; (b) A new site entrance to St. Conleth's Avenue/Hawthorn Close; (c) Continued use of an existing site entrance on Naas Road; and (d) Car parking and all associated site development works including boundary walls

P.A. Ref. 21/881: Permission Granted for a variation of the development permitted under P.A. Ref. 19/22 to include construction of 2 No. semi-detached three-bedroom two storey dwelling houses, including new site entrances to St. Conleth's Avenue/Hawthorn Close, car parking and all associated site development works including boundary walls

P.A. Ref. 19/22: Permission Granted for (a) demolition of existing single storey detached two-bedroom dwelling house, (b) erection of replacement two storey detached two bedroom dwelling house, (c) new site entrance to St. Conleth's Avenue/Hawthorn Close, (d) all associated site development works including boundary walls.

5.0 Policy Context

5.1. Development Plan

Kildare County Development Plan 2023-2029

The statutory development plan is the Kildare County Development Plan 2023-2029, as varied. The Newbridge Settlement Plan (Variation No. 2, effective 23rd February 2026) forms Part A of Volume 2 and replaces the Newbridge Local Area Plan 2013-2019.

Volume 2: Settlement Plans Part A: Self-Sustaining Growth Towns

Newbridge Settlement Plan

The site is zoned 'B: Existing Residential / Infill' on Map 11.1 Land Use Zoning Objectives with the stated objective '*To protect and enhance the amenity of established residential communities and promote sustainable intensification.*'

Residential units are permitted in principle within this zoning (Table 11.8 Land Use Zoning Matrix).

Chapter 6 Homes and Communities of the Settlement Plan

- HCO 1.2: '*Encourage the appropriate redevelopment of brownfield and infill sites for a mix of uses (including residential) within the defined Built-Up Footprint (BUF) of Newbridge, as identified on Map 11.2: Implementation.*'

Volume 1

Chapter 3 Housing

- HO O6: '*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 is achieved in all new developments.*'

Chapter 6 Infrastructure and Environmental Services

- IN P4: '*Ensure adequate surface water drainage systems are in place which meet the requirements of the EU Water Framework Directive and the River Basin Management Plan in order to promote the use of Sustainable Drainage Systems.*'

- IN O22: *‘Require the implementation of Sustainable Urban Drainage Systems (SuDS) and other nature-based surface water drainage as an integral part of all new development proposals.’*
- IN O23: *‘Require new developments to reduce the generation of storm water run-off and ensure all storm water generated is disposed of on-site OR attenuated and treated prior to discharge to an approved water system, with consideration for the following:*
 - *The infiltration into the ground through the provision of porous pavement such as permeable paving, swales, and detention basins.*
 - *The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basins, ponds, and wetlands.*
 - *The slow-down in the movement of water.’*
- IN O24: *‘Only consider underground retention solutions when all other options have been exhausted. Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.’*

Chapter 15 Development Management Standards

Section 15.2.2 Overlooking / Separation Distances states:

‘Traditionally a minimum distance of 22m is required between directly opposing first floor windows. However, in cases of innovative design, where overlooking into habitable rooms does not occur, this figure may be reduced, subject to the protection of adjoining residential amenities and privacy, the quality of design and adherence to the Sustainable Urban Housing: Design Standards for New Apartment Guidelines (2020) where applicable.

A greater separation distance may be required for taller buildings (e.g., apartment developments and those over three storeys high). A separation distance of 35 metres will normally be required in the case of overlooking living room windows and balconies at upper floors. In some cases, subject to design orientation, and location in built up areas, reduced separation distances may be acceptable.

A minimum distance of 2.3 metres shall be provided between the side walls of adjacent dwellings or dwelling blocks with each building being a minimum of 1 metre from the boundary to allow for adequate maintenance and access.

In all instances where minimum separation distances are not met, the applicant shall submit a sunlight/daylight/overshadowing analysis for proposed developments. In keeping with the principle of compact development and the desire for town and village renewal, where such instances occur within established urban areas and in particular town centres, a level of flexibility may be applied by the Planning Authority. Any relaxing of standards will be assessed on a case-by-case basis and should not be viewed as a precedent for future development.'

Section 15.4 Residential Development states:

'the Council will require that all new residential development should integrate with its surroundings, incorporate green infrastructure features, maximise the potential for present and future connectivity, maximise opportunities for social interaction, and be of high-quality design constructed with attractive and durable materials that positively contribute to the creation of a sense of place and identity for the area.'

Section 15.4.7 Apartment Developments states, *inter alia*: 'An apartment can be defined as a residential unit in a multi-unit building with grouped or common access. Planning applications for apartments shall be assessed against the Sustainable Urban Housing: Design Standards for New Apartments (2020) or any subsequent guidelines and the Urban Development and Building Height Guidelines (2018).'

5.2. National Guidance

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

- 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. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.'

Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025)

Section 1.1 states that the 2025 Guidelines will apply to any application for planning permission that is submitted after the issuing of the Guidelines. The subject application was originally submitted to Kildare County Council on 6th March 2025, prior to the publication of the 2025 Apartment Guidelines. The previous 2023 Apartment Guidelines are therefore applicable.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023)

- SPPR 2 states: '*For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha: Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units; ... All standards set out in this guidance*

shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.'

Section 3.6: *'Accordingly, planning authorities may also consider a two-bedroom apartment to accommodate 3 persons, with a minimum floor area of 63 square metres, in accordance with the standards set out in Quality Housing for Sustainable Communities (and reiterated here in Appendix 1). This type of unit may be particularly suited to certain social housing schemes such as sheltered housing.'*

Section 3.7: *'While providing necessary variation in dwelling size, it would not be desirable that, if more generally permissible, this type of two-bedroom unit would displace the current two-bedroom four person apartment. Therefore, no more than 10% of the total number of units in any private residential development may comprise this category of two-bedroom three-person apartment. ...'*

Section 3.34: *'For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.'*

Section 3.39: *'Private amenity space standards for apartments are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.'*

Appendix 1 sets out the minimum standards relevant to the proposed apartment development.

5.3. Natural Heritage Designations

The appeal site is not located within or immediately adjacent to any European site or Natural Heritage Area. The closest Natural Heritage Areas include; Mouds Bog pNHA (Site Code: 000395), Pollardstown Fen pNHA (Site Code: 000396), Grand Canal pNHA (Site Code: 002104) and Curragh Camp pNHA (Site Code: 000392) are all located within proximity to the Settlement Boundary of Newbridge, c. 2.4km-32km from the appeal site.

The nearest European site is Pollardstown Fen SAC (Site Code: 000396), approximately 2.6km to the west of the site and Mouds Bog SAC (Site Code: 000395), c. 2.4km to the north of the site.

6.0 EIA Screening

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.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal was received on 16th December 2025 accompanied by a revised drawing which included floor plans, sections and elevations (Drg. No. XC/APP-008). The grounds of appeal are summarised as follows:

- The Planning Authority's assessment was unreasonable and unbalanced. The site is small. The reasons for refusal relate to minor matters that could have been conditioned.
- Reason 1: The revised drawing provides private amenity space for Apartment 1 and amends the Apartment 3 balcony which had been designed following consultation with the adjoining neighbour. Apartment 3 is 63 sq.m, 40% above the minimum. The storage shortfall is minimal and is addressed.
- Reason 2: A similar corridor and bedroom arrangement was permitted under Reg. Ref. 23/60328. The proximity of the bedroom window is acknowledged and is addressed in the revised drawing.
- Reason 3: A detention basin could not be accommodated on the site, so a small pond is proposed. Water Services had no objection. All options

discharge to ground. The pond would hold 25 cubic metres in a 1 in 100 year event and all buildings are more than 5 metres from it. The matter can be conditioned.

- The proposal was not assessed having regard to the 'Planning Guidelines for Local Authorities 2025' and was treated as a greenfield site. Permission should be granted for the revised scheme.

7.2. Planning Authority Response

The Planning Authority's response (21st January 2026) refers the Commission to its reports and states concerns regarding the overground attenuation pond adjacent to existing residential properties and how water will flow on the site having regard to site levels.

7.3. Observations

None.

7.4. Further Responses

None.

8.0 Assessment

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

- Principle of Development and Revised Drawing
- Residential Amenity – Overlooking
- Residential Amenity – Overbearing Impact and Overshadowing (New Issue)
- Development Standards
- Surface Water Drainage

- Other Matters

8.2. Principle of Development and Revised Drawing

- 8.2.1. The site is zoned 'B: Existing Residential / Infill' in the Newbridge Settlement Plan, where residential development is permitted in principle. The Planning Authority assessed the proposal under the Newbridge Local Area Plan 2013-2019, which has since been replaced by the Settlement Plan. The zoning is unchanged. The site is a serviced infill site within the built-up area and Objective HCO 1.2 encourages its appropriate redevelopment. I am satisfied that the proposal is acceptable in principle, subject to the protection of residential amenity required by the zoning objective and Objective HO O6.
- 8.2.2. The revised drawing submitted with the appeal (Drg. No. XC/APP-008) changes the internal layout and elevations but not the footprint, height or position of the building as proposed at the further information stage. The changes reduce the impact of the development and raise no new third party issues.

8.3. Residential Amenity – Overlooking

- 8.3.1. The Planning Authority's second reason relates to overlooking from the first floor corridor and bedroom window and relied on the 35 metre separation distance in Section 15.2.2 of the Development Plan. SPPR 1 of the Compact Settlements Guidelines governs separation distances and allows less than 16 metres where there are no opposing windows and privacy measures are designed in. The revised drawing omits the corridor. The remaining first floor windows on the north-eastern elevation serve a bathroom and hall and are frosted and the south-western elevation has no first floor windows. I am satisfied that this reason has been overcome. Obscure glazing could be secured by condition.

8.4. Residential Amenity – Overbearing Impact and Overshadowing (New Issue)

- 8.4.1. The north-eastern elevation would extend approximately 17 metres along the boundary with Little Connell Mews with pressed metal walling to approximately 5.3 metres and twin gables to a ridge height of 7.335 metres. The development would be approximately 2.8 metres from the boundary at the front reducing to approximately 0.8 metres at the rear corner.

- 8.4.2. The private open space of No. 1 Little Connell Mews (approximately 55.6 sq.m and 6.5 metres deep) adjoins this boundary and lies to the north and north-east of the proposed building. The building would extend along its full length at a distance of 1 to 3 metres. By reason of its length, height and proximity, I consider that it would be an overbearing and dominant feature when viewed from that space and from the rear of No. 1, and to a lesser extent from the rear of No. 2.
- 8.4.3. No sunlight, daylight or overshadowing analysis was submitted. Section 15.2.2 of the Development Plan requires such an analysis where minimum separation distances are not met and requires buildings to be at least 1 metre from the boundary, which is not achieved at the rear corner. SPPR 1 places the onus on the proposer to demonstrate that there would be no significant negative impact on existing residents. The BRE guide 'Site layout planning for daylight and sunlight' (2022) recommends that at least half of a garden should receive at least two hours of sunlight on 21st March (paragraph 3.3.17). I am not satisfied that undue overshadowing would not result.
- 8.4.4. I note that No. 1 is taller than the subject proposal, that its own siting and layout constrains its garden and that the zoning promotes sustainable intensification. However, the concern arises from the length and proximity of a two-storey flank wall along the southern side of a small garden. The zoning objective and Objective HO O6 also require the protection of existing residential amenity. The site at 16.7 to 20.7 metres wide with a 4.8 metre lane on its south-western side, could accommodate an alternative siting or form.
- 8.4.5. Based on the scale and massing of the proposed development, its subsequent overbearing impacts upon no. 1 Little Connell Mews and absence of daylight/sunlight studies to clarify potential impacts, I consider that the proposed development would seriously injure the residential amenities of No. 1 Little Connell Mews. The Planning Authority did not refuse permission on this basis and the matter was not raised in the appeal. This is a new issue and the Commission may wish to seek the views of the parties.

8.5. Development Standards

- 8.5.1. The 2023 apartment guidelines apply as the application was lodged before the 2025 guidelines issued (Section 1.1 of the 2025 guidelines). All units exceed the minimum

floor areas. Unit 1 with bedrooms of 12.9 sq.m and 9.6 sq.m, is a two-bedroom (3 person) unit, for which 5 sq.m of storage is required. The revised drawing provides 6.0 sq.m. Unit 4 remains 1 sq.m short of the 6 sq.m required.

8.5.2. Unit 1 is one of four units which exceeds the 10% limit on two-bedroom (3 person) units in paragraph 3.7. The revised drawing provides a 10.1 sq.m patio for Unit 1. The enclosed 5.7 sq.m space serving Unit 3 is poor quality and offers a low level of amenity for future occupants with limited outlook and daylight/sunlight provision.

8.5.3. SPPR 2 and paragraphs 3.34 and 3.39 allow dwelling mix, storage and private amenity space to be relaxed on urban infill sites of up to 0.25ha, subject to overall design quality. Based on the layout proposed, I am not satisfied that the proposed development and Unit 3 in particular is of sufficient quality. I consider that there is scope to provide an arrangement ensuring units fully meet minimum development standards and provide private amenity space of adequate quality and amenity.

8.6. Surface Water Drainage

8.6.1. The third reason for refusal relates to the overground attenuation pond which it describes as a tank and states that insufficient information was provided. The Planner's Report states that the Water Services Section sought clarification. However, the Water Services report on the further information on file (6th November 2025) raises no objection subject to conditions requiring a SuDS design for the 1 in 100 year storm event and ensuring no flooding of neighbouring property. An above ground pond is consistent with Objectives IN O23 and IN O24. Its position, the site levels and the detailed design could be addressed by condition. I do not consider that this reason for refusal should be upheld.

8.7. Other Matters

8.7.1. Design, access, parking and traffic noise were addressed at further information stage, and the Roads, Transportation and Public Safety Department raised no objection. I have no concerns relating to these aspects of the development. The third party's request for a boundary wall is addressed by the proposed 2 metre wall along the south-western boundary.

9.0 AA Screening

I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The screening is set out in Appendix 3.

The site is a vacant infill site within the built-up area of Newbridge. The nearest surface water body is the River Liffey, approximately 300 metres away, and there is no direct hydrological connection to it. Surface water is to be attenuated and discharged to ground via SuDS measures and foul water is to discharge to the public sewer. No water quality concerns were raised in the appeal.

The closest Natura 2000 site to the subject site includes:

- Mouds Bog SAC (Site Code: 002331) – 2.4km to north
- Pollardstown Fen SAC (Site Code: 000396) – 2.7km to south-west

Apart from the underlying groundwater, there are no water features within the zone of influence of the development that would provide a hydrological connection to any Natura 2000 sites. The appeal site is not suitable as an ex-situ habitat.

The proposed development comprises a two-storey building accommodating 4no. residential apartments, a new vehicular entrance onto Naas Road and all associated site development works. The development will be serviced by existing connections to Uisce Eireann networks. No concerns about impacts on Natura 2000 sites were raised in this case. The planning authority determined that there is no direct hydrological link to a Natura 2000 site and that the development, individually or in combination with other plans and projects, would not have a significant effect on any European Sites.

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:

- Relatively small scale and nature of the proposed development.
- The distance between the appeal site and the nearest European site and the lack of connections;
- The screening determination by the planning authority.

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

10.0 Water Framework Directive

An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.

The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge.

These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management.

The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

11.0 Recommendation

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

12.0 Reasons and Considerations

Notwithstanding the acceptability in principle of residential development on lands zoned 'B: Existing Residential / Infill' in the Newbridge Settlement Plan, having regard to the length, height and proximity of the north-eastern elevation of the proposed building to the boundary with, and along the full length of the private open

space of No. 1 Little Connell Mews, it is considered that the proposed development would have an overbearing impact on that property. Furthermore, in the absence of a sunlight, daylight and overshadowing analysis as required by Section 15.2.2 of the Kildare County Development Plan 2023-2029, the Commission is not satisfied that the proposed development would not result in undue overshadowing of that private open space. The proposed development would seriously injure the residential amenities of property in the vicinity and would be contrary to the zoning objective which seeks to protect and enhance the amenity of established residential communities, to Objective HO O6 of the Development Plan and to Specific Planning Policy Requirement 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

In addition, having regard to the layout of the proposed development, and in particular the enclosed private amenity space serving Unit 3 with its limited outlook and access to daylight and sunlight, the Commission is not satisfied that the proposed development is of sufficient overall design quality to warrant the relaxation of standards provided for under Specific Planning Policy Requirement 2 and paragraph 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023), or that it would provide an adequate level of residential amenity for future occupants. 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.”

David Freeland
Planning Inspector

07/10/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500467-KE-25
Proposed Development Summary	Construction of an apartment development of 4 no. apartments, bin and bicycle store, entrance, car parking, landscaping and associated site works.
Development Address	Naas Road, Newbridge, Co. Kildare
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i), Part 2, Schedule 5: 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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3).

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500467-KE-25
Proposed Development Summary	Construction of an apartment development of 4 no. apartments, bin and bicycle store, entrance, car parking, landscaping and associated site works.
Development Address	Naas Road, Newbridge, Co. Kildare
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).	The proposed development comprises the construction of a two-storey apartment building of 4 no. apartments (336 sq.m), with a bin and bicycle store, car parking and associated site works, on a site of 0.075ha. It would connect to the public water supply and foul sewer, with surface water attenuated and discharged to ground on site. It does not require the use of substantial natural resources and would not give rise to significant waste, emissions, pollution or nuisance, or to significant risk of accidents or to human health. There is no demolition. The development is not exceptional in the context of the surrounding residential area and there are no known projects that would give rise to significant cumulative effects.
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	The site is a vacant infill site within the built-up area of Newbridge, zoned for residential development. It is not located within or adjacent to any European site, Natural Heritage Area or other designated site. The nearest European site is Pollardstown Fen SAC, approximately 2.5km from the site. There are no protected structures or recorded monuments on the site. The site is not

of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	located in an area of particular environmental sensitivity.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and modest scale of the proposed development, its location within a serviced urban area removed from sensitive habitats and features, the likely limited magnitude and spatial extent of effects, and the absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Planning and Development Act 2000, as amended.
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: _____