



An
Coimisiún
Pleanála

Inspector's Report PL-501300-KE-26

Development	RETENTION: for a) the driveway positioning/layout as constructed; b)south eastern boundary wall; c) amendments to landscaping and associated siteworks.
Location	Hillford House, Old Hill Leixlip, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2660129
Applicant(s)	Benduff Ireland Ltd
Type of Application	Retention
Planning Authority Decision	Split Decision
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Benduff Ireland Ltd
Observer(s)	Margaret & Christopher Lundy
Date of Site Inspection	22 nd June 2026

Inspector

Terence McLellan

1.0 Introduction

- 1.1. This appeal relates to retention permission for works at Hillford House in Leixlip, comprising retention of an as-built driveway, a new southern boundary wall, and landscaping/site works. A concurrent appeal is currently before the Commission, reference PL-501301-KE-26 relating to additional proposed works at Hillford House comprising the installation of external insulation to the dwelling and removal of a rear extension and wall. Both files should be read together.

2.0 Site Location and Description

- 2.1. The 0.4 hectare subject site is in Leixlip, County Kildare. The site is located at the junction of Old Hill Road and Station Road, approximately 400m to the north west of Leixlip town centre. Station Road forms the northern boundary of the site, with Old Hill Road forming the eastern flank. Immediately to the south of the site is a large, detached dwelling with a generous front garden accessed from Old Hill Road. The western boundary of the site is marked by the new residential development on the Paddocks, accessed via Knockaulin from Old Hill Road. This development is in the advanced stages of construction.
- 2.2. The subject site itself is occupied by a period dwelling known as Hillford House, set within generous garden grounds. This is a two storey, three bay 19th century detached dwelling with various associated structures/outbuildings and a gate lodge. The site boundaries are marked by stone walls and on Station Road/Old Hill Road this is a combination of stone walls and railings. There is a disused gated entrance on Station Road and a new entrance on Old Hill Road. There are several mature trees close to the eastern edge of the site but otherwise the site appears to have been cleared of all previous mature trees. The surrounding area is predominantly residential.

3.0 Proposed Development

- 3.1. Permission is sought to retain the driveway positioning and layout as constructed, in addition to the south eastern boundary wall, and amendments to landscaping and associated siteworks.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. A Split Decision was issued by Kildare County Council by order dated 8 April 2026. Permission to retain the driveway positioning/layout as constructed and amendments to landscaping and associated siteworks was refused for the following two reasons:

1. Objective BH1.2 of the Leixlip Local Area Plan 2020-2023 (as extended), requires that all 'new development respects and is responsive to the cultural heritage of Leixlip'. Objective AH O60 of the Kildare County Development Plan 2023-2029 is to 'Preserve the character, including original building features or materials should be retained such as windows, doors, roof coverings and setting (e.g. gates, gate piers, boundary treatments, courtyards etc.) of vernacular buildings where deemed appropriate by the planning authority'. It is considered that the driveway as constructed has a significant negative impact on the setting and therefore essential character of the historic Hillford House, which is considered to have significant architectural and heritage merit, and makes a strong contribution to the character, appearance and quality of the streetscape of Old Hill Road. The driveway as constructed therefore contravenes materially Objective BH1.2 of the Leixlip Local Area Plan 2020-2023 (as extended) and Objective AH O60 of the Kildare County Development Plan 2023-2029 and is contrary to the proper planning and sustainable development of the area.
2. Having regard to the zoning objective of the site as 'B' Existing Residential/infill in the Leixlip Local Area Plan 2020-2023 (extended) which primarily seeks 'to protect and enhance the amenity of established residential communities and promote sustainable intensification', it is considered that the driveway as constructed and the landscaping for which permission is being sought by reason of its layout, design and proximity to the southern boundary would result in haphazard development and would be seriously injurious to the residential amenities of the adjoining dwellings to the south. The driveway would therefore seriously injure the residential amenities and depreciate the value of property in the vicinity, would contravene materially the zoning objective pertaining to

the site, and set an undesirable precedent for other similar developments in the locality, which would be cumulatively harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

4.1.2. Permission to retain the south eastern boundary wall was granted subject to three conditions. Condition 2 is of relevance and reads as follows:

2. The concrete kerb located parallel to the southeastern site boundary wall shall be removed within 3 months from the final grant of permission. The site shall be landscaped in accordance with the landscape plan included in the parent permission 21/1247 received by the Planning Authority on 31/08/2021. A native hedgerow shall also be planted immediately inside the southeastern site boundary wall.

Reason: In the interest of clarity and residential amenity.

4.2. Planning Authority Reports

4.2.1. The Planner's Report contains the following points of note:

- Hillford House is submitted for inclusion on the Record of Protected Structures and is considered to have significant architectural and heritage merit, making a strong contribution to the character, appearance and quality of the streetscape of Old Hill Road.
- The driveway has not been constructed in accordance with the layout approved under planning reference 21/1247.
- The permitted layout was adequately accessible for pedestrians.
- The driveway as constructed is a significant overdevelopment of the site. It is inappropriate and would have negative impact on the character, setting, and heritage value of Hillford House.
- The construction of an access road in close proximity to the house cannot be considered best practice as a significant intervention to the curtilage of an historic vernacular structure.

- The position of the driveway results in amenity impacts on adjoining properties to the south compared to the permitted layout and landscaping.
- The boundary wall for retention (south east) improves the residential amenity of the adjacent dwelling.
- The establishment of a native hedgerow along the boundary wall for retention would mitigate the stark visual impact of the wall from within the curtilage of Hillford House.
- The boundary wall for retention would be acceptable subject to adherence with the landscaping plan approved under planning reference 21/1247.

4.2.2. **Other Technical Reports**

4.2.3. Environment (05.03.2026): No objection.

4.2.4. Heritage Officer (31.03.2026): Recommend refusal on the basis that the development is inappropriate and would further detract from the setting, character, and heritage value of Hillford House at this prominent junction.

4.2.5. Parks (05.03.2026): Request Further Information regarding landscaping details and a tree survey.

4.2.6. Transport, Mobility and Open Spaces (09.03.2026): No objection, subject to conditions.

4.2.7. Water Services (26.02.2026): No objection, subject to conditions.

4.3. **Prescribed Bodies**

4.3.1. None.

4.4. **Third Party Observations**

4.4.1. Two submissions were received in response to the planning application. The matters raised are generally consistent with those raised in the observation set out in detail at Section 7.3 below.

5.0 Planning History

Subject Site

5.1. ACP Ref. 501301/Planning Authority Ref. 2660197: Kildare County Council refused planning permission in April 2026 for the demolition of a single storey extension, store and yard wall, and the installation of external wall insulation. Permission was refused for the following reason:

3. It is an objective of the Kildare County Development Plan 2023-2029, as expressed in AH O59, to 'respect the setting, form, scale and materials of existing vernacular structures and to only permit changes to these structures where they are sympathetic to their special features and character.' Section 8.2.16 of the Architectural Heritage Protection Guidelines for Planning Authorities, which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended) states 'the addition of external insulation to historic buildings should not be permitted where this would adversely affect important features.' It is considered that the proposed demolition of the single storey structures and stone wall, by reason of its impact on the original external fabric, proportions and architectural detailing of Hillford House, would have a negative impact on the essential character of the historic Hillford House, which is an existing vernacular structure that has significant architectural and heritage merit. It is also considered that the installation of the external wall cladding and associated rainwater goods is not sympathetic and would adversely affect the architectural features of Hillford House. The proposed development would therefore contravene materially Objective AH O59 of the Kildare County Development Plan 2023-2029 and Section 8.2.16 of the Architectural Heritage Protection Guidelines for Planning Authorities and is contrary to the proper planning and sustainable development of the area.

5.2. This application is currently the subject of an appeal to the Commission. The Commission are therefore directed to file PL-501301-KE-26 and the relevant Inspector's Report.

5.3. ACP Ref. 315901/Planning Authority Ref. 221409: The Commission refused planning permission in June 2024 for the demolition of the existing house and outbuilding and

redevelopment of the site to provide 27 apartments in a building rising to three storeys over basement. Permission was refused for the following reason:

1. It has not been satisfactorily demonstrated that potential conflict, due to traffic movements and the location of the proposed access via Old Hill Road, would not endanger public safety by reason of a traffic hazard.
2. The demolition of Hillford House, a building of architectural interest and heritage value would be contrary to the aim of Kildare County Development Plan 2023-2029, Chapter 11, Built and Cultural Heritage, "to protect, conserve and sensitively manage the built and cultural heritage of County Kildare and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations". In addition, the demolition of the building would be contrary to the zoning, where the objective is "to protect and enhance the amenity of established communities and promote sustainable intensification", the demolition of this structure would detract from the sense of place, would not contribute to good placemaking and would, therefore, detract from the amenity of the area.

5.4. Planning Authority Ref. 22677: Kildare County Council refused planning permission in July 2022 for the demolition of the existing house and outbuilding and redevelopment of the site to provide 40 new apartments in a building rising to four storeys above basement. Permission was refused for the following reasons:

1. Having regard to the loss of a 19th century dwelling of significant architectural merit, and to the scale, form and design of the proposed apartment block, the inadequate landscaping proposal, the loss of mature trees on site, it is considered that the proposal would represent a significant overdevelopment of the site and result in an incongruous form of development on this prominent site. The proposed development fails to comply with the zoning objective which seeks "To protect and enhance the amenity of established residential communities and promote sustainable intensification". Furthermore, the proposed development is contrary to policy provisions 17.4.5 of Kildare County Development Plan 2017-2023, which seeks to provide for high quality innovative residential design that reflects and enhances local context. The proposed development would seriously injure and depreciate the value of

properties in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposal to remove the remaining mature trees from the site, the lack of a bat survey, the inadequate landscaping plan, it has not been indicated to the satisfaction of the Planning Authority that the proposed development would not have a significant impact on biodiversity and protected species. The proposed development contravenes Policies NH1, GI8 and GI 9 of the Kildare County Development Plan 2017-2023 and objectives GI1.2, GI1.5 and GI1.7 of the Leixlip Local area Plan 2020-2023. To permit the proposed development would set an undesirable precedent for the removal of a significant amount of Green Infrastructure, with a resultant loss in natural habitats and associated biodiversity, and would therefore, be contrary to the proper planning and sustainable development of the area.
3. In the absence of significant detailing in relation to surface water drainage and a suitable SuDS strategy, the applicant has not demonstrated to the satisfaction of the Planning Authority that surface water can be adequately dealt with within the curtilage of the site. It has not been demonstrated to the satisfaction of the planning authority that the proposed development would not lead to conditions which would be prejudicial to public safety and be contrary to the proper planning and sustainable development of the area.
4. Having regard to the absence of an independent road safety audit, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not endanger public safety by reason of traffic and, would therefore, be contrary to the proper planning and sustainable development of the area.

- 5.5. Planning Authority Ref. 211247: Kildare County Council granted permission in October 2021 to discontinue the use of the existing vehicular entrance, permanently lock the existing gates, and form a new entrance with piers and ancillary siteworks further south on the Old Hill Road.
- 5.6. Planning Authority Ref. 21369: Kildare County Council refused planning permission in May 2021 for the removal of the existing gate, blocking up the existing vehicular entrance with a new wall and railings to match existing, and formation of a new

entrance with piers and ancillary siteworks further south on Old Hill Road. Permission was refused for the following reasons:

1. The removal of trees to facilitate the proposed development would be contrary to the provisions of Policy G18, Policy GI9, Policy GI10 Policy GI26 and Policy GI28 of the Kildare County Development Plan 2017-2023, which seek to preserve, maintain and protect trees and the green infrastructure network within urban areas. To permit the proposed development, with a resultant loss in mature trees, would set an undesirable precedent for the removal of landscape features of interest within urban areas and would seriously injure the visual amenity of the area and property in the vicinity and would therefore, be contrary to the proper planning and sustainable development of the area.
2. The removal of the existing gates and entrance would undermine the character and setting of the existing vernacular building on site which would contravene Policy VA1 and Policy VA4 of Kildare County Development Plan 2017-2023 and would therefore, be contrary to the proper planning and sustainable development of the area.

Adjacent Sites

- 5.7. Planning Authority Reference 22/1483: Permission was granted by Kildare County Council in April 2024 for amendments to planning reference 21/655 in order to add an additional storey to the apartment blocks, providing nine additional units.
- 5.8. Planning Authority Reference 21/655: Permission was granted by Kildare County Council in January 2022 for the redevelopment of the site to provide 57 new homes in a mix of 30 no. dwellinghouses and 27 apartments.

6.0 Policy Context

6.1. Leixlip Local Area Plan 2020-2023 (as extended to 2029)

Status of Local Area Plan (LAP)

- 6.1.1. The Leixlip LAP was extended to 30th March 2026 in accordance with Section 19 of the Planning & Development Act 2000, as amended, on 24th October 2022. The LAP

was further extended to 30th March 2029 in accordance with Section 81 of the Planning and Development Act 2024 (as amended), on 25th March 2026.

- 6.1.2. Kildare County Council resolved to adopt Amendment No. 1 of the Leixlip Local Area Plan 2020-2023 (as extended to 2029) at its special meeting on 25th March 2024. Amendment No. 1 of the Leixlip Local Area Plan 2020-2023 (as extended to 2026) is effective as of 6th May 2024. The purpose of the amendment is to incorporate the Confey Masterplan into the LAP.

Zoning

- 6.1.3. The appeal site is zoned 'B – 'Existing/Infill Residential', where the objective is 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

Chapter 10: Built Heritage and Archaeology

- 6.1.4. **Objective BH1.2** is to acknowledge and promote awareness of the origins, historical development and cultural heritage of the town, to support high quality developments that relate to local heritage and to ensure that new development respects and is responsive to the cultural heritage of Leixlip'.

6.2. **Kildare County Development Plan 2023-2029**

Chapter 11: Built and Cultural Heritage

- 6.2.1. The aim of Chapter 11 is to protect, conserve and sensitively manage the built and cultural heritage of County Kildare and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations.
- 6.2.2. **Section 11.14.2** states that it is the explicit intention of this plan to (inter alia) protect and conserve buildings, structures and sites of special architectural, historic, archaeological, artistic, cultural, scientific, social or technical interest.
- 6.2.3. **Section 11.15** (Protected Structures) states that County Kildare has a wealth of structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Many of these structures are contained in the Record of Protected Structures (RPS). When a building or structure is included on the RPS, legal protection extends to the exterior and interior (where applicable) of the structure, all

man-made features within its curtilage, and any man-made features within its identified attendant grounds.

- 6.2.4. **AHP1** - Recognise the value and opportunity of Kildare's unique heritage resource and to manage, conserve, promote and protect it, for present and future generations.
- 6.2.5. **AHP6** - Protect, conserve and manage the archaeological and architectural heritage of the county and to encourage sensitive sustainable development in order to ensure its survival, protection and maintenance for future generations.
- 6.2.6. **AHO34** - Encourage high quality design in relation to planning applications that are made for the construction of extensions or new buildings affecting protected structures or older buildings of architectural merit not included in the RPS. The Council will have regard for the visual impacts on the setting and character of protected structures and/or buildings of architectural merit not included on the RPS, when considering applications on neighbouring sites.
- 6.2.7. **AHO38** - Support appropriate and sensitive thermal upgrade of protected structures and other heritage buildings. These works shall be undertaken with the necessary planning permission / statutory declarations with the advice of Kildare County Council's Architectural Conservation Officer.
- 6.2.8. **AHO41** - Promote the retention of original or early building fabric including timber sash windows, stonework, brickwork, joinery, render and slate. Likewise, the Council will encourage the re-instatement of historically correct traditional features.

5.3 Relevant Ministerial Guidelines

- Architectural Heritage Protection Guidelines for Planning Authorities, 2011

5.4 Natural Heritage Designations

- 6.2.9. The site is not located within or immediately adjacent to any European sites. The nearest European site is the Rye Water Valley/Carton SAC (Site Code: 001398), approximately 300m to the east of the site at its nearest point.

7.0 EIA Screening

- 7.1.1. The proposed 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 Act).

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. A First Party appeal has been received from MPBA Architects, for and on behalf of the Applicant, Benduff Ireland Ltd. The grounds of appeal can be summarised as follows:

8.1.2. Reason for Refusal 1

- The entrance gates, width, and location have been approved and are in compliance with the approval (Planning Ref. 21/1247). It is therefore only the location of the driveway that is considered to have an impact.
- The Planner's Report does not justify how the proposal impacts Hillford House to a greater degree than that permitted.
- The permitted driveway turns sharply to the right and does not take account of condition 6.
- The required setback on the entrance gate piers will impact the swing of the driveway. Additional drawings have been submitted to illustrate.
- It is not clear what constitutes overdevelopment.
- The approved driveway requires substantial cutting into the ground between mature trees and is a more intrusive intervention and physical barrier to the proposed driveway.
- The proposed driveway has a gentle gradient, follows existing topography, avoids major alterations to the landscape and has less impact on Hillford House.
- The location of the proposed driveway along the boundary wall preserves the area surrounding the house and allows appropriate landscaping.

8.1.3. Reason for Refusal 2

- The driveway is not haphazard and provides a best practice approach in terms of gradient and storm water infiltration.
- A new hedgerow is proposed on the southern boundary which will mature to provide dense and effective screening.
- Six trees are proposed in comparison to the approved five trees, and an equivalent amount of screening is provided.
- The driveway has a gentle gradient and incorporates parking adjacent to the house, minimising interventions in existing topography. It is less visually and physically intrusive.
- The driveway widens to form a soft landscaped area with additional screening to dwellings to the west and south-west.
- The proposal does not result in any deterioration in established residential amenity.
- The proposal does not materially contravene a zoning objective and serves a single dwelling within established residential lands. It is a refinement of a permitted access arrangement.
- The limited scale of the intervention and its characteristics is such that it cannot be considered to set an undesirable precedent.
- The permitted driveway has a gradient of 1:14 and does not allow for the necessary transition.
- Part M describes a gently sloped access as 1:20, with steeper gradients discouraged as being a barrier for universal access.
- For permeable finishes to work effectively, gradients should be a maximum of 1:20 and preferably 1:30.

8.1.4. Heritage Status

- The Heritage Report by the Council state that Hillford House has been submitted for assessment for inclusion on the RPS, but no documentation has been received from the Applicant in this regard.
- In December 2022, the owner received confirmation that Hillford House had been removed from the RPS.

8.1.5. Grant Conditions

- Should the appeal be unsuccessful, it is requested that Condition 2 be amended such that it does not require the removal of the kerb parallel to the south-east boundary as it allows for a defined area for the proposed hedgerow.

8.2. **Planning Authority Response**

- 8.2.1. The Planning Authority confirms its decision and refers the Commission to the Planner's Report and various technical department reports.

8.3. **Observations**

- 8.3.1. An observation has been received from Peter P. Gillett and Associates Town Planning and Development Consultancy, for and on behalf of Margaret and Christopher Lundy. The main points of the observation can be summarised as follows:

- There are no objections to the retention of the new southern boundary wall, however this was completed following the unnecessary and destructive clearance of attractive mature trees that provided effective screening between the properties.
- The Applicants have permission for direct driveway but instead have constructed an extensive estate road.
- The planning history for the site shows repeated refusals for apartment development, including refusal on appeal.
- Planting of shrubbery and five trees will offer minimal screening. The driveway as built is too close to the Observers' property and will result in amenity impacts such as noise, overlooking, light intrusion, and glare.
- The site is used for the storage of building materials and plant. It detracts from the setting of Hillford House.
- The development is an attempt to establish urban development on the site as a prelude to a further application for apartment development. A Trojan Horse strategy.

- Claims that the driveway will provide an easier gradient for pedestrians are spurious and misleading. The gradient from the new entrance to the house is not excessive.
- References to cutting into the natural ground level are over-exaggerated.
- Planting of shrubbery and five trees will offer minimal screening.
- The Applicants have never disclosed why they need a driveway of this width and standard. It can only be concluded that the intention is to develop a housing scheme based on the demolition of the house or construction in the grounds.
- Do not accept the Applicant's position that the proposal refines an already accepted access arrangement in a manner that better protects Hillford House, or that it protects neighbouring amenity and delivers a more appropriate outcome than the permitted scheme.

9.0 **Assessment**

9.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report 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 are as follows:

- Reason for Refusal 1
- Reason for Refusal 2
- Other Matters

9.2. **Reason for Refusal 1**

9.2.1. In essence, the first reason for refusal considers that the the driveway as constructed has a significant negative impact on the character and setting of Hillford House and that it would materially contravene Objective BH1.2 of the Leixlip Local Area Plan 2020-2023 (as extended) and Objective AH O60 of the Kildare County Development Plan 2023-2029.

9.2.2. At the outset I would establish that I do not consider Hillford House to be a vernacular structure. The Planner's Report and reason for refusal make reference to Hillford

House being a vernacular structure (AH 060). In my opinion, Hillford House does not meet the definition of a vernacular structure, however, this is a terminology issue and it does not diminish my opinion that Hillford House is a valuable heritage asset, that it is of architectural interest, and that the protection of such buildings is implicit in the aims of Chapter 11 - Built and Cultural Heritage of the Kildare County Development Plan 2023-2029.

- 9.2.3. In this respect I note the Applicant's comments regarding the fact that Hillford House is not a Protected Structure. For clarity, Hillford House was removed from the prospective Register of Protected Structures for the 2023-2029 CDP due to a procedural issue as opposed to the Council not considering it to be of architectural or historic merit. This is evident from the Conservation Officer Report on Planning Reference 2660197 (ACP Ref. PL-501301-KE-26) which states that submissions were received that raised concerns with the notification procedures on the proposed inclusion of Hillford House on the Register of Protected Structures and its inclusion on the RPS was set aside in order to protect the integrity of the CDP process. Notwithstanding the fact that Hillford House is not a Protected Structure, it is my opinion that it is very clearly a valuable heritage asset that is of architectural interest and which makes a positive contribution to the locality and the built heritage of Leixlip.
- 9.2.4. In comparing the as-built driveway to that permitted, the Applicant submits that it has a gentle gradient and avoids major alterations to the landscape and thereby has less of an impact on Hillford House. It is the Applicant's position that the approved driveway requires substantial cutting into the ground between mature trees and represents a more intrusive intervention. Other concerns raised relate to the required setback on the entrance gates that will impact on the swing of the gates and that it is not clear what constitutes overdevelopment or that the as-built scheme would have more of an impact on Hillford House than that permitted.
- 9.2.5. Observations consider that the Applicant has constructed an estate road rather than a driveway and that it is an attempt to establish urban development on the site as a prelude to a further application for apartment development. Observers submit that there is no need for a driveway of this size, that the Applicants claims regarding cutting into the natural ground are exaggerated, and that claims the driveway will provide an easier gradient for pedestrians are spurious and misleading.

9.2.6. The permitted scheme is for a new driveway from the new entrance turning to the north to provide vehicular access to the east side of the dwelling and associated parking area. The driveway as built effectively turns the majority of the curtilage to the south of the dwelling into hardstanding/gravel, with the exception of a narrow strip in the middle where it is indicated that some trees would be planted. The driveway as built is circuitous and grossly oversized in relation to the level of accommodation on site and in my opinion, it is entirely unjustified, noting that significant landscaping and greenery has been removed over the years which has facilitated these works. I note the Applicants views regarding gradient, cutting into the land, and the proposed gates, however I remain unconvinced by this argument, and it does not in my mind justify the level of intrusion resulting from the as-built driveway, noting that alternative and less intrusive solutions are available.

9.2.7. In my view the excessive scale and form of the driveway represent overdevelopment of the curtilage, and I consider that it has a negative impact on the character and setting of Hillford House, which is a heritage asset of architectural interest. Furthermore, there is no justification for or benefit from the amended landscaping and site works. In my opinion, permission should be refused on this basis.

9.3. Reason for Refusal 2

9.3.1. The second reason for refusal relates again to the driveway but considers that the driveway as constructed and the landscaping would result in haphazard development and that it would be injurious to the residential amenities of the adjoining dwellings to the south, including that it would depreciate the value of property in the vicinity, would contravene materially the zoning objective pertaining to the site.

9.3.2. The Applicant considers the amended landscaping to be more acceptable in terms of screening and that it would be equivalent to the permitted scheme. It is the Applicant's position that the proposal would not result in any loss of residential amenity and that it does not materially contravene the zoning objective. Observers state that the driveway is too close to their property and that it will result in amenity impacts in terms of noise, overlooking, light intrusion and glare.

9.3.3. In terms of amenity impacts I note that retention permission is sought for the southern boundary wall which is 2 metres in height. In my opinion this wall provides sufficient screening such that there would be no significant loss of amenity as a result of the

driveway, particularly in terms of overlooking, glare or light intrusion. Whilst there may be some noise as a result of the proximity of the driveway to the boundary, this would not be untypical of urban areas and would not result in a significant threat to residential amenity.

9.3.4. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.3.5. In terms of landscaping, the proposed scheme offers no benefit over and above that permitted and is driven largely by the need to accommodate the excessively large driveway. I am not satisfied that the landscaping proposed is sufficient to address or mitigate the wider concerns raised regarding the extent and form of the driveway. Whilst I am satisfied that the wall can be retained, I am of the view that the driveway and landscaping should be refused for the reasons set out in Section 8.2 above. I consider that the second reason for refusal should be set aside, with landscaping and the driveway being addressed in a single reason for refusal.

9.4. Other Matters

9.4.1. I note the Applicant's request that, should the appeal be unsuccessful, that condition 2 be amended such that it does not require the removal of the kerb parallel to the south-east boundary as it allows for a defined area for the proposed hedgerow. I disagree, retaining the kerb would only serve a purpose in the event that the wider driveway was being retained. With the driveway removed, the retention of the kerb would hinder efforts to relandscape the site and provide landscaping in line with the parent permission. In my opinion, Condition 2 should be retained.

10.0 AA Screening

10.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Leixlip, approximately 300m from the Rye Water Valley/Carton SAC (Site Code: 001398), which is the closest European Site. The development comprises small scale demolition and other domestic works to an existing dwelling. No appropriate

assessment issues were raised as part of 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:

- The nature and scale of the works and the availability of wastewater services.
- The separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

10.2. 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.

11.0 Water Framework Directive

11.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises domestic works to an existing dwelling. No 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.

11.2. 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;
- The location of the site in a serviced area, the distance from nearest water bodies, and the lack of direct hydrological connections.

- 11.3. 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.

12.0 Recommendation

- 12.1. I recommend that the Commission uphold the decision of Kildare County Council and issue a split decision, granting retention permission to the boundary wall (1) and refusing permission for the retention of the driveway and landscaping/site works (2) as set out below.

13.0 Reasons and Considerations (1)

Having regard to the retention of the southern boundary wall and the policies and objectives of the Kildare County Development Plan 2023-2029, and the Leixlip Local Area Plan 2020-2023 (extended) it is considered that the wall for retention would not seriously injure the amenities of the area or of property in the vicinity, and if retained in accordance with the attached conditions would accord with the proper planning and sustainable development of the area.

1. The southeastern site boundary wall shall be retained in accordance with documentation and particulars received by the Planning Authority on 12/02/2026, except where altered or amended by conditions in this permission.

Reason: In the interest of proper planning and to ensure that the development shall be in accordance with the permission granted.

2. The concrete kerb located parallel to the southeastern site boundary wall shall be removed within 3 months from the final grant of permission. The site shall be landscaped in accordance with the landscape plan included in the parent permission 21/1247 received by the Planning Authority on 31/08/2021. A native hedgerow shall also be planted immediately inside the southeastern site boundary wall.

Reason: In the interest of clarity and residential amenity.

3. This permission authorises the retention of the southeastern site boundary wall only and does not relate to any other structures or uses within the site and landholding, including the concrete kerb constructed parallel to the southeastern boundary wall.

Reason: In the interests of clarity.

14.0 Reasons and Considerations (2)

1. Having regard to the heritage value and architectural interest of Hillford House, it is considered that the driveway and landscaping/site works sought for retention, by reason of their scale, form, materiality, and layout, would have a significant negative impact on the curtilage, character, and setting of Hillford House, and would therefore conflict with the stated aim of Chapter 11 (Built and Cultural Heritage) of the Kildare County Development Plan 2023-2029 which is to protect, conserve and sensitively manage the built and cultural heritage of County Kildare and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations, and Objective BH1.2 of the Leixlip Local Area Plan 2020-2023 (as extended) which requires that all 'new development respects and is responsive to the cultural heritage of Leixlip'. 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.

Terence McLellan
Senior Planning Inspector

6th August 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-501300-KE-26
Proposed Development Summary	RETENTION: for a) the driveway positioning/layout as constructed; b)south eastern boundary wall; c) amendments to landscaping and associated siteworks.
Development Address	Hillford House, Old Hill Leixlip, 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? (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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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)?	
☐ 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)	

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 ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____