



An
Coimisiún
Pleanála

Inspector's Report PL-501391-KE-26

Development	Demolition of structures, construction of 5 apartments and 4 houses
Location	Dublin Road, Kildare Town, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2660224
Applicant(s)	John Mc Cormack and Seamus Lowry
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Planning Appeal
Appellant(s)	John Mc Cormack and Seamus Lowry
Observer(s)	None
Date of Site Inspection	02/09/26
Inspector	Donal Farrelly

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1.0 Introduction

- 1.1. This planning submission represents the third submission by the applicant regarding the appeal site. The first application under **ABP 317327-23/2323303** was for 20 no. units which was refused by the Planning Authority and ABP. The second submission for 15 no. units was refused by the Planning Authority under planning reference no. **25/60313**. The third submission **2660224** is for 9 no. units and was refused by the Planning Authority and forms this appeal submission.

2.0 Site Location and Description

- 2.1. The site is 0.178ha and is located within the Kildare Town Architectural Conservation Area (ACA). The appeal site is located within a mixed use area and constitutes an infill development located off Dublin Street in Kildare Town, Co. Kildare. An existing two storey vernacular building with a ground floor florist business comprises the front of the appeal site and fronts Dublin Street.
- 2.2. The James Nolan Pub is located to the northwest of the florist building. Kildare Town Garda Station is located directly southeast of the site. Residential units in Beechgrove back onto the appeal site to the northwest. Residential houses are located opposite the appeal site along Dublin Street. The Kildare House Hotel is located approximately 52m to the southeast of the site.
- 2.3. There are a number of rear buildings attached to the florist unit which contain different businesses. A separate industrial building which comprises a car garage business is located to the rear of the site. Access to the rear of the site is from Dublin Street. The site slopes from the front to the rear of the site.

3.0 Proposed Development

- 3.1. Demolition is proposed to a number of ground floor and first floor rear structures and rear extension of the existing florist building. Demolition is not proposed to the florist building which fronts Dublin Street.
- 3.2. Demolition is also proposed to a rear industrial type building which comprises a car garage.

- 3.3. 4 no. semidetached houses are proposed to the rear of the site. 2 no. houses are three bed, and 2 no. are two bed.
- 3.4. 5 no. apartments are to be located to the front of the houses and form an extension of the existing florist building, but are contained within a separate building. There are 4no. two bed units and one no. 1 bed unit proposed. The apartment building is two storeys, and the total height is below the ridge line of the existing building which fronts Dublin Street.
- 3.5. An open space area of 92m² is located between the apartment building and the houses.
- 3.6. 8 no. car parking spaces are proposed and also a covered bin and bike storage.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. A refusal was issued by Decision Notice dated 27/04/26 for the following reasons.

1. (a) Having regard to the location of the proposed development, in Kildare Town, a designated heritage town and within the Architectural Conservation Area, it is considered the proposed development fails to demonstrate an appropriate design response to the character, setting, and significance of the Kildare Town Architectural Conservation Area (ACA). No Architectural Heritage Impact Assessment (AHIA) has been submitted, and no visual assessments or CGI studies have been provided to illustrate the impact of the proposed works on the ACA. The application therefore **contravenes materially** Action AH 066 and Action AH A24 of the Kildare County Development Plan 2023-2029 (as varied), which requires 'where appropriate that an Architectural Heritage Impact Assessment report is prepared in accordance with DHLGH Guidelines and conservation best practice to inform the visual or physical impacts of a proposed development on an ACA.'

(b) The submitted drawings do not accurately represent the existing historic building, including inconsistencies in the depiction of the rear return and an unsuitable junction between the proposed extension and the 19th century structure. The proposed two storey extension would project beyond the existing gable and create an awkward and visually intrusive intersection at the eaves, indicating a lack of a

coherent conservation led design approach. The proposal therefore **contravenes materially** Objective AH O34 of the Kildare County Development Plan 2023-2029, which seeks to '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.'

(c) Furthermore, the excessive scale, massing, and architectural language of the proposed apartment building is not considered appropriate for this sensitive location within the Architectural Conservation Area. The development would be clearly visible from Dublin Street on the approach to Market Square and would appear overbearing and insufficiently integrated into the established townscape. Therefore, the proposal would negatively impact the character and visual amenity of the ACA and

contravene materially Objective AH 065 in the Kildare County Development Plan 2023-2029 (as varied) and Objective BHO 2.1 in the Kildare Town Local Area Plan 2023-2029, which seeks to ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure, to its setting or the general character of the ACA and are sympathetic to the distinctive character of the area.

2. Objective HO O6 of the Kildare County Development Plan 2023-2029 (as varied) requires Kildare County Council 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.' An insufficient level of information has been submitted for the Planning Authority to determine if the proposed Block A would detrimentally increase the level of overshadowing on the adjoining development to the north-west (the Court apartments), when compared to the existing building. Therefore, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development, having regard to its bulk, height, scale and design, would not represent a significant overshadowing and overbearing development and if permitted, would not seriously injure the residential amenities of neighbouring properties and **contravene materially** Objective HO O6 of the Kildare County Development Plan 2023-2029 (as varied).

4.2. Planning Authority Reports

4.2.1. Planning Reports

Report of Planner dated 15/04/2026 recommends a refusal for the following reasons. The nature of the design in an ACA regarding scale and massing and overall design, and being visible from Dublin Street. No AHIA or visual impact assessment have been submitted. There are inconsistencies with the drawings, and the design is overbearing and would result in overshadowing.

4.2.2. Other Technical Reports

- Area Engineer. No objection subject to conditions.
- Environment. No objection subject to conditions.
- Fire Services. No objection subject to conditions.
- Environmental Health Service. No objection subject to conditions.
- Housing. Further information sought regarding Part V.
- Strategic Projects and Public Realm Team. No comments.
- Parks Section. Not in the remit of the Parks Section.
- Building Control. Further information requested regarding taken in charge details.
- Water Services. Further information requested regarding a surface water layout and design.
- Transport and Mobility. Further information requested regarding parking and access, vehicle tracking, infrastructure materials.
- Conservation Officer. Recommends refusal for the following reasons.
 1. (i) The proposed development fails to demonstrate an appropriate design response to the character, setting, and significance of the Kildare Town Architectural Conservation Area (ACA). No Architectural Heritage Impact Assessment (AHIA) has been submitted, and no visual assessments or CGI studies have been provided to illustrate the impact of the proposed works on

the ACA. The application therefore does not comply with Action AH 066 or Action AH A24 of the Kildare County Development Plan 2023-2029.

(ii) The submitted drawings do not accurately represent the existing historic building, including inconsistencies in the depiction of the rear return and an unsuitable junction between the proposed extension and the 19th-century structure. The proposed two-storey extension would project beyond the existing gable and create an awkward and visually intrusive intersection at the eaves, indicating a lack of a coherent conservation-led design approach. The proposal therefore fails to meet the requirements of Objective AH O34.

Furthermore, the excessive scale, massing, and architectural language of the proposed apartment building is not considered appropriate for this sensitive location. The development would be clearly visible from Dublin Street on the approach to Market Square and would appear overbearing and insufficiently integrated into the established townscape. The architectural approach to the houses to the rear of the site also does not adequately respond to the historic fabric of the site. Therefore, the proposal would negatively impact the character and visual amenity of the ACA, contrary to Objective AH 065.

4.3. Prescribed Bodies

Uisce Eireann. Further information sought regarding a pre connection enquiry. The applicant had engaged with Uisce Eireann in excess of 12 months ago therefore a new confirmation of feasibility would be required.

4.4. Third Party Observations to the Planning Authority

None

5.0 Planning History

Planning reference no. 2560313. for A) the partial demolition of the rear element of existing two storey commercial premises (addressing Dublin Road), demolition of existing industrial style units on site to the rear of original commercial unit addressing Dublin Road. B) Permission for the construction of two blocks of apartments, block A

consists of a three storey building and partial two storey with attic space, consisting of 10 no. Apartments (8 no. One bedroom apartments and 2 no. Three bedroom apartments) Block B consists of a two-story building attached to the original commercial unit on site (to remain on site addressing Dublin Road) and will provide 5 apartments (4 no. Two bedroom units and 1 no. One bedroom unit, covered car parking area and covered bike and bin area. C) Permission for internal access road, connection to public foul sewer and watermain, soakholes, landscaping and all associated site works. Refused for 3 no. reasons with decision noticed issued 14/11/25.

1. Having regard to the location of the proposed development, in Kildare Town, a designated heritage town and within the Architectural Conservation Area it is considered, having regard to the scale and architectural language of the proposed buildings, Block A and Block B, that the proposed development would have a profoundly negative impact on the character of Kildare Town Architectural Conservation Area by way of its direct juxtaposition between apartment "Block B" and the historic structure, the unsympathetic materials, the height, scale, bulk and mass of the structures which are not in-keeping with the existing fine urban grain. Furthermore, the proposed development would materially contravene Objective AH O65, and Policy AH P6 of the Kildare County Development Plan 2023-2029, and Objective BHO 2.1 of the Kildare Town Local Area Plan 2023-2029 which states that it is an objective of the Council to preserve the character of the designated Kildare Architectural Conservation Area (ACA) by ensuring that new development, extensions, renovation works and infill developments within or adjacent to the ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including inter alia vistas, streetscapes, building lines, fenestration patterns and architectural features. Proposals for development shall include an analysis of how the new development complements the setting, character and appearance of the Kildare Town ACA referring to the findings of the ACA Statement of Character for the town, would adversely affect the Kildare Town Architectural Conservation Area, and therefore would be contrary to the proper planning and development of the area.

2. Having regard to the nature, height, scale and design of the proposed development and the established scale of adjoining development to the north and northwest, the proposed development, located 1m from the shared boundary, would represent a significant and overbearing development and would, if permitted, give rise to significant and unnecessary overlooking of residences located to the north west, and would therefore seriously injure the residential and visual amenities, or depreciate the value, of properties in the vicinity of the site, would establish a negative precedent for other such developments in the area. 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 to Section 15.4 of the plan which seeks to ensure that all new residential development integrates with its surroundings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development which provides a total of 11 car parking spaces to serve 15 apartments is deficient in a clear strategy to manage potential parking demand, including inadequate provision for visitor parking, lacks a management plan to address potential overflow parking, and would cause an unacceptable shortfall in car parking spaces for residential units. The proposed development would result in the intensification of the site without adequate supporting infrastructure and would therefore conflict with the policies and objectives set out in the Kildare County Development Plan 2023-2029, the provisions of the Apartment Guidelines for Planning Authorities 2025, and would set a poor precedent for other such developments in the area and therefore would be contrary to the proper planning and sustainable development of the area.

Planning reference no. ABP-317327-23/23303.the demolition of existing two storey commercial premises, demolition of existing industrial style unit. (b) Permission for the construction of two blocks of apartments, Block A consists of a two storey building consisting of 10 No. one bedroom apartments. Block B consists of a two

storey building with attic accommodation consisting of 10 No. apartments (8 No. one bedroom and 2 No. two bedroom). (c) Permission for internal access road, connection to public foul sewer and watermain, soakholes, landscaping, bin and bicycle store and all associated site works. Refused by ABP decision notice issued 17/07/24.

Reasons for refusal include inappropriate living accommodation regarding mix and internal sizing of units. Insufficient cycle and car parking provision, and demolition of the building fronting Dublin Road would have a negative impact on the ACA.

Planning reference no. 06999. Demolition of existing 2 storey retail building to front and all other single storey office/showroom buildings and warehouse buildings within the curtilage of the site etc. Permission granted on 24/04/07.

6.0 Policy Context

5.1 Development Plan

Kildare County Development Plan 2023-2029. The policies in bold below are those which are deemed to be material contraventions by the Planning Authority.

Chapter 3 Housing

Policy HO P5. Promote residential densities appropriate to its location and surrounding context.

Policy HO P6. Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

Objective 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.

Objective HO O8. Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement

that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.

Chapter 11 Built and Cultural Heritage

Objective AH 034. 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.

Policy AH P9. Promote the protection, retention, appreciation and appropriate revitalisation of the built vernacular heritage of the county.

Objective AH O62. Protect (through the use of ACAs, the RPS and in the normal course of development management) vernacular buildings where they contribute to the character of areas and/or where they are rare examples of a structure type.

Objective AH O63. Ensure that new buildings adjacent to vernacular structures and extensions to vernacular buildings are of an appropriate design and do not detract from the character of these structures.

Objective AH065. Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.

Objective AH 066. Ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Heritage Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.

Action AH A24. Require where appropriate that an Architectural Heritage Impact Assessment report is prepared in accordance with DHLGH Guidelines

and conservation best practice to inform the visual or physical impacts of a proposed development on an ACA.

Kildare Town Local Area Plan 2023-2029 (Local Plan)

Chapter 4 Consolidation and Renewal of the Town Centre

Objective TCO 1.1. Reinforce the town centre as a primary location for commercial, civic, social and cultural development through the promotion of new high quality infill and backland development that consolidates the existing urban core.

Objective TCO 1.2. Protect the character of the town centre and ensure that new development responds positively to its established built form, scale and character and to continue implementing environmental improvements, to sustain and improve its attraction for living, working, visiting and investment.

Objective TCO 1.5. Encourage and facilitate the appropriate intensification of town centre sites where high standards of architectural design are achieved and impacts on the character of the area are positive.

Chapter 8 Built Heritage and Archaeology

Objective BHO 2.1. Preserve the character of the designated Kildare Architectural Conservation Area (ACA) by ensuring that new development, extensions, renovation works and infill developments within or adjacent to the ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including inter alia vistas, streetscapes, building lines, fenestration patterns and architectural features. Proposals for development shall include an analysis of how the new development complements the setting, character and appearance of the Kildare Town ACA referring to the findings of the ACA Statement of Character for the town.

Objective BHO 2.3. Protect and enhance all protected views within the Architectural Conservation Area as illustrated on Map 8.3 by requiring a Visual Impact Assessment for developments which have the potential to impact on the character, value or sensitivity of the ACA. Where it is considered that a development may impact on a protected view, proposals must have regard to the significance of any such impact and incorporate appropriate mitigation measures.

Objective BHO 2.6. Ensure careful consideration of urban development within or adjoining Architectural Conservation Area ensuring the design rationale and overall site context act as the main driver for the overall scale, mass, height and design in order to achieve the most appropriate development in sensitive areas.

Table 8-2 Protected Views within the ACA. View no 5. Views from within Market Square at the junction of Bride Street and Claregate Street towards Dublin Street.

Objective BHO 2.3. Protect and enhance all protected views within the Architectural Conservation Area as illustrated on Map 8.3 by requiring a Visual Impact Assessment for developments which have the potential to impact on the character, value or sensitivity of the ACA. Where it is considered that a development may impact on a protected view, proposals must have regard to the significance of any such impact and incorporate appropriate mitigation measures.

Objective BHO 3.1. Protect the visual amenity and character of scenic routes and protected views in Kildare Town as identified on Map 8.4 and require a Visual Impact Assessment for development proposals which have the potential to impact on the special character and visual amenity of protected views and scenic routes as part of the development management process.

Objective BHO 4.1. Protect and promote the archaeological heritage of Kildare Town in particular those sites illustrated on Map 8.1 and Map 8.2 and referred to under Table 8-5 and avoid negative impacts on sites, monuments, features or objects of significant historical or archaeological interest by ensuring archaeological assessments are undertaken to inform proposed development in accordance with the National Monuments Acts 1930-2004.

Appendix C Statement of Character for Kildare Town Architectural Conservation Area

This identifies the appeal site as being located within the Dublin Street Area. This includes ground floor shops and residential over the shops which reflects growth and consolidation of the town centre.

The spatial character of the street is defined by the boundary walls and set back buildings that are positioned along the street to the north and south.

8.0 Significant Views and Vistas

5. *Views from within Market Square at the junction of Bride Street and Claregate Street towards Dublin Street.* The front building of the appeal site is to the extent of this view from Market Square.

5.2 National/Regional Plans/Policies

National Planning Framework (First Revision)

National Policy Objective 90. Enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including streetscapes, vernacular dwellings and other historic buildings and monuments, through appropriate and sensitive investment and conservation.

5.3 National Guidance

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

Design Standards for Apartments, Guidelines for Planning Authorities 2025

Architectural Heritage Protection Guidelines for Planning Authorities 2011.

Chapter 3 Architectural Conservation Areas

3.7.1. In an ACA, the carrying out of works to the exterior of a structure will be exempted development only if those works would not materially affect the character of the area

3.10.1. When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design.

Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.

3.10.2. Where it is proposed to demolish a structure that contributes to the character of an ACA or to demolish behind a retained façade, the onus should be on the applicant to make the case for demolition.

5.4 Natural Heritage Designations

Pollardstown Fen SAC (00396) is located approximately 5km northeast of the appeal site.

Proposed Natural Heritage Areas

Curragh (Kildare) (000392) is located approximately 1.4km northeast of the appeal site.

7.0 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.

8.0 The Appeal

8.1. Grounds of Appeal

The first party planning appeal has been submitted by Whyte Planning Consultants Ltd acting on behalf of the appellant. An Archaeological Impact Assessment, Architectural Heritage Impact Assessment, Daylight and Sunlight Assessment Report are also attached to the submission. These reports were not submitted to the Planning Authority under **2660224** and formed a previous submission under **2560313**. The appeal submission is summarised as follows.

The site area is less than 0.25ha.

The previous decision for 20 units on this site was refused under ABP-317327-23. The reasons for refusal helped in designing the current application as follows.

- Demolition of existing structures located to the rear of the site, and maintain building located to the front of this site.
- Removed pitched roofs to reduce visual impact. Redesigned units to make sure internal measurements and sizing were met.
- Amended car parking proposal and increased bicycle provision.
- Redesigned open space.

Reason for Refusal no. 1

Any development would be an improvement to the existing situation and would be seen from the approach road. The heritage officer appears to want to retain all existing structures, and it is not clear where the opinion of the heritage officer is derived from.

Considerable money has been spent to produce a range of reports to support the application.

The development comprises two elements. The first is the demolition of the large industrial structure and this does not seem to attract an objection from the Planning Authority. The second is the demolition of the existing rear element of the property addressing Dublin Street. This appears to be the main issue for the Planning Authority.

The appellant does not see the benefit of another Architectural Heritage Impact Assessment considering the design approach includes a reduction in scale and height from a pitched to a mono pitched roof.

There were no concerns from the Planning Inspector on ABP-317327-23 regarding the scale or architectural language.

This is a backland development in an ACA and is appropriate.

Photos are provided which outline the building fronting the public road and other examples of monopitched buildings on the approach road to the ACA, the 3 storey buildings directly across from the site, and rear development of a building in the ACA.

Reason for Refusal no. 2

The appellant can find no planning status for the 15 apartments located in 'The Court' behind James Nolan Public House. This appears to be unauthorised development and the Planning Authority is relying on the protection of amenities of these units. This was not raised as an issue previously. No warning letter has been served on this development.

The appellant does not think that planning permission exists for the 2 nearest houses to the northwest and cannot find evidence of permission of these units. These are surrounded by a 3m stone wall and the views towards the proposed development would be north facing.

A shadow impact assessment for the previous development (2560313) which had a pitched roof for the rear block was acceptable to the planning officer, but this is now not acceptable.

The design ensures that minimal windows overlook the adjacent houses. The site slopes from south to north and ground levels allow for additional building height.

The shadow survey previously prepared concluded that there was no negative impact, so a lower development should not have a degree of negativity as a result. The Planning Inspector under **ABP-317327-23** did not raise concerns regarding this.

8.2. Planning Authority Response

Response received noting that there is nothing further to add.

8.3. Observations

None

8.4. Further Responses

An Taisce. Submission to ACP received 20/07/26 which outlines that the grounds of refusal by the Planning Authority are justified and that the first party appellant has not addressed the grounds of refusal including lack of an architectural heritage assessment and inadequate drawings and specifications on the treatment of the corner building.

9.0 **Assessment**

9.1. Having examined the planning application details and all other documentation on file, including the submission 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:

- Principle of development
- Architectural Conservation Area
- Layout and design
- Daylight and overshadowing
- Archaeology
- Other matters
- Material Contravention

9.2. **Principle of development**

9.3. The appeal site is located within the zoned lands 'A: Town Centre'. 'Dwelling' is identified as permitted in principle under the land use zoning objective within the Kildare Town Local Area Plan 2023-2029 (Local Area Plan).

9.4. The appeal site is located within the Kildare Town Architectural Conservation Area and within a zone of Archaeological Potential as per the Local Area Plan. Architectural conservation area view no. 5 which extends from Market Square is relevant regarding the appeal site as per the Local Area Plan. Dublin Street in front of the appeal site is identified as a scenic route.

9.5. The appeal site comprises the demolition of existing on site structures and the construction of 5 no. apartments and 4 no. semi detached houses. I am satisfied that the proposed development conforms with the land use zoning objective as residential dwellings are permitted in principle.

9.6. The site is located within an ACA and will be subject to further assessment regarding the design and layout of the proposed development.

9.7. Previous reasons for refusal

9.8. I note the appellant makes reference to a previous planning application for the same site for 20 no. units which was refused under **ABP 317327-23**. They consider this to be relevant regarding the current design which was adopted in response to the refusal reasons issued under **ABP 317327-23**. The refusal reasons are as follows;

- Demolition of the building fronting Dublin Road would have a negative impact on the ACA.
- Insufficient parking and cycle parking provided.
- Mix and size of accommodation units not in accordance with policies of the Design Standards for New Apartments 2023.

9.9. The appellant subsequently amended the design under **25/60313** to exclude the demolition of the building fronting Dublin Road, with two separate buildings to the rear incorporating a total of 15 no. apartments. The reasons for refusal under 2560313 are as follows.

- Scale of Blocks A and B would have an impact on the ACA.
- Overbearing on adjacent development.
- Car parking inadequate.

9.10. I acknowledge that the appellant has attempted to overcome previous reasons for refusal however each application is assessed on its own merits having regard to the design and its relationship with the ACA and surrounding properties. I note that the Board did not previously raise any concerns regarding demolition of the rear buildings. I will assess the current submission and the reasons for refusal having regard to the proposed development and relevant policies and objectives.

9.11. **Architectural Conservation Area**

9.12. Heritage Impact Assessment

9.13. The appeal site is located within the Kildare Architectural Conservation Area (ACA). I note that the appellant has submitted an Architectural Heritage Impact Assessment and Archaeological Impact Assessment both dated August 2025 as part of the appeal submission. These documents were submitted under planning reference no. **2560313** but were not submitted to the Planning Authority under planning reference no. **2660224**. The reason for refusal under **2660224** references Objective AHO66

and Action AH A24 of the Development Plan and outlines that there were no Heritage Impact Assessment, visual impact assessment or CGIs submitted.

Objective AH066 and AH A24 of the Development Plan outlines that an Architectural Heritage Impact Assessment and design rationale are required with new development applications.

9.14. I note that the appellant outlines in their submission that there has been significant money spent preparing reports and that another Heritage Impact Assessment is not necessary as the scale and height of the development has been reduced from that submitted under **2560313**.

9.15. I have reviewed the Heritage Impact Assessment (August 2025) submitted as part of the appeal. This report includes a number of viewpoints relevant to the appeal site and the ACA. The report outlines a number of elements which I consider relevant regarding the appeal site.

- The retail unit along Dublin Street to be retained mitigates against impact on the heritage values and visual amenities of the ACA.
- The buildings subject to removal should have no impact on the character of the ACA.
- The two storey buildings attached to the rear of the building to be retained do not contribute to the character of the ACA.
- The proposed development preserves the views along Dublin Street and does not obstruct or detract from the character of the historic approach to the town.
- The proposed buildings are scaled to be subservient to the historic terraced buildings on Dublin Street.

9.16. Although the Heritage Impact Assessment was prepared for the previous planning application **2560313**, I still consider it relevant as it assesses a building of a particular size, scale and design with respect to its impact on the ACA. I note that the development proposed under **2560313** is larger as it contains 15 no. apartments within 2 separate blocks. This has been reduced in scale in the current submission to 5 no. apartments and 4 no. semidetached houses. I am satisfied that the Heritage Impact Assessment concluded that the previous design was appropriate for the ACA.

- 9.17. I would therefore consider it reasonable to accept that some of the same circumstances still apply with respect to the outcomes of the Heritage Impact Assessment in this instance as the proposal has been reduced in scale.
- 9.18. It would have been more helpful if the applicant had provided at least CGIs of the proposed development. However, there is sufficient information on file, given the application and appeal submissions to assess the proposed development.
- 9.19. I note that one of the reasons for refusal is that the proposed development materially contravenes Objective AH 066 and Action AH A24 of the development plan as no Architectural Impact Assessment was submitted. However, the appellant has submitted a document as part of their appeal submission. I therefore conclude that the document satisfies Objective AH 066 and Action AH A24 of the development plan and I do not consider that a material contravention arises.
- 9.20. Design
- 9.21. I note the details of the Heritage Officer's report which support the reasons for refusal and include the following. That the design of the rear return of the historic building which fronts Dublin Road does not represent the historic building and doesn't include a suitable junction between the old structure and the proposed apartment block. The refusal also outlines that the scale, massing and architectural language are not appropriate for the site which is located within an ACA. The development is visible from Dublin Street on the approach to Market Street, would be overbearing and would not sufficiently integrate into the established townscape.
- 9.22. I note that the Local Plan mapping identifies **Architectural Conservation View no. 5** as being relevant. This view extends from Market Square and includes the front building of the appeal site but not the rear development area. The Local Plan also identifies this section of Dublin Street as a '**Scenic Route**'.
- 9.23. I note the findings of the Heritage Impact Assessment which outlines that the retail unit along Dublin Street to be retained mitigates against impact on the heritage values and visual amenities of the ACA, the buildings subject to removal should have no impact on the character of the ACA, the two storey buildings attached to the rear of the building to be retained do not contribute to the character of the ACA, and that the proposed development preserves the view along Dublin Street and does not obstruct or detract from the character of the historic approach to the town.

- 9.24. The Heritage Impact assessment also outlines that the proposed buildings are scaled to be subservient to the historic terraced buildings on Dublin Street.
- 9.25. The proposed apartment block is 6.96m-7.46m in height due to site topography, with a flat roof. The height of the existing building that fronts Dublin Street is 8.75m. The height of the apartment block is below the ridge line of the existing building that fronts Dublin Street. I consider that the apartment block design is appropriately set below the ridge line of the existing building which fronts Dublin Street. This reduces the impact of the proposed apartment block on the building to be front and on the ACA.
- 9.26. I note that the existing rear return of the building that fronts Dublin Street contains a pitched roof structure with a ridge line the same height as the building to be retained. The other buildings to the rear which are joined are of varying heights with the tallest two storey element being 6.94m in height. I note that the front elevation of the apartment block projects 960mm beyond the existing eastern building line of the building to be retained, with the private balconies of the apartments projecting a further 1.725m beyond this. I am satisfied that this projection is necessary to accommodate the appropriate apartment layouts and configurations.
- 9.27. The apartment block design includes an east facing glazed section which contains a staircase at the junction with the building to be retained. The southern elevation of this projection is of a brick finish. I consider this brick finish to be appropriate in terms of a material. I am of the opinion that the 960mm projection depth is not sufficient to incorporate appropriate fenestration in this instance, and for this reason I consider the brick finish to be the most appropriate solution in this regard.
- 9.28. I consider that a high quality brick shall be used in the front, north and south elevations of the apartment building to account for the ACA and I am satisfied that an appropriate prior to commencement condition can address this in the event of a grant of permission. I also note that the elevation drawings submitted to the Planning Authority do not include the balcony projections. I am satisfied that the balcony projections are an appropriate design solution and will not impact on the ACA as they are located to the rear of the site, are not obtrusive and reflect a contemporary design approach. I am satisfied that an appropriate prior to commencement condition

can require the applicant to submit updated elevation drawings in the event of a grant of permission.

- 9.29. I also consider it necessary to consider the condition of the appeal site in its current form against what is being proposed. On balance I am of the opinion that the proposed development is a significant improvement on the current site conditions. The design will provide for a variety of housing in the form of apartments and semidetached properties. I consider that the scale of the apartment block is appropriate for the infill site in an ACA, and although larger, somewhat reflects the current building configuration on the site and I do not consider the development to be overbearing.
- 9.30. The flat roof design of the proposed apartment building reflects a modern contemporary design in place of the existing pitched roof structure of the rear return building. I am of the opinion that the provision of a contemporary design solution to be appropriate and that it will respect the character of the area in accordance with s3.10.1 of the 2011 Architectural Heritage Guidelines and **AH034** of the Development Plan. I do not consider that a material contravention arises in this instance and that Objective AH034 does not restrict design that is contemporary in nature. I am of the view that the reason for refusal conflicts with s3.10.1 of the 2011 Architectural Heritage Guidelines and Objective AH034 of the Development Plan in that the contemporary design proposed integrates with the historic building in this instance, and is appropriate and respects the character of the ACA. The proposed houses are also located within the ACA and I consider the pitched roofs to be reflective of surrounding dwellings and in accordance with **AH034** of the Development Plan.
- 9.31. I am of the opinion that the apartment block and semi detached units are a significant improvement on the existing rear building configuration on site and I am satisfied that the contemporary design is in accordance with **AH034** of the Development Plan with respect to the site layout and design.
- 9.32. I consider the infill development is in accordance with Objective TCO 1.1 and TCO 1.5 of the Local Area Plan and Policy HO P6 of the Development Plan. I also consider the overall design to be an appropriate scale for the site and with respect to the streetscape of Dublin Street. I do not consider the development to be

overbearing and I do not consider that the development will injure the visual amenities of the area having regard to the ACA. I am therefore satisfied that the design is in accordance with AHO65 of the Development Plan and BHO 2.1 of the Local Area Plan with respect to preserving the character of the ACA.

- 9.33. I consider that the rear development area will not impact on conservation view no. 5 of the Local Plan and the ACA Statement of Character. I also consider that the development is urban in nature and that this section of Dublin Street is within an urban area. I do not consider the development to impact on the scenic route of Dublin Street. Further to the above, I do not consider that the proposed development will have a significant visual impact on the ACA as the development is not located along Dublin Street in which the front facing vernacular building is considered an important part of the views associated with view no. 5 and the scenic route as per the ACA Statement of Character document.
- 9.34. The proposed development which is to the rear of the said views therefore does not impact on the general character of the ACA and therefore a material contravention does not arise regarding Objective AH 065 of the Development Plan.
- 9.35. I am therefore satisfied that the proposed development conforms to Objective BHO 2.1 of the Local Area Plan and I do not consider that a material contravention arises in this instance as it relates to a Local Plan objective and a material contravention only arises regarding the County Development Plan.
- 9.36. **Layout and design**
- 9.37. The site is located within the Kildare Town ACA.
- 9.38. Apartments
- 9.39. The proposed development will incorporate 5 no. apartments in a single block located behind the 2 storey building fronting Dublin Street. Finishes include brick, a metal flat roof, and plastered walls.
- 9.40. I note that apartment no.'s 1 and 5 have been identified for Part V allocation which would represent 22% of the overall development which I consider to be acceptable. I am satisfied that a Part V condition can be included in the event of a grant of permission.

9.41. 4 no. two bedroom apartments and 1 no. one bedroom unit are proposed. Having reviewed the accommodation schedule and Block B plan submitted to the Planning Authority I note the following having regard to the 2025 Planning Design Standards for Apartments.

- All units exceed the minimum overall floor areas for 1 and 2 bedroom units in accordance with SPPR2 of the 2025 Guidelines.
- Unit 4 has a living room width of 3.5m for a two bedroom unit. This is less than the 3.6m minimum. I note Appendix 1 of the 2025 Guidelines which allows for a variation of up to 5% regarding room widths subject to compliance with the overall apartment floor areas.
- Unit no.'s 4 and 5 bedroom widths of 2.7m are below the 2.8m minimum. I note Appendix 1 of the 2025 Guidelines which allows for a variation of up to 5% regarding room widths subject to compliance with the overall apartment floor areas.
- Unit no. 5 storage at 4m² is below the minimum 6m storage requirement. I note s3.7 Internal Storage of the 2025 Guidelines which allows for the relaxation of standards on a case by case basis.
- Private amenity space for the 2 bed units is outlined at 6.9m, which is below the 7m minimum. I note s3.8 Private Amenity Space of the 2025 guidelines which allows for the relaxation of standards on a case by case basis.

9.42. However, notwithstanding the minor shortfalls outlined above I am satisfied that the internal layout and the provision of private open space are generally in accordance with the requirements of the 2025 Planning Design Standards for Apartments. I also note that all apartments are dual aspect and that an open space area of 92m² is also proposed which I consider appropriate. I am satisfied that on balance the shortfall on minimum standards regarding the 2025 Planning Design Standards for Apartments is acceptable in this instance having regard to the infill nature of the site and the provision of additional 92m² open space for use by residents.

9.43. I note that the first floor window of the bathroom of unit no.3 overlooks the adjacent rear courtyard area of the pub. I am satisfied that an appropriate planning condition for obscure glazing can address this in the event of a grant of permission.

- 9.44. I acknowledge that two first floor bedroom windows of unit no. 4 also overlook the rear courtyard area of the adjacent pub. Having visited the site I am satisfied that the rear courtyard of the pub comprises a number of residential units with the front of these properties facing outwards to the central courtyard. There is approximately an 8m setback distance from the front of the courtyard units to the said windows of unit no. 4. Having regard to SPPR1 of the 2024 Compact Settlement Guidelines I consider that the first floor rear windows of unit no.4 do not face opposite first floor rear or side windows in this instance and therefore the 16m setback distance of SPPR1 is not relevant in this regard. As the courtyard development contains units arranged in a perimeter formation, I do not consider the addition of two rear oriented bedroom windows to face onto this central courtyard area to result in any significant impact on adjacent residential amenity.
- 9.45. I am satisfied therefore that the two rear facing bedroom windows are acceptable and will not result in significant overlooking or impact on the amenity of adjacent properties.
- 9.46. I note the site layout plan outlines a gap between the rear of the apartment building and the western boundary wall. It does not appear that rear access is possible along the entire rear area of the apartment building. I consider that this gap cannot be left without rear access. I am satisfied that in the event of a grant of permission that a pre commencement condition is included for a revised site layout drawing to show rear access for apartment block. I am of the opinion that this may reduce the 5.5m road width to the front of the building. However, due to the limited vehicular traffic associated with the rear of the site I am satisfied that a reduction in the 5.5m width to be appropriate in this instance to accommodate a revised apartment block layout.
- 9.47. Semi-detached houses
- 9.48. 4 no. semi-detached houses are located to the rear of the site. The houses are 8.46m in height. Finishes include brick, plaster and blue/black slates. The rear gardens of the 2 bedroom units are 41m² and 87m², and 53m² and 69m² for the three bedroom units. I am satisfied that the rear gardens exceed the rear amenity requirements as per the Compact Settlement Guidelines 2024 which specifies 30m² for a 2 bedroom unit and 40m² for a 3 bedroom unit.

- 9.49. I am also satisfied that the internal layouts of the houses are in accordance with the 2007 Quality Housing for Sustainable Communities.
- 9.50. The first floor en-suite gable window of the three bedroom unit will face the adjacent residential dwelling in Beechgrove, however obscure glazing can be conditioned for this window in the event of a grant of permission. The adjacent existing residential dwelling located in Beechgrove flanks the public road as opposed to facing it. The result is that the proposed semi-detached units will form a continuation of this flanking orientation and therefore these units do not overlook the rear amenity area of the existing flanking property in Beechgrove. I am therefore satisfied that SPPR1 of the 2024 Guidelines is not appropriate regarding a 16m setback distance and I do not consider the proposed houses to overlook the existing flanking housing of Beechgrove.
- 9.51. The rear gardens of the 2 no. three bedroom houses are 7.0m and 7.7m to the site boundary. I note that there are no gable end windows on the semidetached unit of Beechgrove (no. 34) located to the northwest of the appeal site, and north of the adjacent flanking units. The distance from the rear elevation of the proposed northwest three bedroom unit to the gable end of the semidetached unit of Beechgrove is approximately 14m. Although this is less than the 16m as per SPPR1 I am satisfied that the reduced distance is acceptable in this instance as there are no directly opposite first floor gable windows on the semidetached unit of Beechgrove.
- 9.52. The rear first floor windows of the 3 bedroom units are bedrooms. I note the existing vegetation on site which would provide screening. I am satisfied in this instance that the 7m-7.7mm setback from the rear boundary is appropriate and I do not consider that there will be a significant impact on the rear amenity area of the existing semidetached unit of Beechgrove due to the existing vegetation and screening and due to the height of the existing stone boundary wall which is approximately 3m.
- 9.53. The northeast 2 bedroom unit backs onto the rear boundary of the Beechgrove semi-detached unit (no.20) which is located northeast of the appeal site boundary. I am satisfied that there will be no significant impact on the residential amenity of this property due to the depth of the extended garden of no. 20 Beechgrove. This also increases the setback distance of the proposed rear elevation of the northeast 2 bedroom unit to approximately 24m from the rear elevation of the semidetached

property at no. 20 Beechwood. The gable en-suite first floor window of the said 2 bedroom unit overlooks the car park of the garda station to the east. This window can also be conditioned to be of obscure glazing in the event of a grant of permission.

9.54. Daylight and overshadowing

- 9.55. The appellant has submitted a Daylight and Sunlight Report dated 14/07/25. I note the reason for refusal regarding overshadowing of Block A. The Daylight and Sunlight Report was submitted to the Planning Authority under the previous planning application reference no. **2560313**. I note that this includes a concept model based on a more intensive site design for 15 no. apartments in 2 no. blocks.
- 9.56. Notwithstanding this the 2025 report outlines that all four amenity spaces of the adjacent properties in Beechgrove all meet the BRE Guidelines with respect to access to sunlight. I note with respect to overshadowing that the report acknowledges some limited shadow extension, but outlines that this is typical of medium-density development and remains within reasonable parameters.
- 9.57. I note the findings of the balcony assessment of the report. This outlines that the ground floor balconies would need to be either glazed or railings to meet the BRE 2 hour threshold regarding sunlight to private amenity areas. The current design shows a solid wall for the ground floor balconies. I am satisfied that a suitable planning condition can ensure that the ground floor balconies are designed with an east facing railing or glazed balustrade in the event of a grant of permission.
- 9.58. I note that the report does not include an assessment of the adjacent courtyard development to the rear of the pub. However, I consider that the existing buildings already project overshadowing of the courtyard area, which also constitutes a small and constrained space. The heights of the existing buildings along the eastern boundary to be demolished range from 4.2m-6.94m in height with the rear return of the front facing building 8.7m in height. I also acknowledge the existing high walls between the pub and the appeal site.
- 9.59. I am of the opinion that any existing shadowing of the pub courtyard will not be significantly worse as a result of the proposed development (6.96m-7.46m in height), with the 7.46m reflecting the falling topography towards the rear of the site. I am of the opinion that the demolition of the rear two storey return structures and

construction of an apartment block lower in height than the front facing building will not be significantly worse than the existing situation regarding overshadowing of the courtyard.

9.60. Having regard to the above I am satisfied that the proposed development would be in accordance with HO 06 of the Development Plan in that the design respects the character of the ACA and will not have an adverse impact on the residential amenities of surrounding properties having regard to the existing overshadowing that occurs. I therefore do not consider that a material contravention arise regarding Objective HO 06 of the Development Plan.

9.61. **Archaeology**

9.62. I note that archaeology did not form a reason for refusal. The appellant included an Archaeological Impact Assessment dated August 2025 with their submission which was not submitted to the Planning Authority under **2660224**. This report was submitted with the previous planning application reference no. **2560313**.

9.63. I note that the appeal site is located within a Zone of Archaeological Potential as per the Local Plan. I note the findings of the Archaeological Impact Assessment and I am satisfied that appropriate conditions can be included in the event of a grant of permission regarding archaeology and monitoring.

9.64. **Other matters**

9.65. The appellant raises a number of concerns regarding unauthorised development in proximity of the appeal site. I consider any unauthorised development an enforcement issue and any matter of enforcement falls under the jurisdiction of the Planning Authority.

9.66. **Material Contravention**

9.67. The Planning Authority has refused permission and stated that the development materially contravenes the CDP.

9.68. Further to my assessment above I do not consider the proposal to constitute a material contravention.

9.69. Notwithstanding the above, if the Commission are minded to come to a different interpretation and consider the overall development to materially contravene the CDP, I have assessed the development against the four criteria outlined under

Section 37(2)(b) of the Planning and Development Act 2000, as amended, which is the criteria that allows the Commission to grant permission in the event of a material contravention

(i) 'the proposed development is of strategic or national importance'.

I do not consider that the proposed development is of strategic or national importance.

(ii) 'there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or'.

Objective AH034 of the Development encourages high-quality design that is reflected of older buildings of architectural merit. This does not clearly state that the design cannot be contemporary in nature. However, the reason for refusal outlines concerns regarding the integration of a historic building with a contemporary building. The contemporary building layout is in accordance with the 2025 Apartment Guidelines and the policies and objectives of the Development Plan. This conflicts with the reason for refusal and Objective AH034 in this instance.

(iii) 'permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or'.

S3.10.1 of the 2011 Architectural Heritage Guidelines outlines that a contemporary design solution is appropriate that respects the character of an ACA.

(iv) 'permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'

I do not consider there to be any relevant planning applications with respect to the appeal site. I note the previous refusals for larger development on the appeal site.

9.70. It is my view that Section 37(2)(b)(ii) would allow for consideration to be given to the material contravention of the Plan, where such was considered to arise.

10.0 AA Screening

10.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located off Dublin Street, Kildare Town, Co. Kildare approximately 5km southwest of the Pollardstown Fen SAC (00396).

The permission is for the construction of 5 no. apartments and 4 no. houses.

No nature conservation concerns were raised in the planning 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 works and scale of the development.
- Location and distance from the nearest European site and lack of hydrological connections.

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. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

12.0 Recommendation

12.1. I recommend to the Commission that permission be granted for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to:

- The provisions of the Kildare County Development Plan 2023-2029 including Objective AH O34 regarding the extension of the front facing building along Dublin Street. Objective O65 regarding appropriate development within the ACA and HO O6 with respect to an appropriate development having regard to the residential amenity and existing development the area.

I do not consider that a material contravention of the policies and objectives arises regarding the proposed development due to the provisions of section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended) which states *'there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.'* The conflict is regarding the contemporary design solution within an ACA.

- The provisions of the Kildare Town Local Area Plan 2023-2029, including Objectives TCO 1.1 and 1.2 and Objective BHO 2.1 regarding the appropriate location and scale of the development. I do not consider a material contravention to be applicable regarding the Local Area Plan as a material contravention only arises regarding the County Development Plan.
- The nature, scale, and location of the proposed development within the Kildare Town Architectural Conservation Area.

- The residential amenities of properties in the vicinity of the development.
- The details contained within Architectural Heritage Impact Assessment, Daylight and Sunlight Report, and Archaeological Impact Assessment.

It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity or visual amenity of the ACA. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The first floor gable end bathroom windows of the houses shall be of obscure glazing.
(b) The bathroom windows of the apartments shall be of obscure glazing.

Reason: In the interest of residential amenity.

3. The east facing aspect of the ground floor balconies of the apartment building shall be either railings or a glass balustrade. A wall is not acceptable.

Reason: To facilitate adequate daylight to the ground floor apartments.

4. Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority the following;

(a) a revised site layout plan which demonstrates that the minimum rear building access can be provided along the eastern boundary of the apartment building and vehicular access can be maintained to the rear of the site. The minimum carriageway width may reduce below 5.5m to accommodate the design change.

(b) revised elevation drawings which outline the balcony projections of the apartment building.

Reason: In the interest of residential and visual amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and orderly development.

6. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a boundary and landscaping plan which details the following.
 - (a) Appropriate boundary treatments for the overall site, to include the boundaries and property lines of the semidetached units.
 - (b) Details of planting and landscaping proposed for the open space area.

Reason: In the interest of visual amenity and orderly development.

7. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority the following.

(a) Clarify the material for the floor over the undercroft car parking. The Applicants shall have a chartered structural engineer sign off on the suitability of the building fabric to withstand a possible fire in the under-croft car parking area. The Applicants shall note requirements for the floor slab and walls; restrictions in ducting and openings on the drawings.

(b) A drawing for a priority junction at the site entrance, in keeping with the Design Manual for Urban Roads and Streets at the intensified entrance on to the main road, to give Pedestrians priority over vehicular traffic. The findings of the road safety audit shall be incorporated into the design.

(c) To improve intervisibility between a vehicle driver exiting the development and a pedestrian walking from behind a boundary wall at the southern boundary of the site; the Applicant shall provide a drawing showing a minimum of:

- (i) Both a 2-Metre wide and a 1.8-Metre-wide Footpath on either side of the access carriageway at the junction with the main road;
- (ii) A 5.5 -metre-wide carriageway within the development widening to 6 metres where a circulation aisle is required for perpendicular to kerb parking. As a minimum requirement, a 2-metre-wide Footpath and a 5.5-metre-wide Carriageway shall be maintained through the development.

(d) Details on the type of materials used for the road and footpath infrastructure within the development.

Reason: In the interest of public safety and amenity.

9. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a Construction and Demolition Resource Waste Management Plan (RWMP) in accordance with Appendix C of the "EPA Best Practice Guidelines for the Preparation of Resource and

Waste Management Plans for C&D Projects (2021)” including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of proper planning and sustainable development.

10. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] [within each house plot] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

And [in apartment development]

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. Proposals for an estate name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. [The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority]. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name(s).

Reason: In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].

12. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

13. All foul sewage and soiled water shall discharge to the public foul sewer system.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

14. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

15. All surface water from the carpark areas shall pass through adequately sized and sited petrol/oil interceptor(s) before being discharged to the surface water system.

Reason: In the interest of public health, to avoid pollution, and to ensure proper development.

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and public safety.

17. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: in the interest of visual and residential amenity.

19. The following noise limits shall apply to construction activities: 70 dB(A) (LAeq 1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time following completion of the site development works.

Reason: In the interest of public health and the use of best practice guidelines in order to avoid pollution

20. The applicant shall use “Best Practicable Means” to prevent/minimise noise and dust emissions during the construction phase of the development, through the provision and proper maintenance, use and operation of all machinery, all to the satisfaction of the Planning Authority.

Reason: In the interest of public health, and the use of best practice guidelines in order to avoid nuisance.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: in order to safeguard the amenities of property in the vicinity.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.”

Donal Farrelly
Planning Inspector

10/09/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501391-KE-26
Proposed Development Summary	Demolition of existing structures on site and the construction of 5 no. apartments and 4 no. houses.
Development Address	Dublin Street, Kildare Town, 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.	State the Class here
☒ 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	Class 10 (b)(i) Construction of more than 500 dwelling units. The proposal is for 4 no. houses and 5 no. apartments.

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501391-KE-26
Proposed Development Summary	Demolition of existing structures on site and the construction of 5 no. apartments and 4 no. houses.
Development Address	Dublin Street, Kildare Town, 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 development has a modest footprint, comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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 development is removed from sensitive natural habitats, and designated sites. The development is urban in nature and is located on a scenic route in an urban area, therefore I do not consider this to impact the scenic route. Architectural conservation view no. 5 extends from Market Place and includes the front building along Dublin Street. I do not consider the

of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	proposed rear buildings to impact on this conservation view.
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 of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)