



An
Coimisiún
Pleanála

Inspector's Report PL-501498-KE-26

Development	Retention of modifications to dwelling and completion of dwelling
Location	Osberstown, Naas, Co.Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2561259
Applicant(s)	Mary Jacqueline Lavin
Type of Application	Retention and Permission
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Planning Appeal
Appellant(s)	Conor Lydon
Observer(s)	None
Date of Site Inspection	19/08/26
Inspector	Donal Farrelly

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	5
4.0 Planning Authority Decision	5
4.1. Decision	5
4.2. Planning Authority Reports	5
4.3. Prescribed Bodies	6
4.4. Third Party Observations to the Planning Authority	6
5.0 Planning History.....	6
6.0 Policy Context.....	7
7.0 EIA Screening.....	11
8.0 The Appeal	11
8.1. Grounds of Appeal	11
8.2. Applicant Response	13
8.3. Planning Authority Response.....	14
8.4. Observations.....	14
8.5. Further Responses	14
9.0 Assessment.....	15
10.0 AA Screening.....	18
11.0 Water Framework Directive	19
12.0 Recommendation	20
13.0 Reasons and Considerations.....	20
14.0 Conditions	20

Appendix 1: Form 1 EIA Pre-Screening	25
Appendix 2: Form 2 - EIA Preliminary Examination.....	28

1.0 Introduction

- 1.1. The applicant was granted retention permission under planning reference no. **2561259** for elements of a rural house which have been constructed. The dwelling was approved under planning reference no. **211556** for a part single storey part storey and a half dwelling which incorporated aspects of an existing building into the design.
- 1.2. Under compliance procedures associated with Condition no. 3 of the **211556** permission the design of the dwelling changed from the part single storey part storey and a half design to a two storey house. **This was deemed compliant.**
- 1.3. The applicant outlines in their submission to the Planning Authority under planning reference no. **2561259** that a section of the original house structure which was approved to form part of the new dwelling collapsed and a new structure was constructed in place of this. The applicant also seeks permission to complete the remainder of the works on site.
- 1.4. The new permission is required as the original dwelling was fully demolished and a replacement house constructed.

2.0 Site Location and Description

- 2.1. The site is 0.46 ha in size and is located in Osberstown, Naas, Co. Kildare. The site is located circa 1.5km southwest of Sallins train station. The dwelling subject to retention is located adjacent to Osberstown House which is a protected structure (RPS B19-14) and a walled garden. (?)
- 2.2. The site is surrounded predominantly by agricultural land with a farmyard located circa 115m to the southwest of the site and Osberstown House approximately 100m to the northeast. Sallins bypass is located circa 170m to the rear of the appeal site.
- 2.3. The dwelling is located approximately 190m from the public road L2006 and access is by a laneway.

3.0 Proposed Development

3.1. The proposed development comprises the retention of design changes to a rural house located adjacent to a protected structure (RPS) and walled garden. The design changes to the original grant of permission reference no. **211556** include the following.

- Position of dwelling under 2561259 is located northwest of the position approved under 211556. The revised position is in place of the existing outbuilding identified on the site layout plan of 211556. The site layout plan of 2561259 identifies a walled garden structure where the existing building was identified to be incorporated into the dwelling under 211556.
- The permitted house under 211556 is a part single storey part storey and a half dormer structure with an overall height of 6.538m and overall floor area of **276m²**.
- The permitted design was changed to a two storey dwelling under compliance condition no. 3 of 211556.
- The design approved under 2561259 is similar to the design submitted under condition no.3 of 211556 except for the area of the building which collapsed and was rebuilt and which is subject to retention permission. The height of the dwelling is 6.8m with an overall floor area of **255m²**.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Retention permission and permission was granted by Decision Order dated 12/05/2026 subject to 16 no. conditions. Condition no. 4 is of note and requires the completion of a bat survey prior to the continuation of further development.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Report of Planner dated 11/05/2026 recommends a grant of permission subject to conditions including a prior to commencement condition regarding a bat survey.

4.2.2. Other Technical Reports

- Naas Area Engineer. No objection subject to conditions.
- Environment Section. No objection subject to conditions.
- Water Services. No objection subject to conditions.
- Transportation, Mobility and Open Spaces. No objection subject to conditions.
- Conservation Officer. Report received which recommends a refusal based on the following. Planning permission was granted under 21/1556 on the basis that the structural report confirmed that the farmhouse was structurally sound. The construction of a contemporary structure was not authorised, and it undermines the special character of the demesne. The proposal impacts the adjoining protected structure and walled garden.
- Heritage Officer. No response received.

4.3. Prescribed Bodies

Uisce Eireann. Referred to in error in planners report. No response received.

Department of Housing, Local Government & Heritage. No report received.

4.4. Third Party Observations to the Planning Authority

A submission was received from the neighbouring property owner Conor Lydon, who is also the appellant in the current appeal. The concerns raised in the submission are similar to those raised in the grounds of appeal, and which are summarised in section 8.1 of this report.

5.0 Planning History

Planning reference 211556. the development will consist of re-establishment of residential use of existing derelict house and conversion of existing derelict out-

building to be included as part of proposed dwelling. Works to include renovation and extension of existing derelict dwelling and out-building, upgrading of existing field entrance to domestic recessed entrance, wastewater treatment system and all associated site works. The proposed development is within the curtilage of Osberstown House which is a protected structure B19-14. No works are proposed that will affect this structure. Permission granted on 26/07/22.

Condition 3

The structural stability of the single storey outbuilding on site is noted to be very poor and incapable of restoration. Prior to the commencement of development, the Applicant shall submit, for the written agreement of the Planning Authority, revised plan and elevations outlining the following amendments and revisions to the development, to take account of the structural issues pertaining on site:

The existing structure, including 2 no. chimney stacks, internal walls and surviving fireplace of the 2-storey farmhouse to be retained. New slate/metal roof to be restored to original roof standing i.e. ridge level, eaves level, rainwater goods and roof pitch. Door and window openings, including stone window cills to be retained.

In consideration of the poor condition of existing single storey outbuilding proposed to be renovated, partial demolition may be unavoidable. Any new structures should be distinctly modern in design and construction. Doors and windows to single storey structure should be distinctly modern in design.

Revised drawings should be at a scale of no less than 1:50 to adequately demonstrate the proposed works. The applicant may submit a number of draft submissions for review to the Kildare County Conservation Officer, prior to the formal compliance submission.

Reason: In the interest of architectural heritage protection.

I note an attached deposit file PL06D.211556. This file relates to Dalkey and I do not consider this relevant regarding the appeal site.

6.0 Policy Context

5.1 Development Plan

The Kildare County Development Plan 2023-2029 (CDP) is the relevant Development Plan for the appeal site. In my opinion the most relevant policies and objectives are listed below.

Chapter 3 Housing

S3.13.3 outlines a definition of 'Economic' and 'Social' need in the context of rural housing policy.

Category B(i) **Table 3.4** Schedule of Local Need Criteria. A person who has resided in a rural area for a substantial period of their lives within an appropriate distance of the site where they intend to build on the family landholding.

S3.18 Technical Considerations for Rural Housing Proposals in County Kildare.

Policy HOP11. Facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside in conjunction with the rural housing policy zone map (Map 3.1) and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with the objectives set out below.

Objective HO O43. Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare.

Objective HO O45. Restrict occupancy of the dwelling as a place of permanent residence for a period of ten years to the applicant who complies with the relevant provisions of the local need criteria.

Policy HO P12. Ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings and the natural and cultural heritage of the area whilst respecting the character of the receiving environment. Proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.

Chapter 9 Our Rural Economy

s9.3 Rural Economy and Rural Enterprise. Other land uses such as housing while not encouraged may be considered in the rural countryside. If land is not within an identified settlement and is not otherwise zoned as part of this Plan, or any Local Area Plan, the use of such land shall be deemed to be **primarily agriculture**.

Chapter 11 Built and Cultural Heritage

Objective AH O20. Conserve and protect buildings, structures and sites contained on the Record of Protected Structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Objective AHO21. Protect the curtilage of protected structures or proposed protected structures and to refuse planning permission for inappropriate development that would adversely impact on the setting, curtilage, or attendant grounds of a protected structure, cause loss of or damage to the special character of the protected structure and/or any structures of architectural heritage value within its curtilage. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire built heritage complex and contributes positively to that aim.

Objective AHO31. Protect the designed landscapes associated with protected structures and retain important elements of the built heritage including historic gardens, stone walls, pathways, and avenues within the curtilage and attendant grounds of protected structures.

Objective 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.

Policy AH P6. 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.

Policy AH P7. Promote appreciation of the landscape and historical importance of traditional and historic gardens, demesnes and parks within County Kildare and particularly where they constitute an important and intrinsic value to the setting of a protected structure.

Objective AHO46. Encourage conservation, renewal and improvement which enhances the character and the setting of parks, gardens, and demesnes of historic interest within the county.

Objective AH O52. Designate and protect historic landscape areas including demesnes and ensure that new development enhances the special character and visual setting of these historic landscapes and to prevent development that would have a negative impact on the character of the lands within these historic landscape areas.

Chapter 15 Development Management Standards.

S15.2.2. 'A minimum distance of 2.3 metres shall be provided between the side walls of adjacent dwellings or dwelling blocks with each building being a minimum of 1 metre from the boundary to allow for adequate maintenance and access.'

S15.16.1.2 Development Within the Curtilage, Attendant Grounds and Setting of Protected Structures outlines design requirements with respect to development in proximity of protected structures.

Appendix 4 Rural House Design Guide. Provides guidance on planning for a new home in rural County Kildare, with an emphasis on the importance of siting and good quality sustainable design.

5.2 National/Regional Plans/Policies

National Policy Objective (NPO) 23 Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape including island communities that make Ireland's rural areas authentic and attractive as places to live, work and visit. Any successor policy documents relating to national policy for rural areas and the islands will ensure continued alignment and consistency with the National Policy Objectives of this Framework.

National Guidance

Architectural Heritage Protection Guidelines for Planning Authorities 2011. Provides details regarding protected structures and The National Inventory of Architectural Heritage.

National Built Heritage Service National Inventory of Architectural Heritage (NIAH)

Osberstown House. Reg No 14326001. Rating- Regional

Appraisal

The simple form of this farmhouse employs an interesting variety of materials in its construction, such as the limestone, brick and slate. The setting of the farmhouse is enhanced by the stone outbuildings to the rear and the cast-iron railings to the front. These are different outhouses to the structures on the appeal site.

5.4 Natural Heritage Designations

The appeal site is located 7.2km northeast of the Mouds Bog SAC (002331).

Proposed Natural Heritage Area

Grand Canal (002104) is located circa 700m northeast of the appeal site.

7.0 EIA Screening

The 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 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 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

A third party appeal report has been lodged by Stephen Little and Associates on behalf of the appellant Conor Lydon of the neighbouring property Osberstown House. The appeal was accompanied by a number of supporting documents related to the application. The appeal report is summarised as follows.

- The appellant did not make any observation on the application granted under 21/1556 as this proposal did not impact on Osberstown House. They also

outline that an agreement was in place regarding the construction of a part single storey part dormer dwelling.

- The current application should be considered *de novo* by ACP as the Planning Authority have not had sufficient regard to the impact on Osberstown House which is a protected structure.
- The Planning Authority did not adequately respond to the submission made by the appellant on the planning application.
- The position of the appeal dwelling is different from that approved under 21/1556. The permitted design is a single storey plus partial dormer accommodation in the roof space and has no windows from habitable rooms overlooking the appellant's property.
- Condition 3 was deemed in compliance on 20/12/23 with respect to the restoration of the outbuilding structure. Another compliance submission was received on 20/11/24. The appellant outlines that this design is materially different than what was approved under 21/1556.
- The statutory notices are misleading having regard to the change of design through condition 3 compliance of 21/1556. The development is for the construction of a dwelling that is materially different to what was permitted under 21/1556. The impact on the protected structure is materially different to what is proposed. This is not a modification of design.
- The site layout plan submitted under 25/61259 identifies the previous location of the outbuildings in the northeast of the site now as a walled garden. The proposed building is located 2m from the appellant's boundary.
- The proposed development is materially different from the plans approved under 21/1556. It is inconsistent with condition 3 and no reliance can be placed on the compliance letter dated 24/11/24 as the decision was *ultra vires*. It is now proposed to regularise the development under the retention permission, and which does not accord with the proper interpretation of condition no. 3. This was also highlighted in item 1 of the further information request under 26/61259.

- Condition 3 was for the retaining and refurbishment of the two storey farmhouse and the renovation of the outbuilding to remain as an ancillary structure.
- The third party appellant would have been amenable to a redesign that would remain consistent with the development permitted under 211556.
- Condition 3 requires any new structure in respect of the outbuilding to be ancillary to the main residential farmhouse and to be single storey.
- It would appear that the roof form and footprint of the dwelling is larger than what is shown on the plan submitted under 2561259.
- The retention and refurbishment of the 2 storey farmhouse is no longer part of the development due to collapse of parts of the building, and has been designated as a walled garden. The Conservation Officer noted in their report under 2561259 that the structural report submitted under 211556 confirmed the farmhouse was structurally sound and capable of restoration and planning permission was granted on this basis. The contemporary construction undermines the demesne.
- The development has an adverse impact on the attendant land and curtilage of Osberstown House. The two storey element of the outbuilding in proximity of the walled garden of the protected structure is overbearing.
- Retention should be assessed having regard to the impact on the protected structure and adjoining lands.

8.2. Applicant Response

The applicant has submitted a letter prepared by KBM Architects in response to the third party appeal letter which includes a number of attached documents. The KBM letter is summarised as follows.

- The appeal places significant emphasis on alleged discrepancies between the permitted development under 21/1556 and the development for retention and completion. It does not acknowledge the compliance process regarding condition 3 and the Planning Authority's acceptance of the revised design as part of this. This included a new two storey element.

- A compliance letter dated 18/01/24 confirmed that revised plans were acceptable. A subsequent revised compliance drawing submitted in November 2024 was also confirmed as being acceptable by the Planning Authority. The current proposal does not represent unauthorised development as per the planning history.
- The Planning Authority assessed the revised design having regard to its location within the curtilage of a protected structure. The development remains subordinate to the wider historic setting. The proposal relates to modifications to a dwelling previously granted permission.
- The concerns regarding scale and massing are not supported by conservation of visual impact assessments. The Planning Authority considered the revised design to be appropriate.
- The photographs submitted with the appeal do not demonstrate unacceptable planning impacts.
- Section 14 of the contract of sale is relevant regarding the revised design.

8.3. Planning Authority Response

Letter dated 07/07/26 outlines that the Planning Authority confirms its decision and to refer to the planner's report and other technical documents.

Email received 08/07/26 which confirms that the Uisce Eireann report was referred to in error.

8.4. Observations

None

8.5. Further Responses

The Heritage Council. No response received.

Failte Ireland. No response received

An Taisce. No response received

An Chomhairle Ealaíon. No response received.

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 and relevant issues in this appeal to be considered are as follows:

- Planning history
- Principle of development
- Design and protected structure
- Other matters

9.2. Planning history

9.3. The four bedroom design approved under **211556** was for a part single storey part storey and a half dwelling of **414m²**. This design incorporated two no. existing buildings into the overall 'L' shaped design with a central ground floor lobby area joining the two existing buildings. One of the existing buildings was located in the northeast of the site with the other located to the southeast.

9.4. The initial compliance submission under condition 3 of **211556** was for a **328m²** house to incorporate a two storey element in a similar 'L' shaped layout to the design permitted under 211556. This submission was deemed compliant by the Planning Authority by way of a decision letter dated 18th January 2024.

9.5. The resubmission under condition 3 was for a **296m²** two storey dwelling which was relocated to the southeast corner of the site. The revised four bedroom design incorporated the southeast existing building only, with a proposed extension to the rear of this. The existing building in the northwest of the site was identified as a walled garden. This revised submission was deemed compliant by the Planning Authority by way of a decision letter dated 25th November 2024.

9.6. Having regard to the above I note that that the dwelling deemed in compliance under condition no.3 in November 2024 is materially different than the dwelling permitted under 211556. However notwithstanding this, the applicant is submitting a retention planning application for the dwelling currently under construction, and this has been

assessed by the Planning Authority as a planning application submitted under **2561269** as opposed to an amendment of the extant permission.

9.7. Principle of Development

- 9.8. The retention permission is for a two storey four bedroom house with a design and layout similar to the compliance resubmission under condition 3. However, this design does not include the retention of the existing building to the southeast of the site. The applicant outlines that this building collapsed and was rebuilt as a result. The house for retention is **255m²**. The reduction in size from the design resubmitted under condition 3 (**296m²**) is as a result of the length and width of the dwelling being reduced.
- 9.9. I note the local need documentation and rural housing application form submitted by the applicant to the Planning Authority. This is regarding the current permission as the retention permission is for a new replacement dwelling, as opposed to the extension of an existing house. The details submitted confirms that the applicant has submitted for a rural house under Category B(i) of Table 3.4 the County Development Plan which is regarding a person that has resided in a rural area for a substantial period of their lives where they intend to build on the family landholding.
- 9.10. I note that the applicant owns the appeal site and previously owned Osberstown House prior to selling it to the current owners and has provided documentation to confirm same. The documentation provided also outlines that the applicant resided at Osberstown House as far back as the 1990s. Having regard to the evidence provided I am satisfied that the applicant has adequately demonstrated that they lived at Osberstown House for a substantial period of time in excess of 16 years and therefore satisfy the local need requirements of Policy HOP11 and s3.13.3 Compliance with the Rural Housing Requirements and Category B(i) Social of Table 3.4 of the County Development Plan.
- 9.11. Having regard to the above, I therefore consider the retention of the existing dwelling and permission to complete the remainder of the structure to be acceptable in principle. The design and layout of the dwelling will be assessed further below.

9.12. Design and protected structure

- 9.13. I note the NIAH appraisal regarding the protected structure and that it emphasises the special interests as being Osberstown House and the rear stone outbuildings. This appraisal does not include details of the walled garden which is located adjacent to the appeal dwelling. I note the concerns of the third party appellant regarding overlooking and impact on the protected structure.
- 9.14. The dwelling for retention is currently under construction and is located to the southeast corner of the appeal site. The rear element of the dwelling is located 2m from the boundary of the adjacent property. The front aspect of the dwelling is located 12.1m from the adjacent property boundary. An area identified as a walled garden is located to the northeast of the appeal site. An existing out building is identified as being located in the southeast corner of the appeal site.
- 9.15. The two storey dwelling is 6.8m in height and 255m². The first floor plan does not include any northeast gable windows facing the adjacent property at Osberstown House. Bedroom 2 on the first floor has north and south facing windows but these do not directly face the adjacent property. I do not consider that the appeal dwelling will impact on the adjacent residential amenity of Osberstown in the form of overlooking. I do not consider that the dwelling has an overbearing impact on the walled garden of the adjacent property having regard to the high boundary wall and that the building is set back a minimum of 2m from the property boundary.
- 9.16. The appeal dwelling is located approximately 100m from the protected structure of Osberstown House. I consider this distance to be sufficient, and I do not consider that the dwelling for retention will visually impact on the special interests of Osberstown House.
- 9.17. I acknowledge that the front of the dwelling was previously granted permission to be incorporated into the overall house but the structure collapsed and was rebuilt as a result. I note the planning report submitted by way of further information to the Planning Authority and which includes photographs of the structure prior to its collapse. The report outlines that there were significant issues with load bearing elements and stability of the structure, which collapsed during building works. The reconstructed building was completed on the same footprint as the original building.

9.18. I am of the view that rationale provided regarding the condition of the said structure and the subsequent collapse are reasonable. I am of the opinion that the reconstructed building has the appearance of a traditional farmhouse building. Having regard to the details provided I am therefore of the opinion that the reconstruction of the building in place of the collapsed structure to be acceptable. I consider that the rear element of the dwelling to be subservient to the front aspect of the house and this design contributes in reducing the massing effect of the proposed dwelling.

9.19. I am therefore satisfied that the proposed dwelling for retention and permission to complete the works are in accordance with Policy HO P12, Objective AH O20, Objective AHO21, Objective AHO31 and Objective AH O52 of the County Development Plan.

9.20. **Other matters**

9.21. The third party appellant outlines that there was a contractual agreement between them as the purchaser and the vendor of Osberstown House. The applicant has submitted the contract of sale of said agreement. I am of the opinion that contractual matters in this regard are a civil matter and are not in the remit of the Planning Commission.

9.22. The appellant outlines that the construction of the dwelling house is materially different to what was permitted under 211556, and also raises concerns regarding the building under construction. I consider any unauthorised development an enforcement issue and any matter of enforcement falls under the jurisdiction of the Planning Authority. I have assessed the appeal as a planning application including the details submitted to the Planning Authority under 2561259.

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 at Osberstown, Naas, Co. Kildare approximately 7.2km northeast of the Mouds Bog SAC (002331). The permission is for the retention of design changes to a residential dwelling and completion of the dwelling, effluent disposal system and site entrance.

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 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 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. The development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.
- 11.2. 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 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 O20, Objective AHO21, Objective AHO31 and Objective AH O52 which outlines that development in the vicinity of a protected structure and historic environments should be appropriate and not negatively impact the protected structure or landscape.
- Policy HO P12 and Appendix 4 of the Development Plan which outlines that rural house development shall be appropriate and in accordance with the Rural House Design Guide.
- Details of the NIAH register regarding the special character of Osberstown House.
- The planning history of the site and local need demonstrated by the applicant.

It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the adjacent protected structure or residential amenities, or impact the visual amenities of the area. 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 retained and 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 proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. Prior to the continuance of further development on-site the Developer/Applicant shall prepare and submit, for the written agreement of the Planning Authority, a bat survey of the buildings and surrounding

vegetation that may be impacted by the development. If required, evidence of an application for a derogation licence shall also be submitted with the report for approval by the Planning Authority.

Reason: In the interest of natural heritage protection.

4. The landscaping scheme shown on the site plan drawing No. 191439-P-05, as submitted to the planning authority on the 16/04/26 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

5. The existing hedge along the public road shall be retained except to the extent that its removal is necessary to provide for appropriate sightlines in accordance with the sightline/junction layout plan.

Reason: In the interest of visual amenity.

6. (a) The site entrance shall be constructed as outlined on the site plan Drawing No. 191439-P-05.
(b) Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1 metre in height.

Reason: In the interest of traffic safety.

7. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 07/11/25 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

8. 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 laneway or adjoining properties.

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

9. 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.

10. 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

24/09/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501498-KE-26
Proposed Development Summary	Retention of design changes to a rural dwelling permitted under 211556.
Development Address	Osberstown, Naas, 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 13 (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	- 25 per cent, - or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater. The retention permission is for a rural house. The rural house was previously approved under 211556 for a different layout and design. The permitted floor area of 211556 is 414m² (excluding compliance redesign) and under 2561259 is 296m².
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-501498-KE-26
Proposed Development Summary	Retention of design changes to a rural dwelling permitted under 211556.
Development Address	Osberstown, Naas, 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	The development is situated in a rural area on improved agricultural land which is abundant in the area, and adjacent to a protected structure. The development is removed from sensitive natural habitats, centres of population and landscapes of identified significance in the County Development Plan.

resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
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 modest nature of the 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	EIA is not required.

effects on the environment.	
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)