



An
Coimisiún
Pleanála

Inspector's Report PL-501523-KK-26

Development	Alteration to previously approved plans PP23/60323. Change of house type and associated site works.
Location	Milepost, Slieverue, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560782
Applicant(s)	Sudhamsha Sunkaraneni and Neelima Benapally
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Robert Dwyer
Observer(s)	None
Date of Site Inspection	14 th September 2026
Inspector	Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site is located at Milepost, Slieverue Co. Kilkenny and comprises an undeveloped plot of land currently in pasture. The site has frontage onto the L-3411-5 to the northwest approaching the village, and is bounded by the R-711-17 to the south, New Ross to Waterford Road.
- 1.2. The plot forms part of a larger scheme for which planning permission was awarded under P.A. Reg. Ref. 2360323 for a small residential scheme of four dwelling houses. A two-storey unit on Site No. 4 located to the immediate east of the appeal site is at an advanced stage of construction.
- 1.3. The 4 no. individual plots, including the appeal site, are long and relatively narrow, with the subject site extending to an overall length of between 96m-97m with a principal width of 30.1m at the northern boundary, tapering to 22.7m towards the south adjoining the R-711-17. The stated area of the site is 0.2534Ha.
- 1.4. The appeal site is bounded by undeveloped sites (No's 1 and 2) to the west beyond which lies a farmhouse and complex with works underway to extend the dwelling house located adjacent the road edge. Individual properties of varying designs are located to the east along the public road approaching the village centre. These include a two-storey semi-detached dwelling which is listed as a protected structure under RPS Ref C661 and which is located to the north of Site No. 4.
- 1.5. A continuous footpath is provided to the northern side of the L-3411-5 and the appeal site is bounded by a low stone wall and hedgerow to its northern boundary. Boundary treatment to the south onto the regional road is formed by hedging and metal construction fencing.

2.0 Proposed Development

- 2.1. The proposal under consideration relates to a revised design to a dwelling house permitted as part of P.A. Reg. Ref. 2360323.
- 2.2. The subject plot, comprising Site No. 3 (as identified under the parent permission), is one of two centrally located sites approved for a dormer style dwelling house with a

largely westerly orientation. The original dwelling design provided for a 4-no. bedroom unit with a floor area of 243sq.m. as per the house plans provided as part of the parent permission. The overall height to ridge level was shown as 7.9m. External finishes comprised render and slate, with a selected stone finish to a single storey annex.

- 2.3. The current proposal seeks to revise the permitted design, providing for a two-storey dwelling incorporating triple gable-fronted elements in a staggered fashion with a broadly north-south alignment. The floor area extends to a stated 298sq.m. and the dwelling has an overall height of 8.1m to roof ridge. The house is set back a stated 32.4m from the road edge to the north, while a single storey garage is set back by 27.3m from this boundary. The easternmost gable elevation is set back 3.1m from the common boundary, while to the west the dwelling is separated by 8.5m from Site No. 2, while the garage is set in by 2.3m.
- 2.4. A rear garden of depth 44.5m is available to serve the property
- 2.5. Access arrangements as permitted under P.A. Reg. Ref. 2360323 provide for a single vehicular entrance to the north to be shared by Site's 3 and 4 with separate driveways serving both properties. This arrangement remains unaltered under the current application. Similarly, the development continues to be served by public foul and water supply connections. Surface water disposal is via soakpits.
- 2.6. External finishes to the dwelling house will comprise cement fibre roof tiles, acrylic render, standing seam vertical cladding and charred timber cladding to the central gable element.

3.0 Planning Authority Decision

3.1. Decision

Kilkenny County Council by Order dated 26th May 2026 GRANTED permission subject to 8 no. conditions. The following are considered salient to this appeal.

Condition No 1

The development shall be carried out and completed strictly in accordance with:

- (i) the conditions of this permission.;*
- (ii) the documents lodged with this application on 03rd of December 2025, and, further information on the 29th of April 2026;*
- (iii) where not covered by changes included in this permission, the applicable conditions of parent planning permission reg. ref. 23/60323.*

Condition No. 3

The roofs of the proposed dwelling house shall be blue/black in colour. All other finishes to the outside of the house shall be as per the drawings submitted, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.

Note: Where practicable, the use of uPVC in doors, windows and rainwater goods including gutters, downpipes, fascia, soffits etc. is discouraged in favour of more sustainable materials such as timber/metal. The use of reconstituted stone is also discouraged in favour of natural stone.

Condition No. 4

(a) All works shall be completed as per the site layout drawing submitted 18/07/2023 except where otherwise stated;

(b) Sightlines shall be provided for and indefinitely maintained as per the sightlines drawing, Ref: 23-052-01 submitted 18/07/2023 of parent planning permission reg. ref. 2360323

(c) The developer shall provide a concrete kerb and 1.8m concrete footpath as per Site Development Works standards along the full extent of the development site. The developer shall agree the detail of the narrowing necessary at the tie-ins to the existing footpaths with the Municipal District Engineer. The remainder of the area between the footpath and new stone wall shall be suitably landscaped with a grassed verge. (It shall be noted that the Municipal District Engineer may require works in respect of drainage on the public road to be co-ordinated with that of the developer on the construction of the footpath.)

(d) The developer shall be required to consult and agree with the public lighting section of Kilkenny County Council in respect of the relocation of the existing public lighting columns required to facilitate the proposed development. The developer shall comply with all requirements of the Public Lighting section of Kilkenny County Council and shall be responsible for all relevant costs arising.

Condition No. 5

Shared entrances / driveways shall be surfaced with a stone / gravel finish to assist with natural drainage of the site and prevent surface water entering onto the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report raised concerns that the intended design was inconsistent with the remainder of the permitted scheme, and at odds with the character and appearance of surrounding development. The report culminated in a request for further information, requiring an amended design to correspond with the established and permitted pattern of development, including in relation to massing, and fenestration. The request for further information also required the applicant to respond to concerns expressed by the adjoining property owner in relation to matters including loss of light and overshadowing.

The final planning report refers to the cover letter, Design Statement and photomontages submitted in response to the request for further information and examines the applicant's response to matters raised in the third party submission regarding shadowing impacts, surface water drainage, boundary treatment and retaining walls. The report determined the revised design to be acceptable and in keeping with the parent permission. A recommendation was made to grant permission and is reflective of the Decision to Grant permission made by the planning authority.

3.2.2. Other Technical Reports

None on file

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

A third-party submission from Robert Dwyer (owner of adjoining Site No. 4) was received by the planning authority. The matters raised are summarised and set out below:

- Inappropriate scale and house type which is disruptive of the established design. A dormer bungalow design was chosen to mitigate visual impact.
- Provision of a storey and a half dwelling on the highest elevation of the site disregards natural topography.
- Breach in the stepping of rooflines with the proposed house out of character with the surrounding area.
- Visually dominates the site adjoining and the cohesive plan for the entire scheme.
- House is significantly taller on higher ground and closer to the mutual boundary, and is 9m from the adjoining patio area, maximising blockage of evening sunlight.
- No sunlight/shadow analysis or daylight survey was undertaken.
- Application is deficient in engineering details relating to drainage and boundary stability.
- Location and calculations for soakaways are not provided. Concern that surface water runoff will be inadequately managed and discharge to third party property.
- Sloping site necessitates construction of retaining walls near shared boundary. Application lacks the required structural details or cross-sections for these features.
- House is inappropriately large and out of character for this site and is uphill of the third-party property.

4.0 Planning History

Appeal Site

P.A. Reg. Ref. 23/60323 Permission GRANTED for 4 no. serviced two-storey detached dwellings with detached garages. 2 no. vehicular and pedestrian entrances, boundary treatments to include removal of stone wall to the front to facilitate sight lines, landscaping and all associated site development works.

P.A. Reg. Ref. 99/30 Permission GRANTED for a dwelling house.

P.A. Reg. Ref. 97/1228 Permission GRANTED for the enlargement of an existing road entrance to farmyard and dwelling.

Wider Area

P.A. Reg. Ref. 2560589. Application WITHDRAWN for alterations to plans approved under PL.2360323 (on Site No. 4) providing for a change of house type design and all associated site works.

P.A. Reg. Ref. 22/632 Permission GRANTED for a two-storey side wing extension to two-storey farmhouse with works to improve vehicular entrance and associated site works.

P.A. Reg. Ref. 12/453 Permission REFUSED for retention of change of use from agriculture use to fuel depot and permission for alteration to entrance to improve sight lines and alterations to boundary fence.

P.A. Reg. Ref. 12/46 Permission REFUSED for retention of change of use from agriculture to fuel depot.

5.0 Policy Context

5.1 Kilkenny City and County Development Plan 2021-2027

The operational Development Plan for the area is the Kilkenny City and County Development Plan 2021-2027 which came into effect on the 15th of October 2021.

- **Chapter 6 Housing and Community:**

Strategic Objectives

6A To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

Section 6.7 Residential Development

Designers of single houses are referred to the County Kilkenny Rural Design Guide prepared and published by the Planning Department.

- **Chapter 13 Requirements for Developments**

Section 13.5 Infill Development

Section 13.22 Rural Housing

County Kilkenny Rural Design Guide - Kilkenny County Council 2008

Seeks to promote high standards of design and sustainability by articulating clear and practical guidance for single dwellings in the countryside.

5.2 Ferrybank-Belview Framework Plan

The Ferrybank-Belview Framework Plan was Incorporated into Volume 3 of the Kilkenny City and County Development Plan 2021-2027 under Variation No. 6 made on the 23rd of March 2026.

Section 5.6 Land Use Zones

The lands are identified as Existing Residential on the Adopted Zoning Map where the objective seeks *'to protect and improve residential amenities and to provide for new residential development appropriate to the scale and character of the settlement.*

Permissible uses include Residential (Apartments) Residential (Houses).

Lands adjacent the wider development site are identified as Milepost Infill Zone. The stated objective seeks:

‘To allow for residential development to consolidate the existing village form and to provide for limited, well located additional residential development on 0.25Ha within the current Passive Open Space zoning, where such development will accord with the proper planning and sustainable development of the area and include for the restoration and bringing back into residential use of the protected cottages’.

Section 6.0 Development Strategy and Urban Design

Refers under Section 6.2 to eight Character Areas.

The appeal site is located within the Rural Hinterland Character Area which includes the following description:

Area comprises an existing green belt defining the extent of the proposed built-up area around Ferrybank and keeping separate Slieverue to the northeast and the Belview Port area and IDA lands to the east. This area forms an arc extending from Mullinabro in the north-west, to include Ballynamona, Ballinvoher, Milepost village.

The topography is undulating with streams and woodland belts running north-south to the eastern part of the area. It includes the highest part of the Plan area which forms part of the green ridgeline containing the urban settlement to the north of Belmont. The small villages of Milepost and Gyles Quay, both of which have protected structures sitting in high-quality landscape settings.

5.4 Natural Heritage Designations

The site is not located within or bounding a Natura 2000 site. The following, located within the wider area are noted:

- Lower River Suir SAC (Site Code 002137) c.2.0km
- River Barrow and River Nore SAC (Site Code 002162) c.4.8km

- Grannyferry pNHA (Site Code 000833) c. 3.81km
- Kings Channel (Site Code pNHA 001702) c. 2.3km
- Barrow River Estuary (Site Code pNHA 000698) c. 4.5km

5.5 National Monuments

There is no known archaeology pertaining to the site. A Standing Stone Ref: KK046-034 is shown on the Historic Environment Viewer of the National Monuments Service to the south and on the opposite side of the R 711-17.

A Protected Structure RPS Ref C661 – relating to a two-storey semi-detached house is located to the north-east of the appeal site.

Archaeological Impact Assessment (including archaeological test excavations) was conducted as part of P.A. Reg Ref. 23/60323.

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Act).

7.0 The Appeal

7.1. Grounds of Appeal

The decision of the Planning Authority is the subject of a Third-Party appeal by Mr Robert Dwyer. The issues raised are summarised and set out below:

- The appellant is the owner of the adjoining site (Site No. 4).
- Failure to adequately resolve the planning authority's original design concerns which determined the development to be out of character and context with the

permitted scheme and the village of Milepost, being at odds with the existing streetscape.

- The response to the request for further information did not propose a redesign or revert to that permitted, and instead the applicant sought to justify the proposal by explanatory documentation, visualisations and technical studies. The absence of material redesign in response to the planning authority's concerns is viewed as a critical issue.
- Matters of character, scale, form, visual integration, compatibility with the approved development and impact on visual amenity were identified by the planning authority as concerns. Despite the absence of a material redesign, the proposal was granted permission.
- An inadequate explanation for the reversal of position is provided by the planning authority. The final assessment undertaken does not adequately explain the resulting grant of permission.
- The planning authority's final assessment relies upon visualisations, photomontages, shadow studies and explanatory material but does not provide detailed planning analysis or explanation as to how the original concerns were overcome.
- The site occupies high ground to the west of Site No. 4. Shadow studies were submitted in response to concerns regarding loss of light and overshadowing. The Commission is requested to independently assess the relationship between the dwellings, including proximity, altered massing, elevated levels, and long-term impact on residential amenity.
- The Commission is requested to set aside the decision of the planning authority and refuse permission, or alternatively, require a revised design which more appropriately reflects the character, scale and design of the parent permission.

7.2. Applicant Response

A response was received on the 7th of July 2026 and is summarised as follows:

- The principle of development was established under PP23/60323 which permitted 4 no. units, including access arrangements, dwelling orientation and stepped relationship between sites 1 - 4.

- Proposal relates solely to design change with no alteration to the four-site development pattern. No impacts arise when assessed against the permitted baseline having regard to character, visual and residential amenity, drainage and boundary treatment.
- Concerns of the planning authority were addressed through the response to the request for further information, including Design Statement, 3D visualisations, contextual sections, shadow assessment, massing details as well as surface water and boundary treatments.
- The absence of redesign proposals should not be viewed as refusal to engage with the planning authority's concerns. The further information response demonstrates the proposal is acceptable in terms of scale, siting, form, visual integration and amenity impacts.
- Composition responds to the narrow plot, the need to provide daylight and outlook at first floor and avoidance of overreliance on rooflights.
- Dwelling forms part of a four-site scheme and should not be assessed in isolation. The design achieves visual integration through scale, roof form, orientation, massing articulation and external treatment.
- Unnecessary for the dwelling to be identical to the parent permission and a degree of architectural variation can be accepted where the dwelling remains appropriate to its setting and does not give rise to visual impact.
- Ground level variations are acknowledged. The development does not create level difference between site no.'s 3 and 4. Shadow analysis indicates the proposal does not result in unacceptable overshadowing of Site No. 4 and performs favourably (and in some aspects better than) the original design.
- Loss of light and overshadowing is not supported by technical information submitted.
- Surface water will be managed within the site by soakaway and is addressed by the Further Information response and by planning conditions.
- Level differences and boundary treatments are addressed under the parent permission. Site sections and boundary treatment details are provided,

including indicative retaining wall, backfill and drainage details. Final design and specifications will be confirmed during detailed civil and structural design stage.

- Application was made under P.A. Reg. Ref. 25/60589 for a change of house type on Site No. 4. Changes to house type are assessed individually and scrutinised on their own planning merits.
- The Commission is requested to uphold the decision of Kilkenny County Council and to grant planning permission.

7.3. Planning Authority Response

A response from the planning authority dated the 8th of July 2026 is summarised as follows:

- References the concerns raised regarding the failure to adequately resolve the planning authority's concerns. Response refers to the request for further information and the rationale provided by the applicant in support of the design approach taken which was deemed acceptable to the authority.
- The design approach while different, is not considered to be harmful to visual or residential amenities and the Commission is requested to uphold the decision to grant permission.

7.4. Observations

None on file

7.5. Prescribed Bodies

The appeal was referred by An Coimisiún Pleanála to the following:

- The Heritage Council
- An Taisce
- Fáilte Ireland

- An Chomhairle Ealaíon
- Development Applications Unit

No responses were received from the foregoing.

8.0 Assessment

8.1. I am satisfied, having examined the details of the application and all other documentation on file, including all submissions received in relation to the appeal, the reports of the local authority and having inspected the site, that the main issues for consideration relate to the following:

- Principle of Development
- Revised House Design
- Impact on Residential Amenity
- Boundary Treatment
- Surface Water Disposal

8.2. Principle of Development

8.2.1. The application before the planning authority concerned a change in house design from that approved under P.A. Reg. Ref. 2360323. The parent permission approved a small housing scheme of 4 no. residential dwellings on the 8th of April 2024, permitting two house types, A and B. Site No.'s 1 and 4 located to the western and eastern boundary perimeters respectively, comprise House Type A (two-storey hipped roof with two-storey front projection, with a total area 268sq.m); and two centrally located plots referred to as Site's No. 2 and 3 (permitted to accommodate House Type B -a dormer style dwelling of floor area 243sq.m. (as per floor plans) with a height to roof ridge level of 7.9m)

- 8.2.2. While development on Site No's 1, 2 and 3 has yet to commence, the two-storey unit permitted on Site No. 4, adjacent the eastern boundary of the appeal site, is nearing completion. This site, and the appeal site will share a single vehicular entrance from the public road serving the village of Milepost. An application was made under P.A. Reg. Ref. 23/60323 to amend the design of the dwelling on Site No. 4 but was withdrawn prior to decision. With the exception of the current appeal, no further applications have been made to the planning authority to amend the approved scheme, including the design of individual units.
- 8.2.3. Since the granting of planning permission under P.A. Reg. Ref. 23/60323, Kilkenny County Council under Variation No. 6, incorporated the Ferrybank-Belview Framework Plan into Volume 3 of the Kilkenny City and County Development Plan 2021-2027. The lands are identified as Existing Residential with an Objective '*to protect and improve residential amenities and to provide for new residential development appropriate to the scale and character of the settlement*'. Residential development in the form of Residential (Apartments) and Residential (Houses) is permitted under the land use zoning.
- 8.2.4. The overall housing scheme will benefit from connections to public wastewater and water supply operated by Uisce Éireann. There are no details on file to suggest that these arrangement has been altered since the granting of the parent permission.
- 8.2.5. As such, the appeal site continues to be identified for residential use as per the adopted Framework Plan. Notwithstanding, the site also benefits from an extant planning permission for a dwelling house established under P.A. Reg. Ref. 23/60323 with a life of 5 no. years which was permitted by Kilkenny County Council on the 8th of April 2024. Accordingly, the principle of residential development on site has been established and is acceptable.
- 8.2.6. Where the Commission is minded to award planning permission for this development, it is suggested that the life of the permission is tied to that of the parent permission P.A. Reg. Ref. 2360323 and that, unless otherwise stated, all conditions pertaining to the initial consenting permission be complied with as part of the development.

8.3. Revised House Design

- 8.3.1. I note the concerns raised by the planning authority following initial assessment of the application, resulting in a request for further information to address matters relating to inconsistency of design with the wider scheme and injury to visual amenity. The request sought amended design proposals requiring closer correlation with the established and permitted pattern of development locally and to the public road. A revised house design was sought to address massing, detailed design and fenestration.
- 8.3.2. In responding to these concerns, the applicant chose not to amend the house design tabled but instead sought to justify the revised proposal with supporting design rationale, including a Design Statement, visualisations and contextual drawings. The planning authority concluded that the amended design, accompanied by the revised supporting documentation and design rationale was acceptable and in keeping with the build out of the remainder of the scheme.
- 8.3.3. I note the appellant's concerns that in failing to revise the house design as requested, the planning authority in its assessment, did not adequately explain a perceived change in position to award permission. I am of the view however, that weight must be attributed to the entirety of the further information response, including the detailed supporting design rationale and Design Statement provided in which the applicant sought to address the concerns raised and provide additional justification for the amendments proposed. I do not share the view that the response to the further information request failed to engage with the concerns raised, but rather that it sought to provide a more complete understanding and justification for the amended design.
- 8.3.4. The parent permission invoked a design symmetry in the use of just 2 no. house designs across the scheme of four units. Given the extent of the overall site, the depth of the individual plots and the prevailing topography, I am of the opinion there is scope to consider amendments to the individual house designs without incurring material loss to the visual amenity of the area or to other units within the scheme. I note in this regard the width of the overall site facing the public road to the north extends to 104.75m with individual plots ranging in size from 0.2 Ha (Site No. 1) to 0.24 Ha (Site

No. 2 and 3). While I note the broad adherence to a common building line across all 4 no. units, the front elevations of the four dwellings are in general, set back greater than 30m from the roadside edge.

8.3.5. I refer the Commission to the Design Statement and response to Further Information request in which the first party refers to the topography and elongated nature of the sites, which are considered to have a bearing on the house design, internal planning and placement of openings within the dwelling. The three interrelated gable elements which comprise the revised design are stated as a response to the narrow site proportions and the need to provide adequate daylight, outlook and residential amenity to first floor accommodation. I note that the original design depended upon the installation of dormer windows and roof lights to serve first floor accommodation, whereas the current arrangement favours window openings within the rear and front elevations. In addition, while the original design was deep plan with a largely westerly aspect, the revised design breaks down the overall mass of the structure into a composition of smaller gable fronted elements; a feature which is present within the front elevational design of the as constructed dwelling adjacent. The repetition of this gable/half-hip feature across all 4 no. sites, provides a common architectural language, notwithstanding the design revisions proposed. I refer the Commission in this regard to the Contextual Drawings and Visualisation contained within the Design Statement provided as part of the Further Information response.

8.3.6. In conclusion, I am of the opinion that the amended design approach would not result in material loss of visual amenity to existing or proposed dwelling units within the scheme and is acceptable in the context of the wider development permitted under P.A. Reg. Ref. 2360323.

8.4. Impact on Residential Amenity

8.4.1. The proposed dwelling aligns broadly with the previously permitted house on site but is however of reduced depth from front to rear. The dwelling is separated by 9.6m at its closest from the line of the western gable elevation of the extant dwelling on Site

No. 4, however, the majority of the build is set back 13.1m from this elevation- a marginally greater degree of separation than was provided for under the parent permission (12.6m). No windows are proposed within the first-floor gable elevations of the proposed house and there are no opes at first floor within the western elevation of the extant two-storey dwelling. I note also that the rising wall of the closest gable element of the dwelling extends to a stated height of 4.6m. and that the overall floor area of the property is stated as 298sq.m. which is comparable with that approved under the parent permission.

8.4.2. A shadow analysis was undertaken comparing the shadow impacts of the original and amended designs with the adjoining property on Site No. 4. The exercise was carried out for intervals on the 21st of June and 21st of December with a stacked composite compiled for both dates. Given the reduced depth of the proposed dwelling house, its separation from the adjoining property and comparisons between the shadowing impacts of the original design versus the amended, is not considered that the revised design would result in material loss of light or overshadowing to neighbouring dwelling houses.

8.4.3. Accordingly, I do not hold that the development gives rise to excessive levels of overbearance, overshadowing or material diminution of light to adjoining property. Matters of overlooking do not arise given the absence of window opes within the eastern elevation of the property. Accordingly, I am satisfied that the revised design would not result in loss of residential amenity to the dwelling on Site No. 4.

8.5. Boundary Treatment

8.5.1. Having regard to levels across the wider site and having examined plans and particulars forming part of P.A. Reg. Ref. 2360323, I note ground level differences in the order of approximately 7.0m across the wider development travelling west to southeast, with a variation of between 1.0m and 1.5m approximately between Site No's 3 and 4.

- 8.5.2. The scheme proposes the use of retaining walls where necessary to manage level variations. In relation to the garage to the front elevation of the dwelling, it is proposed to follow the natural slope of the site and avoid unnecessary excavation or retaining structures along Site No. 2. Levels around the garage are to be graded to tie in with the natural slope and to maintain a stable transition to the neighbouring site. The Design Statement refers to flexibility for future boundary retention if Site No. 2 requires altered levels, subject to agreement between owners.
- 8.5.3. I refer the Commission to Drawing No. SSNB-RSA-PL-XX-DR-A-A351 Site Sections Boundary Treatment and to the annotated text referencing a retaining wall along the boundary with Site No. 4 to address the approximate 1.5m level difference between the sites. The drawing refers to the external patio area/garden of Site No. 4 at a lower level adjacent the shared boundary. It is considered that this matter may be addressed by way of a planning condition should the Commission be minded to award permission, with final design and specification of any retaining walls, drainage arrangements and construction details agreed by way of an agreed Method Statement.

8.6. Surface Water Disposal

- 8.6.1. The development relates only to revisions to the permitted design of the dwelling house on this site and does not otherwise propose amendments to the servicing of the site such as with regard to waste water disposal or water supply arrangements.
- 8.6.2. Surface water disposal as permitted under the parent permission P.A. Reg. Ref. 2360323 required the installation of soakaways. Under the current proposal, surface water run-off will collect to a soak pit in the rear garden and will be to BRE365 standards.
- 8.6.3. Condition No. 5 of the Decision to Grant Permission required that shared entrances / driveways be surfaced with a stone / gravel finish to assist with natural drainage of the site and to prevent surface water entering the public road. This condition aligns with Condition No. 19 of the parent permission P.A. Reg. Ref. 2360323.

- 8.6.4. Having regard to the foregoing, to the scale of the site including the expanse of rear and front garden areas, the provision of soakpits to BRE Digest standards and the requirement to provide a stone/gravel driveway under the parent permission, I am satisfied that surface water may be safely collected and disposed of within the curtilage of the site.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.
- 9.2. The subject site is located on serviced land and relates to an amended design to a permitted dwelling house originally approved under P.A. Reg. Ref. 2360323.
- 9.3. No nature conservation concerns were raised in the planning appeal.
- 9.4. The separation distances between the appeal site and Natura 2000 sites situated in the wider area are set out below:
- Lower River Suir SAC (Site Code 002137) c.2.0km.
 - River Barrow and River Nore SAC (Site Code 002162) c.4.8km.
- 9.5. The Planning Authority undertook Appropriate Assessment Screening, determining that there was no likelihood of significant effects on a European Site.
- 9.6. 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:
- Nature of the works i.e. revised design to a dwelling house.
 - Location and distance from the nearest European site and lack of connections.
 - Taking into account the determination of the Planning Authority.
- 9.7. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 9.8. Likely significant effects are excluded and thereafter Appropriate Assessment (under Section 177V of the Planning and Development Act 2000), as amended, is not required.

10.0 Water Framework Directive

- 10.1. 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.
- 10.2. 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.
- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

I recommend that permission is granted.

12.0 Reasons and Considerations

Having regard to the planning history of the lands and to the prevailing character and form of established and permitted development in the vicinity, it is considered that subject to compliance with the conditions as set out below, the proposed development would integrate successfully with the permitted housing scheme and the surrounding area, and would not seriously injure the residential or visual amenities of adjoining property, and would comply with the provisions of the Kilkenny City and County

Development Plan 2021-2027 and the Ferrybank-Belview Framework Plan. The development is considered to be compliant with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 29th day of April 2026, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission P.A. Register Reference 2360323, unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to the commencement of development, the Developer shall:
 - (a) submit and agree in writing with the Planning Authority, a construction method statement for all retaining and site boundary walls, including the provision of a retaining wall to the site's eastern boundary.
 - (b) submit written certification from a suitably qualified and indemnified professional having regard to (a) above that all retaining walls have been

constructed and completed on site in accordance with the agreed method statement and to the requirements of the Planning Authority.

Reason: In order to ensure a satisfactory standard of development.

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.

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

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management

7. 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.

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.

P Byrne
Planning Inspector

30th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501523-KK-26
Proposed Development Summary	Alteration to design of dwelling house approved under PP23/60323. The proposed alterations relate to change of house type design together with associated site works.
Development Address	Milepost Slieverue Co. Kilkenny
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 If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required

No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____ Date: _____