



An
Bord
Pleanála

Inspector's Report ABP320828-24

Development	1 no. additional storey to apartment block. .
Location	The Paddocks, Station Road, Leixlip, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	2460613 .
Applicant	Mulberry Properties Ltd.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellants	1. Knockaulin Residents Association (3rd Party Appellant) 2. Adrian Rodriguez Ulla & others (3rd Party Appellant)
Observer	Councillor Nuala Killeen

Date of Site Inspection

8th November 2024.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located on Station Road to the northwest of the centre of Leixlip village in County Kildare. The site is within the built up area and the general area is predominantly residential. The proposed development forms part of a site which is irregular in configuration and has a stated area of 1.267 hectares. The site at the time of inspection was a construction site and the block which is the subject of this appeal was partially constructed.
- 1.2. The overall site has frontage onto Station Road which defines part of the northeastern boundary with the rear boundaries of a number of properties which have frontage onto Station Road defining the remainder of the northeastern boundary. The southeastern boundary adjoins a residential estate Knockaulin and access to the proposed site is through this residential estate. The southwestern boundary adjoins the site of a school, Naomh Bhríde, and the northwestern boundary adjoins the rear boundary of properties including childcare facilities and a dwelling with access onto Station Road from a narrow roadway.
- 1.3. The overall development comprises a mix of residential units including semi-detached and terraced houses, maisonette units, apartments and the conversion of stone barn into three residential units. The main section of the development comprises of a square overlooking an area of open space and block A to which the proposed development refers is located in the western area of the site with the rear of the block adjoining the boundary with the school site. There is a terrace of dwellings on the northern side of the open space and a row of semi-detached dwellings on the southern side of the open space and the residential units extend to the western boundary adjoining the school site.

2.0 Proposed Development

- 2.1. The proposed development is for 1 no. additional storey to apartment block A increasing its height from 4 storey to 5 storey providing for an additional 4 no. residential units consisting of 2 no. 1 bedroom apartments and 2 no. 2 bedrooomed apartments.

- 2.2. The proposal as submitted is for planning permission for amendments to previously approved planning permission P.A. reg refs 21/0655 & 22/1483; materials are unchanged from those agreed under the previous permissions/applications; and car parking, landscaping and other aspects of the development remain largely unaltered.
- 2.3. The apartment block is of a modern construction with a flat roof and a slightly elevated central core. The additional floor will increase the height of the block by approximately 4500mm and the additional floor will retain the same design as the permitted floors. The proposed development would see an increase from four to five storey with a maximum height of c.17.4m. The gross floor area of the proposed development is stated as 294.80m².
- 2.4. The proposed development will increase an existing approved development of 57 no. units, 30 houses and 27 apartments, with the addition of 4 apartments.
- 2.5. Details submitted included drawings specifically related to the amendments proposed, a construction management plan, overall public open space is indicated and overall parking provision. Shadow diagrams are also submitted and photographs of the site.
- 2.6. It is proposed to connect to public piped services and road network and it is indicated that no additional infrastructural amendments are required. Car parking are shared spaces in close proximity to the apartment blocks.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to seven conditions. Conditions of note include;
- Condition no 2 refers to apart from the departures authorised by this permission, the development shall be carried out in full accordance with the terms and conditions of Pl. Ref. 21/655 and An Bord Pleanála 315988-23
 - Condition no 4 refers to (a) Within 12 weeks of the grant of this permission, the Applicant shall submit revised car parking drawings for the written

agreement of the Planning Authority. The drawings shall provide car club spaces to support a reduced car dependent residential scheme and (b) All car club spaces shall be fully equipped with EV infrastructure.

- Condition no 6 refers to Part V.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 21st August 2024 refers to submissions received, the planning history and outlines national and county policy context. The principle of the proposed development was considered acceptable. Referring to national 2024 guidance the proposed development meets the required standards and in terms of floor area, exceeds, the required standards.

In relation to density the report noted that the stated density is incorrect and a density of c54 units/ha has been determined but accepts such higher densities can be achieved at this location. The increase in height is considered acceptable. The reduction in car spaces is noted notwithstanding the roads report and the provision of car club spaces are acceptable. Permission was recommended.

- 3.2.2. The transport, mobility and open spaces department report dated the 13th August 2024 requested further information in relation to a shortfall in car parking provision and to submit the location and level of car parking (including disability car parking provision) for the proposed development in relation to the car parking standards as set out in Chapter 15 of the Kildare County Development Plan; the applicant to provide a loading bay for set down car parking, the proposed development shall make provision for the charging of electrical vehicles and details relating to the level of cycle parking.

- 3.2.3. Environmental department in a report dated the 1st August 2024 requested further information

Other departments indicated no objections.

4.0 Planning History

Relevant Planning History

P.A. Ref. No. 22/1483: Permission granted to Mulberry Properties Ltd for amendments to previously approved planning permission Reg. Ref. 21/655. The development consists of 1 No. additional storey to Apartment Blocks 1 and 2, increasing their heights from 3-storey to 4-storey. This will provide 9 no. additional units, consisting of 2 no. additional 1-bed units and 3 no. additional 2-bed units in Apartment Block 1; and 2 no. additional 1-bed units and 2 no. additional 2-bed units in Apartment Block 2

ABP Ref No. 315988-23 / P.A. Ref. No.21/655: Permission granted for a residential development of 57 dwellings, as follows; 12 no. 3-storey 4-bedroom semi-detached houses, 9 no. 3-storey 3-bedroom terraced houses, 6 no. 3-storey 3-bedroom end of terrace houses, 3 no. 1-bedroom 2-storey units in converted stone barn, 15 no. 2 bed-apartments and 12 no. 1 bed apartments in 2 no. 3 storey apartment blocks, with bicycle and refuse stores, site and infrastructural works including foul and surface water drainage, water services, landscaping, planting, boundary walls, roads, carparking, bicycle stands and pathways, new pedestrian access from Station Road and new road entrance from Knockaulin estate.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The statutory development plans are the Kildare County Development Plan 2023-2029 and Leixlip Local Area Plan (LAP) 2020-2023 extended to March 2026.

5.1.2. Kildare County Development Plan 2023-2029.

The statutory development plan is the Kildare County Development Plan 2023-2029. Volume 1 sets out broad policy and strategy in relation to the overall county.

Chapter 2 Core Strategy & Settlement Strategy where Leixlip is identified as a self-sustaining growth town in the settlement hierarchy is a self-sustaining growth town and will continue to attract a moderate level of jobs and services, therefore the

development plan will seek to deliver sustainable growth in the area. It is the objective of the Council to: CS O5 Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.

Chapter 3 of the plan relates to housing and section 3.7 to residential densities where table 3.1 outlines the density levels for different settlement types as per Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009). In relation to Larger Towns (Population > 5,000) to which Leixlip applies in public transport corridors the indicative density in table 3.1 is 50 units per hectare and in outer Suburban /'greenfield' 30-50 units per hectare.

Chapter 15 relates to Development Management Standards which sets out standards in relation to a range of matters including in 15.4.3 which in relation to residential density indicative density levels for residential development are set out in Table 3.1 of Chapter 3. The standards also refer to building height indicating *as per the Section 28 Guidelines on Urban Development and Building Heights (2018) this Plan supports a drive for increased building heights in appropriate locations in order to maximise the efficient use of development land in urban areas.*

Section 15.7.8 refers to parking standards and that these are maximum standards. Residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to Dart+ services, Bus Connects routes and any designated bus only or bus priority route) should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, the number of spaces provided should not exceed the maximum provision as set out which for apartments are 1.5 spaces per unit + 1 visitor space per 4 apartments.

5.1.3. Leixlip Local Area Plan

The site is located within zoning objective B Existing Residential and Infill as indicated in map 4 of the LAP with the objective *'To protect and enhance the amenity of established residential communities and promote sustainable intensification.'*

Section 7.3 refers to Residential Density, Mix and Design indicating that *given the proximity and connectivity of Leixlip to Dublin and being a key employment centre in the Dublin Metropolitan Area (DMA) it is anticipated that there will continue to be a strong demand for a varied mix and type of housing in the Plan area. There is a high proportion of 3-bed semi-detached type dwellings within the town. The Plan seeks to address this mono type of housing and will seek to ensure a greater mix of housing. Residential schemes should provide for both a mix of dwelling size and dwelling type to cater for a diverse range of housing needs. The overall design and layout of residential development should be of high-quality and comply with the urban design principles contained in the County Development Plan.*

The LAP also includes the following;

Policy HC1: It is the policy of the Council to ensure that sufficient land continues to be available at appropriate locations to satisfy the Core Strategy growth allocation for Leixlip and that each household has access to good quality housing that is appropriate to its circumstance. HC1.4 To encourage the appropriate redevelopment/regeneration of brownfield and infill sites for residential uses within the LAP area.

Policy HC2 - Residential Density, Mix and Design HC2 It is the policy of the Council to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.

Objectives include

HC2.1 To ensure that a good mix of housing types and sizes is provided in all new residential areas including each Key Development Area (KDA) and appropriate infill/brownfield locations to meet the needs of the population of Leixlip, including housing designed for older people and people with disabilities.

HC2.2 Require that residential schemes in close proximity to heavily trafficked roads within/adjointing Leixlip are designed and constructed to minimise noise disturbance, follow a good acoustic design process and clearly demonstrate that significant adverse noise impacts will be avoided.

5.2. National Guidance

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

These Guidelines replace the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked).

The guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. The guidelines it is indicated will also allow greater flexibility in residential design standards, support innovation in housing design and a greater range of house types. The standards it is indicated will support the delivery of more compact 'own-door' housing, as an alternative to apartment developments at the right locations. This approach will not preclude traditional forms of housing, as the standards set out are minimum rather than maximum standards.

Chapter 3 refers to Settlement, Place and Density and that Government policy requires a continuation of the tiered approach to residential density seen under the Sustainable Residential Development in Urban Areas Guidelines, 2009, with highest residential densities at the most central and accessible urban locations and more compact and sustainable forms of development overall. The 2009 Guidelines promoted a three-tiered approach to residential density, with densities of up to 35 dwellings per hectare (dph) in smaller towns and villages, densities of 35 to 50 dph in outer suburban and greenfield areas of cities and large towns and densities of 50 dph + in more central urban locations and close to public transport. Given the NPF priorities for compact growth and reflecting the variety of settlements and settlement contexts where residential development takes place, the Government considers that it is necessary to expand on the number of density bands contained in the 2009

Guidelines in order to ensure that densities are efficient while, at the same time, tailored to settlement context.

The density ranges support the application of densities that respond to settlement size and to different place contexts, recognising in particular the differences between cities, large and medium sized towns and smaller towns and villages. The development standards for housing will allow for greater flexibility and innovation and support the delivery of a greater range of housing options.

Table 3.3 refers to Metropolitan Towns (>1,500 population) and in areas of Suburban / Urban Extension Suburban areas which are the low density car-orientated residential areas constructed at the edge of the town, it is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.

Large towns are referred to in Table 3.5 and that Key Town / Large Town - Suburban/Urban Extension Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, and it is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.

Table 3.8 defines High Capacity Public Transport Node or Interchange Lands as within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, or locations within 500 metres walking distance of an existing or planned Bus Connects 'Core Bus Corridor' stop.

Accessible Location Lands are referred to as within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services and of a reasonably frequent (minimum 15 minute peak hour frequency) urban bus service.

It is also indicated in section 3.4.2 that while considerations of centrality and accessibility will have a significant bearing on density, it is also necessary to ensure that the quantum and scale of development at all locations can integrate successfully

into the receiving environment. New development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment.

Criteria outlined in this regard include;

(a) The evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities and the capacity of the area for change. While it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design.

(d) It will be necessary to consider the impact of a proposed development on the amenities of residential properties that are in close proximity to a development site. The key considerations should include privacy, daylight and sunlight, and microclimate.

The guidance in section 4 also refers to the necessity for quality urban design and placemaking and includes an overview of the process of design and placemaking and of key indicators of good urban design and placemaking.

Section 5 of the guidance sets out development standards for housing on a range of criteria including separation distances; private open space for houses; public open space; car parking – quantum, form and location with an approach that should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. Standards are also outlined for bicycle parking and storage and for daylight in section 5.3.7.

- 5.2.2. Project Ireland 2040 – National Planning Framework (NPF) 2018 sets out a high-level strategy for the planning and development of Ireland to 2040 with priorities for compact growth include an emphasis on the renewal of existing settlements, rather than continued sprawl.

- 5.2.3. The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2022 set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas. This includes recommended standards in relation to housing mix and minimum floor areas.
- 5.2.4. The Urban Development and Building Height Guidelines for Planning Authorities 2018 set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

The guidance outlines criteria for the consideration and assessment of buildings; that proposals responds to its overall natural and built environment; enhances the urban design context for public spaces and key thoroughfares; makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner and positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

- 5.2.5. Flood Management Guidelines, 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009'

5.3. **Natural Heritage Designations**

None relevant

5.4. **EIA Screening**

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The main grounds of appeal of Knockaulin Residents Association can be summarised as follows:

- The grounds refer to visual obtrusion, discordant in the streetscape, overshadowing, overlooking and insufficient parking.
- Reference is made to the history of the site and its relationship to Knockaulin.
- The issue of current parking problems are referred to.
- The increase in height of the block is very significant with limited separation to existing two and a half storey housing and will result in an increase of two floors over what was initially permitted.
- There is no additional increase in parking or private amenity open space.
- The existing open space is of limited value and there is an acknowledged shortfall in parking.
- The decision of the planning authority does appear to weigh on a blank acceptance of the 2024 guidelines but these guidelines are conditional on considerations of impact on adjoining properties, level of parking, open space provision and impact on daylighting.
- The concerns raised by residents are ignored.
- The proposal does not accord with the LAP and national guidance in particular the 2024 and 2018 guidelines.
- The increase in density may be considered acceptable under the 2024 guidelines if the other considerations were acceptable however it is contended that concerns raised are not addressed.
- There will be considerable overshadowing of house and areas of open space. The shadow analysis submitted is inadequate and unacceptable and does not consider the additional floor and increase in height.
- There will be a loss of daylighting and this has not been analysed.

- There will be additional overlooking and arguably is a 5 story block was planned from the start a greater separation from dwellings would have been provided.
- There will increased microclimate impacts.
- Parking is raised as a concern and reference is made to internal reports submitted which refer to this and the current proposal does not address shortfall in parking.
- Reference is made to the visual dominance of the proposal in the context of adjoining development including a school.
- There is no justification for this increase height over the initial permitted development or documentation submitted indicated the impact from and on existing properties.
- There is a shortfall in open space currently and this is not addressed.

6.1.2. The main grounds of appeal of Adrian Rodriguez Ulla & others can be summarised as follows:

- The main appeal of appeal largely reflect the grounds as stated in the Knockaulin Residents Association appeal grounds.
- The grounds refer to visual obtrusion, discordant in the streetscape, overshadowing, overlooking and insufficient parking.
- The increase in height of the block is very significant with limited separation to existing two and a half storey housing and will result in an increase of two floors over what was initially permitted.
- There is no additional increase in parking or private amenity open space.
- The proposal does not accord with the LAP and national guidance in particular the 2024 and 2018 guidelines.
- The increase in density may be considered acceptable under the 2024 guidelines if the other considerations were acceptable however it is contended that concerns raised are not addressed.

- There will be considerable overshadowing of house and areas of open space. The shadow analysis submitted is inadequate and unacceptable and does not consider the additional floor and increase in height.
- There will be a loss of daylighting and this has not been analysed.
- There will be additional overlooking and arguably if a 5 story block was planned from the start a greater separation from dwellings would have been provided.
- Parking is raised as a concern and reference is made to internal reports submitted which refer to this and the current proposal does not address shortfall in parking.
- Reference is made to the visual dominance of the proposal in the context of adjoining development including a school.
- There is no justification for this increase height over the initial permitted development or documentation submitted indicated the impact from and on existing properties.
- There is a shortfall in open space currently and this is not addressed.

6.2. Planning Authority Response

The planning authority in a response note the appeal submissions, confirms its decision and refers to the reports of the planning authority in relation to the assessment of the planning application.

6.3. Observer Submission

Councillor Nuala Killeen in a submission refers to the issue of the inclusion of a car share space and questions the provision of this space. There will be issues of management and security in relation to the car share space which are largely used in public areas and not in residential estates and the site is not located in close proximity to the railway station and amenities. The car share space will also give rise to noise and disruption for residents. Reference is also made to issues of loss of daylight, the increased height and impacts on residents and the school site, the overbearing aspects of the development and overshadowing.

7.0 **Assessment**

- 7.1. The main issues in this appeal are principle of the development, siting and design and visual impact. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The principle of the development
- Density
- Design
- Visual and residential impact
- Apartment standards.
- Car Parking
- Appropriate Assessment

7.2. **The principle of the development.**

- 7.2.1. The site is located within the zoning objective B Existing Residential and Infill in the LAP and the use is acceptable in principle. The site has planning permission for residential development and the permitted development and proposed development provides for a mix of residential development houses, apartments and maisonettes which complies with local and national guidance in relation to housing provision.
- 7.2.2. The site is not town centre but has frontage onto a road which provides for relative ease of walking to the town centre and adjoins or is readily accessible to high-capacity public transport services including the rail network. The development if permitted will result in an increase of density but the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024) does encourage increased density and more compact urban areas providing site specific considerations are appropriate to consider an increased density and this matter will be addressed in the report. The consideration of an increased density in principle is therefore reasonable and acceptable.

7.3. Density

7.3.1. In relation to density national guidance is outlined in Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). This guidance does provide for increased density in urban areas as outlined in section 5.2.1 of this report and the increased number of units would comply with the range of density permitted and which would increase the density to approximately a density of c54 units per hectare. The increase in density is not disputed by the grounds of appeal by the third party appellants but the appellants have focussed on issues other than density in assessing proposed development and that this is also referred to in the 2024 guidelines.

7.4. Design

7.4.1. The proposal as submitted in effect is to increase in height from the permitted four storey Apartment Block A to five storeys providing for an additional 4 no. residential units consisting of 2 no. 1 bedroom apartments and 2 no. 2 bed roomed apartments. It is noted there is a discrepancy on the floor plans submitted which indicates Unit Type A-2 is labelled as a one bed and it appears this should be indicated as a two bed unit.

The materials are unchanged from those agreed under the previous permissions and the overall design remains unchanged other than adding an additional floor. The apartment block is of a modern construction with a flat roof and a slightly elevated central core. The additional floor will increase the height of the block by approximately 4500mm and the additional floor will retain the same design as the permitted floors. The proposed development would see an increase from four to five storey with a maximum height of c.17.4m. The gross floor area of the proposed development is stated as 294.80m². Specific to the actual design and finishes proposed I would have no objection as the proposal corresponds with permitted development and complements existing permitted development.

7.5. Visual and residential impact

7.5.1. The primary visual impact is the increase in height of the block and potential impact of the relationship to adjoining residential development which is referred to in the grounds of appeal. In relation to siting and design, the proposal is for a revision to an already permitted layout increasing the permitted apartment block by an additional floor. It also represents an alteration in the visual relationship. The layout in this

particular area of the site provides for a central area of open space with two rows of two/two and half terraced dwellings on two sides of this open space and the third side occupied by the apartment block which the subject of this appeal and the overall layout arising is a satisfactory layout in terms of site design and enclosure.

The increase by one additional floor will alter the current permitted relationship and increase the height by approximately 4500mm and will increase the dominance visually of the apartment block. It will however retain a separation distance of approximately 15.6 metres to the semi-detached dwellings to the south identified as units 9 to 12 inclusive and approximately 17 metres to the block of dwellings to the north identified as units 13 to 18 inclusive on the site layout plan which have been constructed and which also form part of the overall Paddocks residential development as the current proposal. It is however considered there is a reasonable separation distance between these residential units and the proposed development but we conclude below that the development will be overbearing and discordant. I would however acknowledge that the four dwellings (units 9 to 12) inclusive located in closest proximity to the boundary with the school to the south of the proposed apartment block and units 13 to 17 inclusive in the residential terrace to the north of the proposed apartment block will be directly viewing an increased height of block but in the context of an urban site there is a satisfactory separation distance.

In terms of impact on daylighting the daylight and shadow study submitted with the application bears a date of December 2022 and may not reflect the impact arising from the increased height of the block by 4500mm but given the separation distance and orientation of the various existing and proposed developments the increase of the apartment block will not I consider increase potential impacts to residential amenity of the nearest residential properties to a significant level.

- 7.5.2. The primary issue is whether the issue of visual impact internally within the overall development alters the original layout in a manner to change the current relationship to one where the proposed development represent an overly dominant, discordant and overbearing relationship in the wider context of the overall design and setting. It would be reasonable to assume that the owners of properties would have on acquiring their properties had an expectation in relation to the layout and height of individual components of the residential development as initially permitted. It is also reasonable to consider that developments can evolve and change but that changes

should not adversely impact on residential amenities and as indicated it will be necessary to consider the impact of a proposed development on the amenities of residential properties that are in close proximity to a development site.

In the context of the receiving environment which has a permitted development of established height I consider that notwithstanding that the guidance does permit increased densities the proposed development does represent a significant alteration in the overall layout, that increases in density have already been permitted in the development and that ongoing increases in density must reflect an orderly visual relationship and also take into consideration that no additional public open space provision is provided for.

It would also be reasonable to consider that if an apartment block of the height and scale as now proposed was assessed in the original design concept and layout the relationship with the other components of the development including adjoining residential development may have altered the layout of what was proposed and prospective owners/occupiers of adjoining residential properties would have been aware of this raised height and relationship.

I therefore consider that the increase in height as proposed alters the original design concept and internal visual relationship and the sense of enclosure of the different elements of the residential development in a significant manner. The proposed development with its increased height would represent a significant departure from the initial scale and height of the initial and current permitted development and the internal design and layout of the residential development and would therefore represent an overbearing and discordant feature over what was originally permitted and is therefore inappropriate in its relationship existing neighbouring permitted development.

7.5.3. Apartment standards.

In relation to the apartments themselves, the units comply with the standards as set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2022 in relation to internal space standards for different types of apartments; dual aspect ratios; floor to ceiling height; storage spaces; amenity spaces including balconies/patios and room dimensions. The

overall proposal including the previously permitted development provides for a satisfactory mix of apartments and other residential units.

7.6. Car Parking

In relation to car parking the objection from the transportation section of the local authority is noted and in relation to car parking standards these are set out in Table 15.8 of the current Kildare County Development Plan 2022-2028 to guide proposed development. The parking standards as stated are maximum standards. Residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to Dart+ services, Bus Connects routes and any designated bus only or bus priority route) should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. This provision would apply in relation to the appeal site.

I would also note that the 2024 guidance also adopts an approach that in order to promote more sustainable travel choices car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. The appeal site does have reasonable access to both bus and rail transportation. It is also noted that a car club space is provided for in the submitted layout. I would have no objections in relation to the parking provision provided and also note that provision is made for bicycle parking and there is provision for bicycle storage.

Having regard therefore to the provisions of the statutory development plans and national guidance which I consider are reasonable the level of parking is adequate and the provision of car parking complies with the statutory plan and no material contravention of the plan arises. I consider that condition no 4 which requires provision of car club spaces to support a reduced car dependent residential scheme as provided for in the County Development Plan is reasonable.

7.7. Appropriate Assessment Screening

- 7.7.1. I have considered the proposal for an extension to an apartment block in light of the requirements S177U of the Planning and Development Act 2000 as amended. The

subject site is located in an established residential area and the subject site is not located within nor within close proximity to a designated European site. The proposed development comprises an amendment by way of an extension to an apartment block as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the small scale and nature of the development and the absence of a pathway to the European site

- 7.7.2. I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

- 8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature, height, scale and design of the proposed development, the established level and scale of permitted development and its relationship to existing permitted development in the vicinity of the proposed development it is considered that the proposed development would represent a significant, discordant and overbearing development to what was previously permitted on the site. The proposed development with its increased height would represent a significant departure from the initial scale and height of the current permitted development and the internal design and layout of the residential development and in particular the relationship to adjacent residential development and therefore would not be in keeping with the visual or residential amenities of the area or the amenities of property in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

15th December 2024