



An
Bord
Pleanála

Inspector's Report

ABP-321273-24

Development

Retention of partially constructed vehicular entrance; permission to complete construction of piers and associated walls and all associated site works.

Location

Barberstown, Straffan, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2460838

Applicant(s)

David Collins

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Ian Mercier

Observer(s)

None

Date of Site Inspection

17th January 2024

Inspector

Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located immediately north of Straffan, Co. Kildare, approximately 0.7 km from Straffan village. The site adjoins the Maynooth Road, which provides access from Straffan to the Clane Road (R403).
- 1.2. The appeal site is outside of the built-up area of the Straffan. A newly constructed two-storey house and single storey detached garage sits on the appeal site.
- 1.3. The existing vehicular entrance to the subject site is unfinished and is adjoined by a field entrance to the neighbouring field.
- 1.4. There are several residential properties located on the opposite side of the public road from the appeal site.

2.0 Proposed Development

- 2.1. The proposed development is for the retention of alterations to partially constructed vehicular entrance piers, approved in planning ref. no. 20/81.
- 2.2. Permission is also sought for a dual recessed entrance, boundary wall and piers.
- 2.3. The full width of the entrance elevation is approximately 20 metres and comprises of two piers, either end, and a wing wall curving to meet the proposed two vehicular entrances.
- 2.4. The height of the proposed piers is approximately 2.3 metres, and the height of the boundary wall is approximately 2.1 metres.
- 2.5. The proposed piers and boundary wall are finished in natural stone, and the gates consist of galvanised metal gates.

3.0 Planning Authority Decision

The Planning Authority decided to **grant** planning permission subject 8 no. standard conditions.

3.1. Planning Authority Reports

The Planner's report, in summary makes the following points.

- Road's Section have no objections to the vehicular sightline provision.
- Road's Section, following a site assessment, confirmed no concerns from a visual perspective having regard to established character of the area and retention of existing hedgerow.
- Proposal would not represent incongruous development in the area.

3.1.1. Other Technical Reports

- Environment Section: No objections subject to conditions.
- Transportation Section: No objections subject to conditions.
- Water Services Department: No objections.

3.2. Prescribed Bodies

- None

3.3. Third Party Observations

A third-party submission raised concerns in relation to the recessed gateway not completed in accordance with the approved plans¹. Also, the retention application

¹ LA Ref. 20/81

drawings differ from the permitted drawings, and applicant should be required to complete the entrance in accordance with the original permission.

4.0 Planning History

Relevant On-Site Planning History

- Warning letter (UD7688) – Location of permitted entrance not in accordance with Reg. Ref:20/81, resulting in restricted sight lines.
- Warning letter (UD7688) – Non-compliance with condition no. 5 (a) of Reg. Ref:20/81.
- LA Reg. Ref. 20/81 – Permission granted for two-storey house and domestic garage, recessed vehicular entrance.

5.0 Policy Context

5.1. Development Plan

Straffan is identified as a 'Village' in the County Settlement Hierarchy Map of the Kildare County Development Plan, 2023 – 2029. Volume 2, Part 2 of the Development Plan includes land use maps for designated Villages and Rural settlements. The appeal site is located outside the boundary of the Straffan Land Use Map.

Section 15.7.5 '*Stopping Distances and Sightlines*' of the Kildare County Development Plan, 2023 – 2029, sets out relevant guidance for the proposed development. The following guidance is offered:

- Sightline requirements are determined by the Council on a case-by-case basis. Factors including the type, speed limit and condition of the road are taken into consideration.
- Development will not be permitted for inadequate sightlines that give rise to a traffic hazard.
- Where the improvement of sightlines requires the removal of hedgerow, developers must retain as much of the existing hedgerow as possible and must provide a clear justification for the extent of removal of any hedgerow which will be considered by the Planning Authority when assessing planning applications.
- Planning permission may be refused where the Planning Authority concludes that excessive hedgerow is being removed in order to achieve adequate sightlines.
- Where any hedgerow is being removed, with the consent of the Planning Authority, the applicant shall submit detailed landscape proposals to minimise the impact.
- In cases where an access already exists with inadequate sightlines, it is Council policy to recommend the closing-up of this entrance prior to the use of an alternative access with adequate sightlines.
- All applications for planning permission must clearly indicate the sightlines available at the proposed access.

Section 15.4.6 'House Design' includes guidance in relation to boundary treatments.

Appendix 4, Section 7 (Rural Housing Guide) also refers to the following guidance in respect of boundary treatments, and recommends avoiding the following:

- Replacing boundaries with unsympathetic fencing, pre-cast decorative concrete blocks and artificial stone.

- Using fussy and elaborate entrance gates and lights or excessive stonework capping.
- Building high boundary walls and entrance piers/gates which dominate the site and the surrounding rural area.
- Using suburban inspired entrances which are at odds with the rural character of the area (i.e., large electric gates and excessive lighting)

5.2. Natural Heritage Designations

- None relevant

6.0 EIA Screening

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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

- Contrary to the policies and objectives of the Kildare County Development Plan, 2022 – 2028.
- Proposed vehicular entrance in plan ref. 20/81 was identical to the vehicular gateway drawing shown on plan ref. 19056/03.
- Proposed gate in file ref. 19056/03 fits relatively seamlessly into the rural context.
- Following the application of plan ref. 20/81, and subsequent additional information request and readvertised notices the final entrance proposal included two vehicular entrances.

- Condition no. 6 of plan ref. 20/81 includes outdated reference to a TII technical manual.
- Current application differs from permitted development in file ref. 20/81 in a number of respects, including
 - Location of the gateway has moved southwards.
 - The width of the entrance (20.9m) is 3.6m wider than that permitted.
 - Proposed semi-circular wing walls are c. 2.1m in height as opposed to 1.2m timber and post railings.
 - An agricultural entrance requires a setback of 4.2m, as opposed to 2.4m, for a line of sight.
 - Doubtful that the sightlines to the south can be achieved.
 - Council requirement of minimum set back of 2.4m from road edge is not achieved (refer to Image 2 and Image 5).
- Proposal would be incongruous in the context of a rural road and contrary to Section 15.4.6 of the Kildare CDP, and the Rural Housing Guide (Appendix 4, Section 7) of the Kildare CDP).

7.2. Applicant Response

- Appellant has outlined concerns in relation to PA decision for Plan Ref. 20/81. Appellant did not object, appeal or judicially review Plan Ref. 20/81.
- Previous application has no relevance to the proposed development.
- Council carried out road works on Barberstown to Straffan Road in 2006 including accommodation works for new vehicular entrances which included stone walls and entrances in excess of 1.8m high.
- Proposal is in keeping with the surrounding entrances.
- The case planner's site evaluation concludes the proposal is not an incongruous development in the area and would be in keeping with surrounding entrances.

- Council's Traffic Engineer's report confirmed the proposal would achieve required lines of sight, similar to adjoining entrances.

7.3. **Planning Authority Response**

- The PA confirms its decision and requests that the Board refer to the Planner's Report and internal departmental reports in its assessment and consideration.

7.4. **Observations**

- None

8.0 **Assessment**

Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Planning History
- Traffic Safety
- Visual Amenities

8.1. Principle of Development

- 8.1.1. The development before the Board relates to retention of partially constructed vehicular entrance piers, and permission for completion of a dual recessed entrance, boundary wall and piers. The development will serve an existing residential property and in my view the principle is acceptable owing to the planning history² on the subject site and the pattern of development in the immediate area. The key issue for consideration is whether the vehicular entrance, for retention and proposed for

² Plan Ref. 20/81

completion, is in keeping with the character of the area and would not result in a traffic hazard.

8.2. Planning History

8.2.1. I note that the appellant's submission includes an extensive review of the planning history on the appeal site with particular reference to plan ref. 20/81. The appeal submission argues that the planning authority process, including their assessment and decision, was inaccurate in relation to plan ref. 20/81.

8.2.2. The appeal submission submits that the proposed development has specific departures from the permitted development including the following.

- Location of the gateway has moved southwards.
- Proposed semi-circular wing walls higher than that permitted.
- Agricultural entrance requires a setback of 4.2m.
- Achievable sightlines doubtful.
- Minimum set back of 2.4m from road edge not achieved.

8.2.3. The issues in relation to traffic safety are considered specifically below in paragraph 7.3, and any amendments to the previous permitted development, raised above, can be considered on their own merit in this appeal.

8.2.4. Overall, I would acknowledge the issues raised in the appeal submission such as the non-completion of development in accordance with permitted development (Plan Ref. 20/81). However, the Board can only consider the development in this application and the appeal before it and has no role to consider any enforcement issues. Therefore, I will consider this development before the Board on its own merit.

8.3. Traffic Safety

8.3.1. I have referred to Section 15.7.5 '*Stopping Distances and Sightlines*' of the Kildare County Development Plan, 2023 – 2029, above in paragraph 5.1, and this sets out relevant guidance for the proposed development. It is notable from Section 15.7.5 that sightline requirements are determined by the Council on a case-by-case basis. Factors including the type, speed limit and condition of the road are taken into consideration.

- 8.3.2. The internal report on the file from the Transportation, Mobility and Open Spaces Department (dated 16.10.24) confirms, following a site visit, that the required sightlines are achievable.
- 8.3.3. I noted from my site assessment that the typical road speed along the road adjacent to the development would appear to be 50kph. I also noted that the public road is in good condition with public footpaths either side of the road. In addition, I would note Table 9.3 '*Design Speed Related Parameters*' of the TII '*Rural Road Link Design*'³ that the desirable minimum stopping sight distance for a road with a speed limit of 50km is 70 metres. The submitted Site Layout Map (drawing no. 24039) illustrates that the required sightline provision is achievable in a northern and southern direction.
- 8.3.4. Based on the documentation on the file, it is my view, that the vehicular entrance, the subject of the application before the Board, provides safe access in accordance with the Development Plan and TII guidelines.
- 8.3.5. I would therefore consider that the subject vehicular entrance would be suitable to cater for the traffic movements generated by the development on the site and would not endanger public safety by reason of a traffic hazard.

8.4. Visual Amenities

- 8.4.1. Chapter 13 '*Landscape, Recreation and Amenity*' of the Kildare County Development Plan, 2023 – 2029, is relevant in assessing the visual impact of the development.

In this regard I note that the appeal site, in accordance with Map Ref: V1-13.1 '*Landscape Character Areas*', is located in area designated as '*Northern Lowlands*'. Table 13.1 '*Landscape Sensitivity Classification to Landscape Character Areas*' of the CDP confirms that the Northern Lowlands is an area Class 1 '*Low Sensitivity*'.

- 8.4.2. In addition to the above I would note that the Development Plan⁴ sets out designated '*Scenic Routes and Protected Views*', none of which would apply to the appeal site nor the area in the immediate vicinity of the subject site.
- 8.4.3. As such the proposed development is not located in an area of designated landscape sensitivity.

³ April 2017

⁴ Section 13.5 '*Scenic Routes and Protected Views*'

8.4.4. Further to the above I note from both the Area Planner and Executive Engineer, in their respective reports on the file, that the subject development would have no adverse visual impacts on the area.

8.4.5. The appellant submits that the subject development would be contrary to Section 15.4.6 'House Design' and Rural Housing Guide (Appendix 4, Section 7) of the County Development Plan. I have reviewed Section 15.4.6 and I note that the following paragraph is relevant for the development on hand.

High quality boundary treatments are generally required to enclose private open space. A 1.8m – 2m high wall of solid block, capped and plastered on both sides, is generally acceptable. The Council will consider alternative boundary treatments on their merits. All boundaries in such case shall be of high-quality solid construction with no gaps. Post and wire or timber post and panel fencing is not permitted.

8.4.6. The appellant also refers to Rural Housing Guide (Appendix 4, Section 7), which partially relates to safety options in terms of access and egress. I have addressed access issues above in paragraph 7.3. Appendix 4, Section 7 also refers to boundary treatments.

8.4.7. I have noted above that the development the subject of this appeal is not located in an area of landscape sensitivity in accordance with the Development Plan provisions. Further there are existing vehicular entrances along the public road adjacent to the appeal site, of a similar scale and design, and materials, to the entrance at the appeal site.

8.4.8. Having regard to the scale of the subject development, the established pattern of development, including the variety of vehicular entrances in the area and the absence of any landscape designations in the immediate area of the site, I consider that the vehicular entrance, the subject of this appeal, would not unduly diminish the visual amenities of the area.

9.0 AA Screening

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise,

and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

10.0 Recommendation

I recommend that planning permission be granted for the reasons set out below.

11.0 Reasons and Considerations

Having regard to the existing residential use on the site, the extent of the development, for retention and proposed for completion, and the pattern of development in the area, it is considered that subject to compliance with conditions set out below, the development to be retained and completed would not adversely impact on the amenities of the area, and traffic or pedestrian safety and would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 points of detail to be agreed with the planning authority,

these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of the materials, colours and textures of all the finishes shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

3. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

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

Reason: To safeguard the amenity of property in the vicinity.

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.

Kenneth Moloney
Senior Planning Inspector

27th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321273-24		
Proposed Development Summary	Retention of partially constructed vehicular entrance; permission to complete construction of piers and associated walls and all associated site works.		
Development Address	Barberstown, Straffan, Co. Kildare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	✓		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____