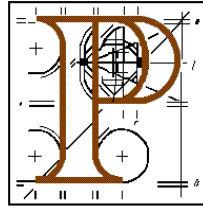


# An Bord Pleanála



## Inspector's Report

**PL09.244527**

**DEVELOPMENT:-**

Retention of the conversion of existing garage/fuel store for domestic use to hobby/studio with part mezzanine floor at 516 Newtown Road, Collegeland, Maynooth, County Kildare.

**PLANNING APPLICATION**

**Planning Authority:** Kildare County Council  
**Planning Authority Reg. No.** 14/614  
**Applicant:** Frank Devitt  
**Application Type:** Retention  
**Planning Authority Decision:** Refusal

**APPEAL**

**Appellant:** Frank Devitt  
**Type of Appeal:** 1<sup>st</sup> Party  
**Observers:** William and Brigid Boyd  
**Date of Site Inspection:** 21.4.2015

**INSPECTOR:** Robert Ryan

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located on the northern side of the R408 (Maynooth - Clane) Regional Route c.1 kilometre south-west of Main Street, Maynooth. It forms part of a row of long established residential units – generally single storey semi-detached – which back onto the railway line beyond which there is the Royal Canal and then the University. On the opposite side of the R408 and to the west there are modern housing schemes.

The appeal site is stated to be 0.10 hectares and contains an existing semi-detached single storey building which has been extended and which is stated to have a gross floor area of 206 square metres. The rear garden is generally bounded by hedging and wooden interlapping fencing c.2 metres in height – the garden is relatively level.

The development in question involves the retention of a garage conversion into domestic use as a hobby room/studio with a part mezzanine floor to the rear with a stated area of 81.5 square metres. This detached structure is located c.15.5 metres back from the house and is c.2.7 metres from the northern boundary (with railway line) and c.0.5 metres from the eastern boundary. It has a ridge height of just over 5 metres with a low pitched tiled roof and plastered walling painted white. The eastern elevation is blank whilst the front (southern) elevation consists of a large picture window. There are two velux rooflights.

## **2.0 PLANNING AUTHORITY'S DECISION**

The planning authority refused permission as follows:-

1. The retention of the structure would by reason of its scale, design, fenestration, internal layout which includes a mezzanine level and services, located in a rear garden would seriously injure the visual and residential amenities of the residential area and depreciate the value of property in the vicinity, would set an undesirable precedent for similar type developments in the area, would be contrary to the zoning objective for the site as set out in the Maynooth Local Area Plan 2013-2019, which aims to protect and improve residential amenity and to provide for appropriate infill residential development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **3.0 PLANNING AUTHORITY REPORTS**

An Appropriate Assessment Screening Report concluded that AA is not required.

The Planning Report outlines objections (overlooking, loss of privacy, precedent for similar backland development, loss of hedging, essentially family flat/self-contained unit etc) and zoning. There is no objection from other departments. She expresses concerns regarding zoning, size and impact of this development and recommends additional information in relation to intended use and consideration of possible amendments e.g. removal of mezzanine, removal of large front window, reduction in height of structure and reduction in floor area.

A reply was lodged on the 8/1/2015 stating that unit would be used as a studio/hobby space with the mezzanine intended for storage purposes only – it would not be an independent living unit. The previous garage use has been completely upgraded and various amendments are rejected as being unwarranted (photographs of previous and current use are enclosed).

The subsequent planning report dated 3/2/2015 states that there are still serious concerns regarding the nature of the development for which retention is sought. The introduction of the mezzanine has increased the floor area previously permitted from 63 to 81 square metres. The introduction of rooflights together with the large front window creates overlooking and visual amenity issues which seriously injure the amenities of adjoining properties and contravene the zoning objective to protect and improve existing residential amenity.

She concludes that the intensification of use and layout with a mezzanine level could give rise to a separate living unit which is unacceptable and therefore, refusal is recommended.

### **4.0 FIRST PARTY APPEAL**

The appellant works locally and argues that this building has been significantly improved. Its scale has not been altered whilst the external finishes (plaster and painting) are aesthetically superior to its previous condition. The large industrial-style doorway has been replaced by modern windows, with the top-half frosted. Side windows have been removed on eastern side.

The building does not contain a kitchenette or sleeping accommodation and is not intended for such use. The mezzanine is for storage purposes and has no stairway as such – it has a low ceiling height.

Given the upgrade in appearance he considers that there would be no depreciation in value of nearby properties (a letter endorsing this view from a local estate agent is enclosed). In his opinion the change of use will enhance residential amenity and therefore is in accordance with the zoning and local area plan.

He refers to previous Board decision – PL09.212690 – wherein permission was granted for a bungalow at this location and the existing permitted structure to argue that no inappropriate intensification of use is occurring.

The front window would have obscure glazing to its upper portion thus avoiding overlooking from the mezzanine level. The building is used for recreational/hobby use associated with his family and not for letting or accommodation. A condition to this effect would be quite acceptable. Photos are enclosed.

## **5.0 PLANNING AUTHORITY TO BOARD**

The planning authority repeat that this is an application for retention and that in their view there will be loss of privacy due to its location, design, layout and fenestration. Overlooking is another cause for concern. A permission would be an undesirable precedent for similar proposals and would be contrary to the LAP which seeks to preserve and improve existing residential amenity.

## **6.0 OBSERVER**

Mr. and Mrs. Boyd live in adjoining property – No. 517. They state that a warning letter had been issued by the planning authority.

They consider that the scale (introduction of mezzanine), design (large new window) and use represents a major negative impact with overlooking now occurring. The window in question has a sticker rather than obscure glazing and is extremely large and out of character with those in the house.

They refer to planning report and consider that mezzanine plus a solid fuel stove, kitchenette and toilet/shower is a disamenity whereas previous Board permission for a bungalow did not cause such problems and indeed they did not lodge any objection. Their backgarden is no longer a private space in their opinion. Whether the conversion is suitable in terms of foundations is open to question.

They enclose a letter from a local estate agent which states that proposed development would be detrimental to both the privacy and valuation of their property.

Velux rooflights also permit overlooking and were specifically omitted by the Board in its decision. They full support the decision of the planning authority and consider that the proposal is contrary to the zoning objective. They enclose photographs.

## **7.0 DEVELOPMENT PLAN**

In the Maynooth LAP 2013-2019 the site is zoned 'B' i.e. 'Existing Residential' – to protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.

## **8.0 PLANNING HISTORY**

UD6523 – Warning letter served on Frank Devitt for unauthorised external and internal works to garage to rear of No. 516.

Reg. Ref. 12/557 – Permission granted for single storey extension to No. 516 – 98 square metres.

PL09.212690 (Reg. Ref. 05/628) – By order dated 14/10/2005 the Board granted permission for a three bedroom bungalow at this location. This decision has now withered. The planning authority had previously refused permission on the basis of backland, tandem development and consequent residential disamenity. The Board decision referred to the Residential Density Guidelines, the single storey design and the existing pattern of development in the area as important considerations.

Reg. Ref. 86/94 – Retention permission granted by planning authority in 1986 for a garage at this location of which Condition No. 4 states

that the structure shall be used solely for the storage of fuel for the dwelling and shall not be used for the storage or repair of any machines or commercial vehicles of any kind in order to prevent unauthorised development occurring.

Under Reg. Ref. 06/460 a bungalow was also permitted on the adjoining site to Mr. Boyd, but this permission has also withered.

## **9.0 ASSESSMENT**

The appeal site forms part of a line of long established houses with relatively large plots within an easy walking distance of the town centre. Permission has already been granted by the Board on this site and the planning authority on adjoining site for houses but these have now expired. While an area such as this does have potential for residential development it should ideally form part of a comprehensive plan involving a detailed design brief concerning access, height, scale and disposition of houses.

However, the present proposal is not for an independent dwelling unit. It involves the conversion of a shed from ancillary storage purposes into domestic use by the occupiers of the house No. 516. This is an independent structure set back over 15 metres from the recently extended house and in terms of floor area (81.5 square metres) it is relatively large. Although it is not stated to be a 'granny flat' or living accommodation it has all the hallmarks of such a use.

The area is zoned to protect and improve existing residential amenity so while further residential development is clearly permitted the emphasis is very much on preservation of existing amenities.

The previous garage use was in existence for thirty years or more and may have been in need of upgrade, but its use was strictly confined to storage. The present development has involved a considerable upgrade of the building, but the use is now residential and therefore it has different impacts on nearby property.

Having inspected the site I would share the concerns enunciated by the planning officer in the initial report, which were set out in the additional information request. These were all rejected by the application and the proposal must be assessed on the basis of information submitted.

In my view this piecemeal residential use does have a negative impact on nearby property due to its location, size and scale with the front window in particular being unduly dominant and offering overlooking and the feeling of being overlooked. The glazing to upper area does appear to be covered by a sticker and this is compounded by the velux rooflights.

### **Appropriate Assessment**

Having regard to the location and nature of the development involving connection to public system I do not consider that there would be any adverse impacts on Natura 2000 sites.

## **10.0 CONCLUSION AND RECOMMENDATION**

The development to be retained is not a domestic extension, but a large independent structure located well to the rear of the residence involving serious disamenity to neighbouring property by reason of its use, size, scale and orientation. It is contrary to the zoning objective and it would be out of character with the pattern of development. As such it would be contrary to the proper planning and sustainable development of the area. I would therefore sustain the view of the planning authority and recommend that permission be refused.

### **REASONS AND CONSIDERATIONS**

It is considered that retention of change of use from storage shed to a free-standing residential use within a rear garden involving a mezzanine floor with velux rooflights together with its orientation and fenestration would be out of character with nearby properties and would involve overlooking. It would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the zoning objective for the site as set out in the Maynooth Local Area Plan 2013-2019 which aims to protect and improve residential amenity and to provide for appropriate infill development. The proposed development, by itself and by the precedent it would set for other similarly incongruous development in the area, would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Robert Ryan,**  
**Senior Planning Inspector.**  
19<sup>th</sup> May, 2015.      sg