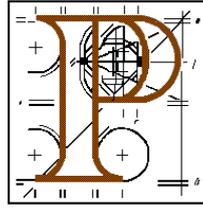


# An Bord Pleanála



## Inspector's Report

**PL09.244623**

**DEVELOPMENT:-**

Single storey extension to front, sides and rear of bungalow incorporating existing garage into dwelling, alterations to elevations, construction of detached garage and installation of new waste treatment system at Grangebeg, County Kildare.

**PLANNING APPLICATION**

**Planning Authority:** Kildare County Council  
**Planning Authority Reg. No.** 14/962  
**Applicant:** Ger and Claire Moone  
**Application Type:** Permission  
**Planning Authority Decision:** Permission

**APPEAL**

**Appellant:** John Heffernan  
**Type of Appeal:** 3<sup>rd</sup> Party  
**Observers:** None  
**Date of Site Inspection:** 15.5.2015

**INSPECTOR:** Robert Ryan

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located on the northern side of a minor county road c.4 kilometres south-west of Kildare. There are a significant number of houses along this road in what is an attractive rural setting. Directly opposite the site there are sheds/farm buildings with houses to the east and west whilst to the west of the site there are more farm buildings/stables and a house. To the rear (north) and east there are paddocks.

The site is stated to be 0.35 hectares and is bounded by wooden post and rail fencing, planting and hedgerows. The land rises up from the road with the existing bungalow at an angle c.28 metres from the boundary. To the east of the bungalow there is a detached garage. The existing building is stated to be 152 square metres whilst the proposed works would be 51.8 square metres.

The proposal involves an upgrade and redesign of the bungalow with a small gabled bedroom extension to the front and a new flat roofed living/dining room extension to the side and rear. The existing garage would be converted into an en-suite bedroom and linked into the bungalow. In the rear north-eastern corner a new garage would be erected (c.54 square metres) with a ridge height of 5.5 metres and three velux rooflights. External finishes would consist of natural stone and render whilst new window designs would be introduced. Close to the western boundary a new treatment system and percolation area would be installed with a PE of 6.

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

The planning authority decided to grant permission subject to 19 relatively standard conditions.

## **3.0 PLANNING HISTORY**

Reg. Ref. 06/2474 – Permission refused by the planning authority for a bungalow to west of current house extension citing lack of local need and inadequate road frontage.

## **4.0 DEVELOPMENT PLAN**

Section 4.8.3 states that domestic extensions are an effective way for homeowners to provide extra space without having to move house when their accommodation needs change. Issues such as sunlight, daylight and privacy are important. Although this primarily relates to urban development it is also applicable to rural housing. Section 4.12.1 also encourages refurbishment of existing dwellings in a sensitive manner.

Map 14.2 indicates that the site is within an area of low landscape sensitivity – it is not part of a scenic route or affected by scenic views.

Section 16.8.3 deals with extensions which should be simple and complement the existing building – generally they should be located to the side and rear of the house.

Kildare is widely recognised as a major equine centre and this is recognised in Section 10.4.2 and Section 10.5.4 where it is plan policy to protect the environment and amenity of rural areas, from encroachment by urban sprawl and incompatible development.

Section 19.4.7 also deals with extensions requiring a sensitive approach that should not adversely distort the scale or mass of the structure.

## **5.0 PLANNING AUTHORITY REPORTS**

The application was accompanied by a Site Characterisation Form which indicated a T-value of 28.25 and a P-value of 11.92. The existing septic tank system is stated to be out of date and would be removed.

A covering letter states that the house was built in the 1970's and is poorly designed with relatively small bedrooms.

Irish Water have no objections.

The Water Services Department has no objection subject to conditions.

The Area Engineer has no objection.

The Environment Section recommend additional information.

The planning authority requested information concerning these drainage issues viz. completion of site characterisation form, need for a cross-sectional drawing of treatment system and trial holes.

A reply was lodged on the 21/1/2015 from Ronan Sweeney and Associates (Architecture and Surveying).

The report of the Environment Section dated 12/2/2015 has no objection subject to conditions.

The subsequent Planning Report outlines objection and states that an Appropriate Assessment Screening Report indicates that an NIS is not required. She refers to Section 19.4.7 of the development plan dealing with extensions and states that while flat roofed extensions are generally not acceptable the planning authority are satisfied that the extension to the side and rear will not negatively impact upon either the residential amenity of the house or any other dwelling in the vicinity.

The garage and open space provision are also acceptable. She rejects objections lodged by neighbour regarding negative impacts on his horses due to noise/proximity and privacy/overlooking. Given the nature and location of the proposed development and the character of the area in which the development is proposed she considers that permission would be reasonable.

In a submission to the Board the planning authority states that it has no further comment to make.

## **6.0 THIRD PARTY APPEAL**

The appellant's agents Brock McClure (Planning Consultants) argue that the planning authority did not address their client's concerns. He lives directly beside this residence and runs a bloodstock business therefrom.

He is particularly concerned about the impact on his horse operation which is located in a calm, rural setting. The Kildare County Development Plan fully recognises the importance of the bloodstock industry as per Section 10.5.4. The erection of a garage close to the field boundary could have a detrimental impact on livestock, especially young immature horses, by reason of various noises generated. They quote Policies EQ1 – EQ7 which are considered fair and reasonable in order to avoid incompatible uses taking place.

Overlooking may also be detrimental to his business, which is located on lower ground.

In their view surface water has not been adequately dealt with.

They consider that the result will be devaluation as it is overbearing, injurious to residential amenity and detrimental to the horse operation/rural landscape.

This submission essentially reflects their client's concerns as stated to the planning authority regarding drainage, noise and invasion of privacy/overlooking.

## **7.0 DEVELOPER**

In reply Ronan Sweeney and Associates state that this house was built c.40 years ago and is in many respects quite substandard in terms of design and thermal efficiency. Their proposal will provide a much needed upgrade involving use of natural stone, revised window treatment and better use of space with the existing garage integrated into the house.

The extension is 38 metres to the nearest boundary to the south-west and 10.7 metres to the north-western boundary so overlooking is not an issue and neither is overshadowing. It is single storey so it will not be overbearing nor will it be very different to existing situation.

A new wastewater treatment plant represents a major improvement over the existing septic tank system.

The proposed garage will be used for storage of car and basic household/garden items. Noise will be no different to current position.

They state that surface water has never been an issue on this site and new roof represents a modest increase which will comply with relevant standards. Therefore, having regard to the above devaluation will not be an issue.

Given all the circumstances they conclude that permission would be in order.

## **8.0 ASSESSMENT**

Although this is a pleasant rural environment there are many dwellings along this road with a variety of house designs including single, dormer and two storeys. The house in question is approximately 40 years old with a relatively mediocre design and there is no doubt that building standards are considerably different nowadays with better insulation and drainage facilities available.

At c.52 square metres the extension is relatively modest with the proposed dining/living area located to the side and rear. The garage conversion and connection into the dwelling is also quite minor whilst the extension to the bedroom at the front elevation replicates the arched entrance. The revised window designs and use of natural stone for the plinth, chimney stack and garage link is also considered to be beneficial. It is true that flat roofing can be problematic, but again building standards have improved and the visual impact is quite acceptable.

The proposed extension would be c.60 metres from the stables/farm buildings to the west and these all have blank facades so the separation distance is more than adequate.

The proposed garage would be located in the north-eastern corner with paddocks to the north and east. In essence it will replace the existing garage and will be used to store the family car and miscellaneous items. The planning authority imposed a condition restricting use to domestic activities only and a similar condition could be imposed by the Board.

In relation to drainage the land appears to be good quality as corroborated by the soil tests. The installation of a new wastewater system represents a major improvement on the septic tank and given the site size surface water drainage should be acceptable as acknowledged by the Council reports.

The site does rise up gently from the road, but overlooking is not a factor given the separation distances. The boundary generally consists of good quality post and rail fencing supplemented by planting which should provide excellent screening over time.

There is no doubt that noise can be detrimental to horses, especially sudden intermittent noises. However, this is a long established residential property and the proposal is for an extension thereto of

relatively modest scale. The risks to bloodstock should not be appreciably different to existing situation and as stated above there are many residential properties in the vicinity.

### **Appropriate Assessment**

Given the location of the property in relation to SAC/SPA areas, the nature and extent of the development, which involves an upgrade of existing waste system, and having regard to the report of the planning authority I would consider that Appropriate Assessment is not required.

## **9.0 CONCLUSION AND RECOMMENDATION**

The proposed development represents a major improvement in terms of design, finish, layout and construction quality to a long established residential unit which would not devalue nearby property and would be in accordance with the current development plan and to the proper planning and sustainable development of the area. As such, it is recommended that permission should be granted.

### **REASONS AND CONSIDERATIONS**

Having regard to the location, nature and scale of the proposed development it is considered that, subject to compliance with conditions set out below, it would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

### **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 submitted on the 3<sup>rd</sup> day of November 2014 and by the additional information lodged with the planning authority on the 23<sup>rd</sup> day of January 2015, 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. The entire premises shall be used as a single dwelling unit.

**Reason:** In the interest of clarity and orderly development.

3. The proposed garage/store shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

**Reason:** In the interest of clarity and orderly development.

4. The existing septic tank shall be decommissioned and its contents disposed of in an environmentally safe manner to the satisfaction of the planning authority upon installation of the new effluent treatment unit.

**Reason:** In the interest of orderly development and to avoid pollution.

5. All external finishes shall harmonise in colour and texture with the existing premises. The stonework shall consist of local natural stone.

**Reason:** In the interest of visual amenity and orderly development.

6. The proprietary wastewater system shall be designed, installed and maintained to the requirements of the planning authority. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

7. Water supply and drainage, including the 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 to ensure a proper standard of development.

8. 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 for 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

---

**Robert Ryan,  
Senior Planning Inspector.**

**22<sup>nd</sup> May, 2015.**

**sg**