

An Bord Pleanála



Inspector's Report

Development: Construct a two storey extension to rear of existing dwelling consisting of a kitchen and playroom on the ground floor and a bedroom on the first floor and a bedroom on the first floor, Covert attic space to provide bathroom and bedroom at 116 Riverforest, Leixlip. Co. Kildare.

Planning Application

Planning Authority: Kildare County Council
Planning Authority Reg. 15/782
Applicant: Paul Brookes
Type of Application: Permission
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Paul Brookes
Type of Appeal: First Party Vs Decision
Observers: None

Date of Site Inspection: 23/02/2016

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located within a suburban residential area north of Leixlip town centre within a large residential development called *Riverforest* off captain's Hill Road. The site itself is a single storey semi-detached unit at 116 Riverforest. There are the row of single storey cottages facing a row of two storey dwellings along the cul de sac. To the immediate rear of the single storey units there is a large green area to the west which slopes towards the river valley to the south of Riverforest.
- 1.2 116 Riverforest, has a front and rear curtilage. It is a gable fronting bungalow with an eastern orientation. There is a small garden to the front and a parking space with an 11metres rear garden.

2.0 PROPOSED DEVELOPMENT

- 2.1 The existing single storey dwelling on the site is 56sq.m. It is proposed to construct a two storey extension to the rear of the dwelling totally 47sq.m. A new kitchen and playroom is proposed for the ground floor, with an attic conversion and the first floor extension to accommodate two bedrooms.

3.0 SUBMISSIONS RECIEVED

The residents of 114 and 117 Riverforest objected to the proposal citing overshadowing, impact of foundations, lack of consultations and out of scale with existing dwellings. There will be a negative impact on adjoining dwellings, negative impact on the street, overdevelopment of the site, inaccurate drawings, and contrary to the original planning permission for bungalows at this location.

4.0 TECHNICAL REPORTS

There were no objections to the proposed development from the area Engineer, Water Services, and EHO. The Chief Fire Officer recommended a refusal.

Planning report generally reflects the planning authority's reason for refusal.

5.0 PLANNING AUTHORITY'S DECISION

Kildare Co. Co. refused the proposed extension for two reasons:

1. The proposal would seriously injure the residential amenities of the adjoining properties by virtue of overlooking, extensive use of glazing on upper floors, and would depreciate the value of properties in the vicinity and set an undesirable precedent.

2. The stairwell to the upper floor is from the kitchen and this would endanger public safety.

6.0 APPEAL GROUNDS

The following is a summary of the main points raised in the grounds of appeal:

Overlooking

There is use of glazing on the upper floor, the clear glazing is proposed on the west/ rear elevation. There are no dwellings to the rear of the property. The windows to the south will be fitted with obscure glazing. There are revised proposals on appeal with the removal of the majority of the glazing on the southern elevation at first floor level.

A number of the units along the street have attic conversions, which appears to have been overlooked by the planning authority.

The roof access was for emergency only it was never intended as a functional area as part of the dwelling. However it has been removed in the revised proposal.

Overshadowing

The level of overshadowing to the neighbouring property is marginal on the times cited in the planning report as significant. The neighbouring property has dug out foundations for an extension which was not referred to in the report on file. The upper floor has been setback 1metres from the communal boundary with No. 117 and this will help reduce the marginal overshadowing occurring during the afternoon from June-September.

Depreciation of House Values

This is strongly refute and is facile, and it does not fall within the remit of the planning authority to make such claims.

Precedence of Proposed Development

There is an existing precedent within the locality for similar rear extensions, and this fact was ignored by Kildare Co. Co. 87770 and 981762 were granted similar extensions, both extensions are the same house type at 116 Riverforest. The house was purchased when the applicants were a young couple and now they have three children ages 2-7 years and the existing house, 56sq.m. is too small to accommodate the family. The houses at 527 Riverforest and 592 Riverforest are highlighted as an existing precedent.

Stairway/ Internal reports

The issue of the stairwell been located in the kitchen is a Building control matter not a reason for refusal. However the internal layout has been revised to move the stairwell into the hallway.

7.0 OBSERVATIONS

Paul Gorry and Sean Horgan of 114 Riverforest have made the following points to the Board in an observation:

- The single storey streetscape along the right-hand side of the street should be maintained
- Single storey homes ensure no overlooking
- There is no need to increase the floor area of the existing dwelling by 100% and to include a large master bedroom. The proposal is a large scale structure at 103sq.m. and the applicant should meet his housing needs within the existing house.
- There should be no balcony or access to the roof from the dwelling. This would pose a health and safety hazard. The application plans illustrate railings for a large double door, and space for several people to stand on. The Board should examine Fig. 8.3 and Fig. 9 which includes a wooden panelled area that is a fire hazard. There would be no need for a safety barrier if the bedroom doors did not exist.
- Windows on first floor level overlooking their home should not be permitted.
- The doors leading from the first floor onto the roof will create noise, and result in a loss of privacy. The length of the ground floor extension should be reduced to remove the balcony/ roof area completely.
- The velux windows in the houses along the street are to improve light within the attic space. This is entirely different to a large glass on an upper floor element. The external doors should be replaced by a window. The suggestion the glassed balcony was a fire escape was misleading.
- There are changes to the original proposal with the first party appeal which cannot be considered by law when making a decision. There is an unauthorised stairwell going into the kitchen, and therefore an application for retention should be considered prior to an extension.
- There are to be no windows overlooking their property. Replacing windows with wooden panelling is not acceptable. The windows remain behind the woods. The windows should be replaced by concrete blocks .
- The two houses cited by the applicant 592 and 527 are located within a mixed row of dormer houses and bungalows. The examples cited are misleading they are not the same context as the proposed site.

8.0 RESPONSES

8.1 Applicant's Response to Observation

There is no overdevelopment of the site, there is sufficient residual amenity area.

The attic storage space does not require retention it has been in place since the house was purchased eleven years ago.

Revisions to plans on appeal are legitimate.

The doors, roof access and railings have been omitted.

The obscure glazing has been replaced by wooden panelling. It is bizarre to suggest the window still exists behind the wooden panelling.

8.2 Planning Authority to the Appeal

An extension would be considered favourably at the location, however the current proposal would have a negative impact on neighbours. The amount of glazing proposed is unacceptable, and a roof terrace is unacceptable. There are fire safety concerns associated with the proposal.

9.0 PLANNING HISTORY

9.1 There is no relevant planning history.

10.0 DEVELOPMENT PLAN

Kildare County Development Plan 2011-2017

Section 19.4.7 Extensions

The site is zoned Existing Residential.

11.0 ASSESSMENT

11.1 The existing dwelling at 116 Riverforest is a single storey semi-detached house with a floor area of 56sq.m. The applicant has three children and requires an extension to the dwelling to cater for growing family accommodation. The proposed extension is two storey and to the rear of the dwelling and also involves an attic conversion of the existing roof area to the front of the house, to provide an additional floor area of 47sq.m.

11.3 The additional accommodation will include a new kitchen area and study/play area on the ground floor, and two new bedrooms and a WC on the first floor. The dwelling is currently a small two bedroom unit, the proposed extension will create a four bedroom unit within a total floor area of 103sq.m. The front elevation of the dwelling will remain unaffected by the proposal apart from the insertion of a velux roof light. The main changes to the footprint of the dwelling occur to the rear of the dwelling.

11.4 The rear of the dwelling is an 11metre back garden which has a western orientation and backs onto a large green area. Therefore there are no opposing windows or private garden areas to the rear of the property. In saying that there has been strenuous objection to the proposed extension from the residents at No.s 114 and 117 Riverforest who concerned about overlooking and overshadowing, amongst other issues. The applicant did propose a rather obnoxious rear elevation at the planning application stage which included large glazed planes and a standing area off the master bedroom enclosed by glazed panelling. There have been a number of revisions presented on appeal which I consider address the concerns of the planning authority in the two reasons for refusal.

- The ground floor extension consisting of the new kitchen area and study/ play room area is acceptable.
- The first floor extension has been setback from the neighbouring property to the north, 117 Riverforest, by 1metres for the length of the first floor projection. This will reduce the instance of overshadowing onto the adjoining property.
- The glazing at first floor level serving the main bedroom has been reduced. The access door onto the roof of the ground floor extension has been replaced by a large window. The obscure glazing along the southern elevation has been replaced by timber cladding.
- The proposed staircase has been relocated to the hallway in line with Building Regulations

11.5 I consider the applicant has made reasonable efforts to address the concerns of the reasons for refusals under the revised proposals presented on appeal. The planning authority's response to the appeal did not acknowledge the revisions presented on appeal, and referred only to the original proposals.

11.6 Third party observers were concerned about the validity of the revisions presented on appeal, and I consider the revisions to be acceptable and within the scope of the original description of the development in the public notices. I do agree however with the third party concerns regarding the insertion of timber cladding in replace of obscure glazing at first floor level. This is an unnecessary provision and the design gives the perception of overlooking or loss of privacy due to a section remaining glazed, creating an internal feature window. There is a large window proposed to the rear elevation at first floor level and this is sufficient window to cater for the bedroom area. The glazing at first floor level should respect the site context which is a row of single storey semi-detached units with uniform rear garden areas. Therefore I recommend the Board insert a condition requiring the timber panels to be removed and replaced by a solid wall.

12.0 RECOMMENDATION

I recommend the planning authority's decision to refuse be overturned by the Board

REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the area and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of scale and design. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the revised proposals presented on appeal and submitted to the Board on the 19th of November 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed timber panels at first floor level shall be omitted and replaced by solid walls. Details of this amendment shall be submitted to the planning authority for agreement prior to commencement of development on site.

Reason: In the interests of residential amenity.

3. Water supply and drainage arrangements, 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.

4. 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 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.

Caryn Coogan

Planning Inspector

26/02/2016