



An
Bord
Pleanála

Inspector's Report

ABP-306828-20

Development	The conversion of attic space into a bedroom and en-suite, new stairs and 5 no. rooflights to the front roof
Location	31 Ryebriidge Green, The Ryebriidge , Kilcock
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/1397
Applicant(s)	Lukasz Charchuta
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v. Condition
Appellant(s)	Lukasz Charchuta
Observer(s)	None
Date of Site Inspection	20 th May 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located within the Ryebriidge residential housing estate, approx. 800m north west of Kilcock town centre. The Ryebriidge estate comprises large 2-storey semi-detached and terrace houses with a brick and render finish. The estate is accessed via the R158 – Kilcock – Summerville Road.
- 1.2. The appeal site has a stated area of 0.0195ha. It accommodates a two-storey semi-detached house with a gross floor area of 122sqm. The house has a driveway to the front and private open space to the rear. It is bound to the north by the internal estate road, to the south by a field and to the east and west by semi-detached houses.

2.0 Proposed Development

The proposed development comprises the conversion of the attic space to a bedroom and en-suite. The converted area has a gross floor area of 21sqm. The works also include the provision of a new internal stairs and 5 no. rooflights on the front elevation.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 4 no. conditions. Condition 2 required that revised plans and elevations omitting the proposed roof lights on the front elevation and repositioning the same on the rear elevation be submitted for the written agreement of the planning authority.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The planners report raised no objection in principle to the conversion of the attic to a habitable space. However, to prevent an undesirable precedent a condition was attached that any rooflights be relocated to the rear roof profile.

3.2.2. **Other Technical Reports**

Chief Fire Officer: No objection

Area Office Maynooth: No objection

Water Services: No objection subject to conditions

Enforcement Department: This report is noted in the planner's report, however, there is no report on file.

3.3. **Prescribed Bodies**

Kildare National Roads Office: No comment

3.4. **Third Party Observations**

None

4.0 **Planning History**

None

5.0 **Policy Context**

5.1. **Kilcock Local Area Plan 2015-2021**

The appeal site is zoned 'B' – Existing Residential and Infill with the associated lands use objective '*to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services*'. The primary aim of this zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered suitable to the area and to the needs of the population.

Objective SN 1: *To promote new neighbourhoods which are well designed, safe and suitable for a variety of age groups and tenures, robust, adaptable, well served by local facilities and public transport, and which contribute to the structure and identity of Kilcock.*

5.2. Kildare Development Plan

Section 4.11: Extensions to Dwellings states that *'domestic extensions are an effective way for homeowners to adapt to changing household needs without having to move house. The design, scale and layout should have regard to the amenities of adjoining properties, particularly as regards overshadowing and privacy'*.

Chapter 17: Development Management Standards is considered relevant, in particular section 17.4.8 Extension to Dwellings which states that *'primarily, the design and layout of extensions should have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy'*.

SRO 3 Facilitate the extension of existing dwellings in accordance with the standards set out in Chapter 17 of this Plan.

5.3. Natural Heritage Designations

There are no designated sites within the immediate vicinity of the site.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against condition no. 2 which omits the 5 no. rooflights on the front elevation and repositions them to the rear elevation. The submission is summarised below: -

- The proposed development is in accordance with the provisions of the Development Plan, in particular Section 17.4.8 which provides guidance on residential extensions. The development plan does not provide any specific guidance on attic extensions.
- The planners report provided no rationale or argument for the repositioning of the rooflights to the rear of the dwelling. It would also require the removal of the existing solar panels on the rear roof elevation. This would negatively impact on the energy efficiency of the house.
- Due to the current configuration of the existing stairs and services, compliance with condition 2 adversely impacts the design and internal layout of the dwelling and would result in a smaller floor area within the attic level.
- The works do not cause any adverse impact on the existing residential amenities by way of overlooking, overshadowing or cause any adverse visual impact. The extension respects the character and scale of the dwelling and would not negatively impact on the character of the area.
- The site is not located in a visually prominent area and there are no protected views or prospects. The roof lights are integrated into the dwelling and do not cause any adverse visual impact.
- The development allows the house to be adapted to the applicant's needs.
- The proposed development would not set an undesirable precedent. The applicant has provided examples for existing dwellings with roof lights on the front elevation in the surrounding area.
- The site is not located in any designated sites. Due to the nature and scale of the development there is no real likely significant effect on the environment. The need for further environmental assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.2. Planning Authority Response

The Planning Authority's response is summarised below:

- The examples provided by the applicant are located in separate housing estates and are not examples of similar developments. Any rooflights on the front elevation of those houses were design features implemented at the initial design stage.
- The 5 no. rooflights are spread across the front elevation of the dwelling. This is excessive and would render the design of this dwelling inconsistent with the other dwellings located in the housing estate. It would set an undesirable precedent within Ryebriidge Green.
- It is recommended that if permission is being completed that condition 2 be retained.

7.0 **Assessment**

7.1. Having regard to the circumstances of this case, the site context and to the nature of the condition under appeal, which relates to the provision of rooflights on the front elevation of the existing house, I am satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. I consider, therefore, that the appeal should be dealt with in accordance with Section 139 of the Planning and Development Act 2000 (as amended).

7.2. **Condition 2**

7.2.1. Condition no. 2 required that the proposed 5 no. rooflights on the front elevation be omitted and that revised plans and elevations be agreed in writing with the Planning Authority regarding the repositioning of the rooflights to the rear elevation. The reason for the condition related to the visual amenity of the area. It is noted that the planners report states the provision of *'roof lights on the front roof profile would lead to an undesirable precedent in the area'*.

7.2.2. In the appeal the applicant states that no justification for condition 2 is provided in the planning authority's report. It is considered that the development allows the house to be extended, in accordance with development plan guidance on residential extensions, and would not result in any negative impacts on the existing residential and visual amenities of the area. It is noted that to reposition the windows on the rear

roof profile would require alterations to the configuration of the existing stairs and services and would result in a smaller floor area within the attic level. It would also require the removal of the existing solar panels on the rear roof elevation.

- 7.2.3. The rooflights comprise, 3 no. windows approx. 0.5m in width by 0.4m in length. These windows are provided in a row in the centre and western portion of the roof. It is also proposed to provide 2 no. windows on the eastern portion of the roof. These windows are stacked. The smaller window is approx. 0.5m in width by 0.6m in length and it is located above a window, approx. 0.5m in width by 0.9m in length. The proposed windows would provide natural light to the attic and would facilitate the conversion of the existing attic to a bedroom with en-suite with a gross floor area of 21sqm.
- 7.2.4. Having regard to the design and positing of the proposed windows and the orientation of the existing house, it is my view that the proposed rooflights would not result in any negative impacts on the existing residential amenities of the area.
- 7.2.5. It is also my opinion having regard to the limited scale, nature and design of the proposed rooflights they would not detract from the character of the dwelling and would not seriously injure the visual amenities of the area. It is, therefore, considered that the proposed development is in accordance with policy SRO 3 of the development plan to facilitate the extension of existing dwellings and that condition no. 2 is not warranted in this instance.

7.3. ***Appropriate Assessment***

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.

8.0 **Recommendation**

- 8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons

and considerations set out below, directs the Planning Authority under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended, to Remove Condition 2.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the 5 no. rooflights, by reason of their limited scale, nature and design, would not detract from the character of the dwelling and would not seriously injure the visual or residential amenities of the area. The planning authority's Condition 2 requiring the omission and repositioning of the proposed 5no. rooflights to the rear roof profile is, therefore, not warranted.

Elaine Power
Planning Inspector

27th May 2020.