



An
Bord
Pleanála

Inspector's Report

ABP-306831-20

Development	6 no. self-catering units in a 3-storey building
Location	Hawthorn House B&B, Old Greenfield, Maynooth. Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/1379
Applicant(s)	David Collins
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	David Collins
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 in the rear garden of Hawthorn House B&B, 138 Old Greenfield. Old Greenfield is a mature residential estate located approx. 500m south of Maynooth town centre. The site is located at the junction of Old Greenfield and Straffan Road and is bound to the rear by Silken Vale. There are a significant number of properties located within the estate that have subdivided their rear gardens, resulting in a haphazard pattern of backland development along both sides of the street.
- 1.2. The site has a stated area of 0.1416ha and currently accommodates an existing 2-storey B&B and single storey self-catering units located to the rear. Access to the site is from Old Greenfield. Unrestricted car parking is currently provided along the north western portion of the site.
- 1.3. No. 141 Old Greenfield (also referred to as 141 Greenfield Cottages) is a Protected Structure (RPS no. B05-34) and listed on the NIAH (ref. 11803104). It is located approx. 40m west of the appeal site. No. 139 Old Greenfield, a semi-detached 2-storey house, adjoins the site to the west and is also listed on the NIAH (ref. 11803105).

2.0 Proposed Development

- 2.1. It is proposed to construct 6 no. self-catering units in a detached 3-storey building located along the northern site boundary. The proposed building has a gross floor area of approx. 293sqm. It has a flat roof with a height of approx. 8.9m. The external materials include a selected brick and render finish.
- 2.2. The internal layout comprises 2 no. units and an area of communal space at each level. The units are open plan and have a gross floor area of approx. 29sqm. Each unit has a 5sqm balcony. The balconies are located on the front (southern) elevation. The communal areas provide living, dining and utility areas.
- 2.3. The works include a new pedestrian access on to Silken Vale and the provision of 9 no. delineated car parking spaces within the site.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

1. Having regard to the height, bulk and design of the proposed development, to the character of the surrounding area and to the separation distance between proposed balconies and existing dwellings to the south of the site, it is considered the proposed development would constitute an incongruous form of backland development which would be visually obtrusive and injurious to the residential amenities of the area. The proposed development would therefore materially contravene the 'Existing Residential and Infill' zoning objective pertaining to the area as contained in the Maynooth Local Area Plan 2013 – 2019, which is to inter alia protect and improve existing residential amenity and provide for appropriate infill residential development, would set an undesirable precedent in the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The area planner raised concerns regarding the proposed development and recommended that permission be refused for the reason outlined above.

3.2.2. *Other Technical Reports*

Transportation Department recommended that further information be sought regarding the detail of the car parking spaces and an auto-track drawing for refuse trucks.

Water Services: No objection subject to conditions.

Area Office recommended that further information be sought regarding details of the entrance to the site and available sightlines.

Chief Fire Officer: recommended that further information be sought regarding auto-track drawing for emergency vehicles. It is noted that the communal areas are not permitted to open directly onto the escape staircase.

3.3. Prescribed Bodies

Irish Water: No objection in principle. It is noted that a connection agreement is required prior to commencement of development.

3.4. Third Party Observations

None

4.0 Planning History

Appeal Site

Reg. Ref. 06/1319: Permission was granted in 2006 for the conversion of an existing garage / store to a self-catering unit to the rear of the existing B&B.

Reg. Ref. 04/ 2132: Permission was granted in 2005 for the construction of 4 no. self-catering units located to the rear of the existing B&B.

Surrounding Sites

ABP – 306494-20, Reg. Ref. 19/211: Permission was granted in 2020 for the construction of a 2-storey house in the rear and side garden of no. 282 Old Greenfield, opposite the appeal site.

Reg. Ref. 19/0212: Permission was granted in 2019 for 2 No. semi-detached single storey dwellings with attic dormers to the side of the existing house at no. 282 Old Greenfield, opposite the appeal site.

5.0 Policy Context

5.1. Maynooth Local Area Plan 2013 - 2019

The appeal site is located in an area zoned B – Existing Residential and Infill with the associated landuse objective *to protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.* Table 16 notes that this zoning principally covers existing residential areas and also provides for infill development within these existing residential areas. The primary aims of this zoning objective are to preserve and improve residential amenity and to provide for further areas and also provides for infill development within these existing residential areas.

The following policies are considered relevant: -

Policy T2: To capitalise on potential tourist income by seeking to promote existing accommodation and new accommodation choices in the town.

Policy T5: To promote the development of Maynooth as a tourist hub from where people can explore the many example of Georgian heritage in the locality including Carton and Castletown.

Objective TO 1: To facilitate and guide the development of additional attractions and facilities within the town in order to encourage tourists to extend their stay and increase tourism generated expenditure in the town.

5.2. Kildare County Development Plan

Maynooth is identified as a Large Growth Town II. Large Growth Town II are defined as a smaller in scale but strong active growth towns, economically vibrant with high quality transport links to larger towns / city.

The plan notes that Kildare has a strong network of towns, villages and settlements that provide a diverse range of services including civic uses, retailing, professional services and hospitality and tourism related services.

The following policies are considered relevant

ECD 28 Promote, protect, improve, encourage and facilitate the development of tourism throughout the county as an important contributor to job creation in accordance with the proper planning and sustainable development of the area.

ECD 33 Facilitate the development of tourism infrastructure such as accommodation, restaurants, car and coach parking and toilet facilities in the designated hubs throughout the county.

5.3. **National Guidance**

- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)

5.4. **Natural Heritage Designations**

The appeal site is located approx. 1km south west of the Rye Water Valley/Carton SAC (001398)

5.5. **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 the Planning Authority's decision to refuse permission. The submission addresses the reason for refusal and is summarised below: -

- There were no third-party objections to the proposed development. It is also noted that there are no constraints to developing the site and the planners

report stated that there is no objection in principle of constructing a building in this backland part of the site.

- This is an application for tourist / overnight accommodation in close proximity to Maynooth town centre. The applicant has previously been granted permission to develop the site for B&B / self-catering units.
- The key concern relates to the scale of the building. The building is 3-storeys and approx. 8.9m in height which is consistent with the Urban Development and Building Heights guidelines to provide a mix of 2, 3 and 4 storey development in existing and historical neighbourhoods. The planning authority have not taken this into account and have rigidly maintained the established pattern of development.
- The subject site is very well screened by tall vegetation on three sides and the existing house. Due to the siting of the development it would act as a stand-alone feature and would not compete with the existing pattern of development.
- The planning authority raised concerns regarding the design of the proposed development and car parking. However, no assessment of the issues was carried out. It is noted that the site is located in an urban area that is well served by public transport.

6.2. **Planning Authority Response**

No further comments

7.0 **Assessment**

7.1. The main issues relate to the reason for refusal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Residential and Visual Amenity
- Appropriate Assessment

7.2. Residential and Visual Amenity

- 7.2.1. Permission was refused on the basis that the height, bulk, and design of the proposed development would constitute an incongruous form of backland development which would be visually obtrusive and injurious to the residential amenities of the area.
- 7.2.2. The applicant has stated that the height of the proposed development is in accordance with Urban Development and Building Heights guidelines and that due to the design of the building, the proposed separation distances, and the significant level of screening that the proposed development would not negatively impact on the residential or visual amenities of the area.
- 7.2.3. It is proposed to construct a 3-storey building comprising 6 no. self-catering units . 2 no. units and an area of communal space are provided at each level. The units are open plan and have a gross floor area of approx. 29sqm. Each unit has a 5sqm balcony on the front (southern) elevation. The building has a flat roof with a height of approx. 8.9m. The site is currently in use as tourist accommodation, in this regard the original 2-storey house is in use as a B&B, a rear attached 2-storey extension comprises 4 no. self-catering units and a converted garage accommodates a detached self-catering unit. The proposed development is located to the rear (north) of the site, approx. 1.8m from the northern boundary, approx. 1.2m from the western (side) boundary, approx. 1.2m from the self-catering units to the east and approx. 24m from the rear building line of the existing house to the south. It is noted that no. 139 Old Greenfield, which adjoins the site to the west is listed on the NIAH (ref. 11803105). The proposed development is located approx. 27m from the rear building line of no. 139 Old Greenfield. The northern (rear) boundary with Silken Vale and the western boundary with no. 139 Old Greenfield are well screened by mature trees.
- 7.2.4. The proposed development is located within a mature residential estate with an established pattern of backland development. It is noted that the Urban Development and Building Heights Guidelines allow for a greater mix of building heights and typologies in suburban locations. The guidelines state that schemes should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods. It is acknowledged that the area is predominantly

characterised by 2-storey houses and that the proposed development is approx. 2m higher than the adjoining self-catering units. However, having regard to the design, layout and orientation of the proposed development, to the separation distances provided to adjoining properties and to the significant level of screening provided along the rear and side boundaries by existing mature trees, it is my view that the proposed development integrates with the existing buildings on site and would not result in any negative impact on the existing residential amenities and visual amenities of the area. It is also considered that the proposed development would not impact on the character or setting of no. 139 Old Greenfield, which is listed on the NIAH. If permission is being contemplated it is recommended that a condition be attached that the existing trees on site be maintained and enhanced.

- 7.2.5. It is noted that the proposed development includes a pedestrian gate from the rear boundary onto Silken Vale. No justification for the proposed access has been provided. It is my view that an additional access would not increase accessibility to Maynooth town centre or the train station. It is also considered that the proposed access could result in overspill car parking from the appeal site onto Silken Vale. Therefore, it is recommended that if permission is being contemplated a condition be attached to omit the proposed access and that all access to the site be retained from Old Greenfield only.

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**

I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the sites zoning objective, to Policy T2 of the Maynooth LAP to promote new accommodation choices in the town, to the existing pattern of backland development and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not adversely affect the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 4th day of November 2019, 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 proposed pedestrian gate onto Silken Vale shall be omitted. Revised drawings showing the omission of this pedestrian gate, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. All trees within and on the northern and western boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a

qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development,

including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

Reason: In order to safeguard the amenities of property in the vicinity.

9. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Elaine Power
Planning Inspector

24th June 2020