



An
Bord
Pleanála

Inspector's Report

ABP-307975-20

Development	Domestic Dwelling Alterations and new garage
Location	Kill West, Kill, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	20554
Applicant(s)	Mimi Keogh
Type of Application	Permission
Planning Authority Decision	REFUSED
Type of Appeal	First Party
Appellant(s)	Mimi Keogh
Observer(s)	None
Date of Site Inspection	5 th of November 2020.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1 The site is located in a residential part of Kill village in Co. Kildare. The dwelling is an older two storey house which is semi-detached. It is located on a site area of 0.0304Ha which has an irregular configuration. The house is setback deep into the site, and it narrows to the rear of the dwelling, creating a more confined space. The dwelling has a western orientation.
- 1.2 There is a single storey dwelling to the north, and the attached two storey dwelling to the south.

2.0 Proposed Development

- 2.1. The development consists of the following:
- (i) Retention of the extension to the rear of the existing semi-detached dwelling (119sq.m.) consisting of ground floor dining room and first floor bedroom with a total floor area of 51sq.m.
 - (ii) Permission for a domestic garage to the rear (15sq.m.)

3.0 Planning Authority Decision

3.1. Decision

Kildare Co. Co. refused the development for 3No. reasons which can be summarised as follows:

1. Having regard to the configuration of the site and the extent of the development to be retained on the site, it is considered there is insufficient site area to accommodate the development. A dwelling with 3No. bedrooms should provide for a minimum of 60sq.m. private open space area., and the proposal is overdevelopment of the site.
2. Having regard to the zoning objective of the site, B, existing Residential/ Infill in the Kill Small Town Plan 2017-2023 which seeks to enhance and protect the existing residential amenity of the area and to limit the scale of the site, it is considered the scale, bulk and massing of the development is

overdevelopment of a restricted site, and will lead to the diminution of the residential amenities for the residents of the house and the adjoining residences in terms of overlooking, visual impact and overshadowing.

3. The adjoining dwelling is single storey, and the proposal would lead to a devaluation of that property due to loss of sunlight, daylight and privacy.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The close proximity of the existing dwelling and the adjoining dwelling to the north is a major consideration in the application.
- The scale and bulk of the proposed extension is adversely distorted to the scale and massing of the existing dwelling and adjoining dwellings.
- A significant loss of light entering the adjoining house to the north is expected.
- Refusal recommended.

3.3. Prescribed Bodies

There were no statutory referrals required.

3.4. Third Party Observations

The neighbours to the north expressed concerns about overlooking, loss of privacy, loss of light.

4.0 Planning History

There is no relevant planning history.

5.0 Policy Context

5.1. Development Plan

Kill Small Town Plan 2017-2023

The site is zoned Objective B- Existing Residential/ Infill – To protect and improve existing amenities, and to provide for residential infill, and to provide for new and improved ancillary facilities.

Section 17.4.8 Extension to Dwellings

5.2. Natural Heritage Designations

The site is not located within any designated site or connected to any Natura 2000 site. The site is a brownfield site in a serviced urban area.

5.3. EIA Screening

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal, brought by the First Party, can be summarised as follows:

Reason No. 1

- The loss of the rear garden area is not a concern to the applicant, and the amenities of adjoining residences or the streetscape are not negatively impacted upon. The garden shed to the rear offers greater amenity value to the applicant than the small rear garden area.
- Under appeal Reference PL29.2039213 (wrong reference provided, therefore the case could not be examined), where it was found by the Board that the proposed development would result in a garden area deficient in size with regard to the standards set out in the development plan. However, the use and amount of private open space is a matter of personal choice.

- The Board can condition the shed be scaled down or removed, however the applicants use to retain the structure. The floor area is less than the Exempted Development thresholds.
- The extent of the open space associated with the dwelling and the development is 52.9sq.m. to the rear and 156sq.m. to the front.

Reason No. 2

- The subject dwelling is set forward of the building line of the bungalow to the north, and does not extend to the rear building line of the adjoining dwelling. There is no material impact to the dwelling to the north as a result of the proposed development.
- The window at first floor level does not overlook the adjoining property, the window faces to the west, and the nearest dwelling is 65metres away to the west.
- The northern window in the shed can be replaced with frosted glass.
- A Sunlight Analysis has been carried out, Drawing A1-101 and A1- 102 which demonstrates the structure for retention will have a negligible impact on the amenity of adjoining residences.
- Please note the neighbour to the north had originally objected to the development but has since withdrawn their objection.

Reason No. 3

- The proposed development fully harmonises with the existing dwelling. The development to the rear has minimal impact due to the bulk and scale of 3.5metre garage.

7.0 Assessment

- 7.1. The proposed development involves a rear extension (51sq.m) onto a semi detached dwelling (115sq.m.) in order to provide an additional bedroom onto a small two bedroomed dwelling, and a dining room and bathroom on the ground floor. Having inspected the house and the extension, which is near completion, I consider the

small extension has greatly enhanced the living accommodation and conditions for the applicant and her family.

7.2. I note the planning authority's three reasons for refusal which are mainly concerned with the overdevelopment of the site and injurious impact to the residential amenities of the adjoining residences, in particular the single storey dwelling to the north of the site.

7.3. I have inspected the site, considered the appeal file and I consider all three reasons for refusal to be unfounded and should be dismissed by the Board on the following basis:

- The proposal is not an overdevelopment of the subject site, it is a modest extension onto a modest dwelling. The planning decision fails to acknowledge the large private open space area to the front of the dwelling (156sq.m.). If one considers this front curtilage and the residual private area of 52.0sq.m. to the rear of the dwelling, there is satisfactory open space provision within the overall curtilage, in line with development plan standards, to cater for a three-bedroom dwelling. Reason No. 1 of the refusal can be dismissed.
- The detached shed to the rear is 15.9sqm. and has been designed to fit into narrowing site. The narrow configuration of the rear portion of the site implies the rear curtilage is of limited use to the applicant, therefore a shed has been constructed to provide a more useful amenity to the family in the form of a storage area. The shed is 3.5metres in height. It is not visible from the adjoining properties.
- Having regard to the front and rear building line of the existing bungalow to the north of the subject site, and to the finished building line of the rear extension on the subject site, and to the shadow analysis submitted on appeal, it can be concluded there will be no material impact in terms of overshadowing to the adjoining bungalow. Reasons 2 and 3 of the refusal can be dismissed.
- There will be no loss of privacy associated with the proposed development, having regard to the site configuration, building lines and positioning of the

first-floor window to the rear. This is an urban setting, where a certain amount of indirect overlooking of rear garden areas is unavoidable.

Appropriate Assessment

- 7.4. Having regard to the small nature and scale of the proposed development, alternations to an existing dwelling in a built up part of Lucan, which is located in a built up serviced urban area of the Greater Dublin Area, and separation distance to 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 the conservation objectives of any European site

8.0 Recommendation

- 8.1. I recommend planning permission for retention and completion of the rear extension and detached garage be granted planning permission.

9.0 Reasons and Considerations

Having regard to the provisions of the current Development Plan for the area and to the siting and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or depreciate the value of properties in the vicinity and would, therefore, 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 3rd day of June 2020 and by the further plans and particulars received by An Bord Pleanála on the 18th day of August, 2020, 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) 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.

- 3) The external finishes shall harmonise in colour and texture with the existing finishes on the house.

Reason: In the interest of visual amenity.

Caryn Coogan
Planning Inspector

12th of November 2020