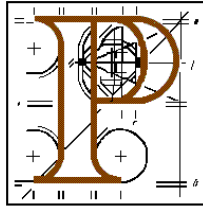


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PL09.245599

**Development:** A 218 sq m Four Bedroom Dwelling with Ancillary Accommodation and including Side Boundary Walls, Vehicular Gate and Associated Works at 282 Old Greenfield, Maynooth, Co. Kildare

### Planning Application

**Planning Authority:** Kildare County Council

**Planning Authority Reg. Ref.:** 15/180

**Applicant:** Catherine Hayes & Neal Johnson

**Planning Authority Decision:** Refuse Permission

### Planning Appeal

**Appellant(s):** Catherine Hayes & Neal Johnson

**Type of Appeal:** 1st v Refusal

**Observers:** None

**Date of Site Inspection:** 22 December 2015

**Inspector:** Juliet Ryan

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site, with a stated area of 0.21 ha is located in Maynooth, County Kildare, some 600 metres south of the town centre. The site is a triangular corner plot associated with a semi-detached single-storey cottage with an extensive rear and side garden.
- 1.2 The site is bound to the east by the R406 Straffan Road; to the northwest by Old Greenfield, onto which it has a frontage of c. 50 metres; to the west by No. 282 Greenfield (the original semi-detached cottage associated with the site) and further southwest by the original site of no. 283 Old Greenfield (the adjoining semi-detached cottage). That latter site has been subdivided so that it now contains no. 283 at the front; a bungalow immediately to the rear (south), and finally two semi-detached bungalows at the foot (extreme south) of the site, with all three new houses being accessed via a new driveway to the western side of no. 283.
- 1.3 There is a centrally located gated vehicular access point at the site's frontage onto Old Greenfield, with a separate gated vehicular access to No. 282 itself. Boundary treatment at its northern and eastern boundaries comprises a c. 1.5 metre high stone wall. The eastern boundary is backplanted with mature deciduous trees and immature bamboo.
- 1.4 Opposite the subject site on the northern side of Old Greenfield there are 1.5 storey dormer dwellings, with no. 141, the Protected Structure, further west. The latter is a detached single storey dwelling dating from the early 1900s and is a Protected Structure.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The Board is advised that the design was subject to modifications at Additional Information stage. The revised proposal is summarised herewith.
- 2.2 The subject proposal comprises the subdivision of the existing residential corner plot to provide a new two storey detached four bed dwelling.
- 2.2 The dwelling has a stated floor area of 218 sq m and is designed to address Old Greenfield with the existing eastern gated entrance to be removed and a new gated vehicular entrance provided adjacent to the existing western vehicular entrance to No. 282.
- 2.3 The design of the dwelling combines pitched and mono-pitched roof forms finished in black slate. The dwelling will have a sizeable rear garden (i.e. the remainder of the site) with existing planting along the eastern boundary

to be supplemented. A new wall is proposed to separate the site from the original property at no.282.

### **3.0 PLANNING HISTORY**

3.1 There is no recent (five year) planning history associated with the subject site. In 2009 the Board overturned the Planning Authority's decision and refused permission for the demolition of the existing dwelling on site and the development of a two and three storey residential development of 30 no. units over basement car park for two reasons as follows:

1. *The proposed development would constitute serious overdevelopment of this restricted corner site and would be substandard in terms of its detailed design, layout and provision of communal amenity open space. The proposed development would fail to strike an appropriate balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill and would be visually obtrusive and out of character at this prominent location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would entail the demolition of an existing semidetached cottage and its replacement by the access ramp to an underground car park and landscaping, notwithstanding the revisions submitted with the appeal. The proposed development would seriously injure the amenities of property in the vicinity, particularly those of the existing house at number 283 Old Greenfield, by reason of noise, vibration and general disturbance and would, therefore, be contrary to the proper planning and sustainable development of the area.*

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Planning and Technical Reports**

4.1.1 Internal Reports were prepared by the Conservation Officer; the Area Engineer; Water Services; the Environmental Health Officer; Heritage Officer, and the Environment Section. There were no objections subject to condition (standard).

4.1.2 Irish Water had no objection.

- 4.1.3 The Roads Department sought further information in respect of providing a single access point to the existing and proposed dwellings
- 4.1.4 The Planner's Report raised concerns regarding the representation on plans of the side elevation addressing Old Greenfield and the rear roof profile. The report also expressed reservations as to the appropriateness of the scale and bulk of the proposal in the context of the generally single storey nature of adjacent dwellings. Various other detailed design issues were noted (see below – were subsequently raised in AI request).

## **4.2 Additional Information**

### **4.2.1 Request for Further Information**

The Planning Authority issued a Request for Further Information in respect of some eight issues, which may be summarised as follows:

1. Invited to revise design to more appropriate scale and height
2. Revised, accurate elevation and roof massing details
3. Proposals for more equitable distribution of open space vis a vis existing and proposed properties
4. Revised storage proposals to meet minimum standards
5. Landscaping proposals
6. Demonstrate that proposal will not overshadow neighbouring property
7. Confirm GFA of proposed dwelling
8. Revise entrance design to provide single access point for existing and proposed dwellings

### **4.2.2 Further Information Response**

The Applicant's Response may be summarised as follows:

1. Defence of design approach including confirmation of consultation with Planning Authority; submission of video visualisation
2. Submission of Side Elevation drawing

3. Details regarding distribution of garden space
4. Revised plans showing storage areas
5. Landscaping proposals
6. Shadow Study
7. Confirmation of GFA (218 sq m)
8. Revised vehicular entrance

#### **4.2.3 Planning Reports Consequent to Additional Information**

Consequent to the receipt of Additional Information the Transportation and Public Safety Department had no objections subject to condition. The Planner's Report considered that the mono-pitched rooves were out of scale and did not have regard to the character of the area, and was also dissatisfied with the distribution of private open space.

#### **4.3 Planning Authority Decision**

The Planning Authority decided to refuse permission for two reasons, which may be summarised as follows:

1. Design, height, scale, massing would be seriously injurious to visual & residential amenity; depreciate value of property; and set undesirable precedent
2. Substandard layout for existing dwelling due to inequitable distribution of private open space and set undesirable precedent

#### **5.0 GROUNDS OF APPEAL**

The First Party appeal may be summarised as follows:

- Pre-planning consultation and consultation during AI period with Planning Authority did not indicate that proposal was unacceptable
- Design Manual for Urban Roads and Streets supports use of additional building height at junctions to achieve bookend effect

- Proposal only affects property value of No. 282, which is owned by Applicants
- No evidence that proposal would depreciate value of properties in the vicinity
- Planner's Report recognises that no issues of overshadowing arise
- Proposal achieves 10 metres separation distance from no. 282
- Proposal is consistent with infill residential zoning objective
- Refers to Three Storey development currently under construction at Greenfield, and to the predominant two storey height of new developments at Straffan Road
- Garden provided for no. 282 is similar in size to adjacent gardens
- Proposed rear garden area for no. 282 is 135 sq m, which is over twice the minimum requirement per the County Development Plan
- First Party amenable to condition requiring elongation of garden of No. 282
- Submit that proposal complies with Section 19.4.4 of Development Plan, but would be amenable to condition in this regard
- Scale, massing and design of proposed dwelling has been well considered

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

The Planning Authority stated that it had no further comment to make.

### **7.0 Statutory Consultees**

In accordance with the provisions of article 28(1)(c) of PDR, 2001-2015, the Board circulated the subject appeal to the following for submissions / observations:

- An Taisce
- DoAHG

- Failte Ireland
- The Heritage Council
- An Comhairle Ealaion

No responses have been received.

## **8.0 POLICY CONTEXT**

### **8.1 Maynooth Local Area Plan 2013 – 2019**

8.1.1 The site is zoned B – Existing Residential in the Maynooth LAP. This objective seeks:

*“To protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.”*

Under this zoning, residential development is permissible in principle.

8.1.2 No. 141 Old Greenfield (on the northern side of the road and west of the subject site – also referred to as 141 Greenfield Cottages) is a Protected Structure (NIAH Ref 11803104).

8.1.3 Policies HPO 1 and HPO 2 (excerpt copies appended) seek high quality design, variety of housing types and sizes, and appropriate intensification of residential development in existing residential areas.

### **8.2 Kildare County Development Plan 2011-2017**

The County Development Plan sets out site development standards. Excerpt copies of policies relating to dwelling design (Section 19.4) are appended.

## **9.0 ASSESSMENT**

I consider the key planning considerations to be as follows:

- Appropriate Assessment
- Principle of Proposal
- Design & Layout
- Impact on Adjoining Properties
- Private Open Space Provision

## 9.1 Appropriate Assessment

Having regard to the nature and scale of the development proposed at this urban serviced site, and to the nature of the receiving environment, and given the distance to the nearest Natura 2000 site (1.5 km to Rye Water Valley / Carton SAC) and the absence of any source-pathway-receptor link thereto, no appropriate assessment issues arise.

## 9.2 Principle of Proposal

The subject site is zoned residential in the Maynooth LAP, with a stated objective to:

*“protect and improve existing residential amenity; to provide for appropriate infill residential development and to provide for new and improved ancillary services.”*

Under this zoning objective the proposed dwelling would be permissible in principle. The key issues for assessment, therefore, are whether it constitutes an appropriate form of development in this location and the degree to which it impacts on the existing residential amenity and established character of the area.

## 9.3 Design & Layout

- 9.3.1 The proposed detached dwelling is a sizeable structure at 218 sq m, but has been broken down into a series of mono-pitched double and single height rear protrusions from a more typical two storey structure addressing the street. I consider this a generally sound design response, particularly given that the Straffan Road has the capacity to absorb the more dynamic design details than does the Old Greenfield frontage, which is constrained in terms of its established generally one-storey character.
- 9.3.2 The dwelling is positioned on site to maintain the established building line, whilst also achieving a separation distance of 10 metres from the adjoining dwelling. This is to be welcomed.
- 9.3.3 Whilst I would agree with the Applicant that a corner site such as this should be capable of absorbing greater height, and, indeed, that such height should be welcomed in terms of articulating the corner, I can see no deference in the design to the site's original semi-detached single-storey dwelling. In this regard the Board is referred to the front elevation (drwg no. A102), whereby the height of the proposal can be seen in contrast to the existing dwelling. It is unfortunate that a full contextual elevation depicting the proposal within the



wider streetscape was not submitted, but the video visualisation submitted at Additional Information stage assists to a certain extent in this regard. Given the differing heights, and the established one-storey character of dwellings on this southern side of Old Greenfield, I consider the subject proposal to be visually obtrusive in the streetscape and out of character with the established building height, which is a central element in the street's character. Whilst I would not be opposed to the two storey height in principle (and note that there are 1.5 storey dormer dwellings opposite the subject site); I consider the design needs to build up to this from the established height of one storey; in other words, I consider the height of the dwelling should be stepped down adjacent to its western boundary. Were the Board satisfied with the proposal in all other respects, it might wish to seek a revised design to address these concerns. However, given the layout and complicated roof profile of the proposal, I consider a whole-scale review of the design approach would be required.

- 9.3.4 Following from the above, I consider that the proposed development constitutes a generally sound approach to the development of this corner garden site, but its lack of regard for the established height along Old Greenfield fails to strike an appropriate balance between the proposed residential infill and the protection of the established character of the area.
- 9.3.5 In terms of internal amenity, the proposal is generally well considered and enjoys a southern orientation at its rear. The Planning Authority raised internal storage as an issue in its Additional Information request, and remained concerned that appropriate standards were not met in its final planner's report, but accepted that this could be managed by way of condition. I would concur, and note that the Applicant is amenable to a condition in this regard.
- 9.3.6 The revised access proposals submitted at Additional Information stage (i.e. close up existing access to subject site and create vehicular access adjacent to that for existing dwelling) are an improvement on those originally proposed and are acceptable. I note that the Planning Authority's Transportation Department found these acceptable also.

#### **9.4 Impact on Adjoining Properties**

- 9.4.1 I am satisfied that the proposal would not adversely affect the residential amenity of adjoining dwellings and, having regard to the shadow study in particular, am satisfied that no issues of overshadowing arise.
- 9.4.2 With regard to the Protected Structure (no. 141) to the northwest of the site on the opposite side of Old Greenfield, I am satisfied that the proposal is at a sufficient distance (almost 40 metres) whereby it won't directly impact the structure or its curtilage. I would, however, caution that the established

generally single storey character of Old Greenfield contributes to the wider setting of the Protected Structure, and, having regard to my concerns outlined above, that lack of regard for such established height would set an undesirable precedent.

## **9.5 Private Open Space Provision**

- 9.5.1 Reason no.2 of the Planning Authority's decision to refuse permission states that the proposal would result "*in a substandard layout for the existing dwelling by reason of the inequitable distribution of private open space*". I find this reason for refusal problematic. As confirmed by the Applicant, the proposed rear garden area for no.282 would be 135 sq m, and excludes the supplemental area to the side of the dwelling. Such provision exceeds the Development Plan minimum standard of 60 sq m. I consider this to be an acceptable private open space provision, particularly given that it is for a modestly sized dwelling. I would further note that it enjoys a southerly orientation.
- 9.5.2 In terms of precedent, a review of Ordnance Survey mapping indicates that this general degree of open space provision is the norm along Old Greenfield, with many of the original plots accommodating two or more infill dwellings in the original gardens.
- 9.5.3 Arising from the above, I am satisfied that private open space provision exceeds minimum standards (both quantitatively and qualitatively) and is distributed in a reasonable manner having regard to the site location; constraints; and relative sizes of the existing and proposed dwellings. As such, I do not consider Reason No. 2 a reasonable ground for refusal.

## **9.6 Other Issue**

The First Party Appeal has referenced a development currently under construction (Reg. Ref. 08/2174) as a precedent for three storey development in the vicinity. The details of this file were requested from the Planning Authority and are appended. Having reviewed the plans and particulars of that development, I would note that it is located at some distance south of the subject site and in a considerably differing land use and urban design context. As such, I do not consider it instructive for comparative purposes in the instant appeal.

## **10.0 CONCLUSIONS AND RECOMMENDATION**

It is considered that the proposed development should be refused for the reasons and considerations hereunder.

## **REASONS AND CONSIDERATIONS**

Having regard to the to the established built form and character of Old Greenfield and to the generally single storey height of existing dwellings, which are considered to be of importance to the streetscape, it is considered that the proposed development, consisting of a two-storey dwelling in the former garden of a semi-detached single storey dwelling, would be incongruous in terms of its design, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, and would be an inappropriate form of infill residential development and would be contrary to the proper planning and sustainable development of the area.

---

Juliet Ryan  
**Senior Planning Inspector**  
**18 January 2016**