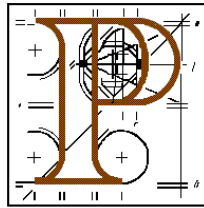


An Bord Pleanála



Inspector's Report

Development: Permission for change of house type permitted under File ref. No. 14/481 to proposed dormer house with one and a half storey element to rear, domestic garage and all associated works.

Site Address: Hodgestown, Donadea, Co. Kildare

Planning Application

Planning Authority: Kildare County Council

Planning Authority Reg. Ref.: 15/671

Applicant: Rosemarie Hayden

Type of Application: Permission

Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant: Rosemarie Hayden

Type of Appeal: First Party v Refusal

Observers: None

Date of Site Inspection: 27th January 2016

Inspector: **Joanna Kelly**

Appendices:

Appendix 1 Site Location Map

Appendix 2 Photographs and Site key Plan

1.0 INTRODUCTION

This report pertains to an appeal by the first party against the decision of Kildare County Council to refuse permission for change of house type.

2.0 SITE DESCRIPTION

The appeal site with a stated site area of 0.417h is located in the townland of Hodgestown approximately 2km west of Painestown cross-roads off the R-407 Clane to Kilcock road. The site is located along a local road and is currently part of a larger field. There is an existing hedgerow that bounds the public road.

The area appears to be under pressure for development given the level of one-off housing present along this local road. The general house type is bungalow/single storey cottage style dwellings along this local road.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant is seeking permission for a change of house type to that previously granted under File ref. No. 14/481.

The proposed house type has a stated floor area of 249sq.m. The dwelling has an overall height of 6.8m and is a dormer style with part two storey gable fronted elevation.

4.0 TECHNICAL REPORTS

4.1 Planning report

The applicant satisfied the local housing need in a previous application. The report sets out that the proposal is at odds with the intentions of the previous planning permission in terms of height and design and does not accord with the principles of Chapter 16 Rural Design Guidelines. The planner set out that the more favourable house type at this location was single storey given the context of the site adjoining a cottage and being the predominant house type in the area. The planner recommended a refusal.

4.2 Environment Section

No objections subject to conditions

4.3 Area Engineer

No objection

4.4 Water Services

No objection subject to conditions

4.5 Roads Department

No objection subject to conditions

Prescribed Bodies

4.6 Irish Water

No objection

Given proximity of the site to Donadea Forest National Park, Section 131 notices issued to The Heritage Council, An Taisce, and Development Apps Unit for comment. No responses have been received.

5.0 PLANNING AUTHORITIES DECISION

The Planning Authority refused permission for the following reason:

“The proposed development, by reason of the inappropriate design, bulk and scale of the dwelling materially contravenes Policy RH5 of the County Development Plan 2011-2017 wherein it is a policy to ensure that the location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings. The proposed house design exhibits a complexity of form which does not conform to the rural design and development guidelines as outlined under Chapter 16 of the County Development Plan 2011-2017. Accordingly, the proposed dwelling house would contravene these guidelines and, as such, be contrary to the proper planning and sustainable development of the area.”

6.0 APPEAL GROUNDS

The first party appeal grounds are summarised as follows:

- The justification for the change of house type is based on the argument that the proposed new house type has extremely similar physical characteristics when viewed from the public road.
- A comparative drawing of the front elevation of the permitted and proposed dwelling has been enclosed.
- An overview of the dimensions of the permitted and proposed dwelling is enclosed.

- It is submitted that there are two no. 2-storey dwellings within 150m of the proposed site.
- Reference is made to the relevant policy for rural house design and examples of permitted house types have been submitted.
- It is contended that the proposed house type will be consistent with the majority of existing “modern one-off houses from the 1960s onwards”.
- It is submitted that the assessment of the application was a very quick assessment of a decision that will impact the lives of the applicants for ever more.
- It is requested that a fair and reasonable assessment of the proposed house type be taken.

7.0 RESPONSES

7.1 Planning Authority

The main points are summarised as follows:

- While the adjoining cottage may provide for first floor accommodation, its height is significantly lower than a standard storey and a half dwelling.
- Some of the house types referenced are not in the immediate vicinity of the proposal. Not all permissions referred have been granted as detailed.
- The proposed design practically mirrors the previous design which was not considered acceptable under Pl. Ref. No. 14/481.

8.0 PLANNING HISTORY

File ref. No. 14/481 Permission granted to Rosemarie Hayden for the construction of a one and half storey detached house, single storey domestic garage, recessed entrance, secondary effluent treatment system and all associated site works.

9.0 PLANNING POLICY

- 10.1 Sustainable Rural Housing Guidelines for Planning Authorities
Section 3.3.3 of these Guidelines specifically deals with siting and design.

The Guidelines set out that “where possible, planning authorities who do not have such a design guide should put one in place as soon as practicable and should refer potential applicants to such guidance at as early a stage as possible. This can be achieved through mechanisms such as making introductory information pamphlets available at all public offices in a county or

the provision of an advisory service through the planning and architectural services of the local authority.”

10.2 Kildare County Development Plan 2011-2017

The site lies within the functional area of Kildare County Council and as such the Kildare County Development Plan, 2011 – 2017 is the statutory plan for this area.

Chapter 4 of Volume I of the development plan relates to housing. Sections 4.11, 4.12 and 4.13 refer to rural housing provision, rural housing policies and rural housing objectives, respectively.

Chapter 16 of Volume I of the development plan is entitled “Rural Design Guidelines”. It includes several sets of key principles including site selection, site layout, and design principles.

11.0 **ASSESSMENT**

Having examined the file, relevant history files, considered local and national policies, inspected the site and immediate environs, assessed the proposal and all of the submissions on file, I consider the key issues to be:

- Proposed House Design
- Appropriate Assessment

11.1.0 Proposed House Design

The grounds of appeal pertain to the primary reason for refusal based on inappropriate design, bulk and scale of the proposed dwelling thereby contravening Policy RH 5 of the County Development Plan which has been enclosed as an Appendix for ease of reference by the Board. The Board should note that no plans of the permitted house appear to have been enclosed with the planning authority’s file. The applicant has enclosed a copy of the permitted front elevation in the appeal submission. However, an inspection of the on-line details indicate that a condition attached to the permitted development sought to omit the “full-height gabled-fronted portion of the front elevation” A single storey porch element was to be provided in lieu.

The most pertinent part of this policy (RH 5) which pertains to this appeal is that

“the location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings and the natural and cultural heritage of the area. Development shall have regard to Chapter 16, Rural Design Guidelines”.

Chapter 16, specifically section 16.4 addresses “appropriate house design” and set out that it is the aim of this chapter to promote innovation through design that is both contemporary and timeless, it is important that architecture respects and acknowledges the characteristics that contribute to the rural character of Kildare”.

The proposed house type is considered to be suburban with a ‘confused’ architectural style. The design is neither ‘contemporary’ nor ‘vernacular’. I would concur with the planning authority that the proposed scale and bulk of the dwelling is inappropriate given the context in which it is to be located. The design guidelines set out key principles for overall design of which is to develop a house that is simple in form and to develop a house of appropriate scale relative to the site. The overall length of the dwelling is more than 16m in length with a depth of 10.7m. Whilst I have no objection to the construction of a modest scale house, such should be achieved by breaking down the massing through the articulation of different elements. The applicant appears to be putting forward an argument for a dormer/two storey dwelling. In general, notwithstanding the presence of predominantly single storey/low rise dormer dwellings, I have no objection to a two storey/part two storey dwelling. High quality and innovative architectural design with appropriate massing and scale is considered more important rather than maintaining the current low rise suburban style one off housing.

The applicant has presented a series of elevations of permitted dwellings in the vicinity of the site. I note that these designs are in fact located in various locations such as Straffan, Prosperous, The Curragh, Rathmore and Kildangan. Each of these areas has their own distinctive local characteristics and permitted house types are not comparable. Pursuant to an inspection of the permitted developments, it is noted that conditions were attached to the final grants of many requiring alterations to the elevations such as omissions of bay windows and porches, provision of windows with vertical emphasis etc. Such conditions would appear to have been inserted so as to ensure house types broadly adhere to the provisions of the Design Guidelines.

10.2.0 Appropriate Assessment

Having regard to the nature and scale of the development proposed, the nature of the receiving environment, and the extant permission on the appeal site no appropriate assessment issues arise.

10.0 CONCLUSION

To conclude, the principle of a dwelling on the subject site has been established. However, the permitted dwelling type is considered such that adheres more generally to the principles of the Rural Design Guidelines than the house type that the applicant now seeks to construct. No analysis of how the proposed house type complies with the Design Guidelines has been presented by the applicant. Rather the justification for the design appears to lie in the argument that similar house types have been permitted. I do not accept this argument by the applicant on the basis that development plans are adopted every 6 years and the policies contained therein should be adhered to rather than allowing permitted developments to set a precedent for future house types. The dwellings in the immediate vicinity of the site do not appear to have been constructed in more recent years and there is no recent planning history i.e. lifetime of this development plan whereby new dwellings on this road appear to have been granted.

11.0 RECOMMENDATION

Having regard to the foregoing, I recommend that permission be refused for this development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Policy RH 5 in the current Kildare County Development Plan 2010-2016 requires that development shall have regard to Chapter 16, Rural Design Guidelines. The proposed house type is considered 'suburban' in character, of excessive mass, scale and bulk for the site in which it is to be located and is therefore generally at odds with the design principles provided for within the Guidelines. The proposal would, set an undesirable precedent for inappropriately designed housing in the open countryside, be injurious to the visual amenity and as such would be contrary to the proper planning and sustainable development of the area.

Joanna Kelly
Inspectorate
8th February 2016