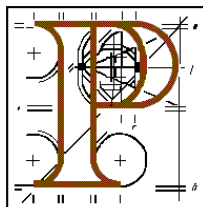


An Bord Pleanála



Inspector's Report

Development: Variations to Previous Permission Reg Ref 02/143 including Additional Sunroom to Rear, Internal Alterations, Elevational Changes and Associated Site Works. At 55 Beatty Park, Celbridge, County Kildare

Planning Application

Planning Authority: Kildare County Council

Planning Authority Ref.: 15/361

Applicant: Aidan Creed

Type of Application: Permission

Planning Authority Decision: Refuse

Planning Appeal

Appellant: Aidan Creed

Type of Appeal: 1st vs Refusal

Observers: None

Date of Site Inspection: 14 January 2016

Inspector: Juliet Ryan

1 THE SITE

- 1.1 The appeal site, with a stated area of 0.0254 ha is a residential property located in a suburban housing estate in Celbridge, County Kildare. The site contains an extended two storey semi-detached dwelling with small rear garden and front garden within integrated parking / driveway.
- 1.2 The property is located on the southwestern side of a residential cul de sac at a bend in the road and surrounded by similar properties.
- 1.3 The dwelling has been extended. The extension comprises a front porch, single storey side extension, single storey rear extension, and rear conservatory.

2 THE PROPOSED DEVELOPMENT

- 2.1 This is a retention application, so the works the subject of the proposal have already been carried out, and comprise the constructed single storey side and rear extension incorporating the following:
 - Garage / Store
 - Utility Room
 - Bedroom
 - Study
 - Sunroom
- 2.2 The gross floorspace of the entire dwelling (as extended) is stated as 141 sq m, with the sunroom comprising 6.6 sq m.

3 THE DEVELOPMENT PLAN

- 3.1 The statutory Development Plan is the Celbridge Local Area Plan 2010, wherein the site is zoned residential.

4 PLANNING HISTORY

Reg Ref 02/143 – Permission was granted to Niall Creed (Applicant's Uncle) for the construction of a garage, bedroom, and ensuite, study, utility and storage room.

5 PLANNING AUTHORITY DECISION

5.1 Internal Reports

5.1.1 The Area Engineer, Water Services, Environment Section, Chief Fire Officer, and Environmental Health Officer had no objections subject to condition.

5.1.2 The Planner's report noted that the development as constructed was not in accordance with the permission as granted, which required, by condition, the omission of the originally proposed gable end and parapet wall.

5.2 Additional Information

5.2.1 The Planning Authority sought additional information in respect of one item, namely the 4.3m high parapet wall, requesting that revised proposals be submitted to reduce its height.

5.2.2 In the Additional Information Response, the applicant confirms that consultation was undertaken with the Planning Department, and proposes that the parapet wall between the garage and extension be reduced to the rear by 400mm, and to reduce the parapet wall adjacent to the neighbouring property by 300 mm.

5.3 Planner's Report

Subsequent to the Additional Information submission, the Planner's Report states that the proposed reductions in height of the parapet walls are not considered appropriate in this residential setting, and reiterates that the original permission removed these parapet walls by condition.

5.4 Decision

The Planning Authority decided to refuse permission for one reason, as follows:

1. *The development which includes retention of parapet walls to the side and rear of the property were previously submitted and considered under permission reference 02/143 and deemed unacceptable. Notwithstanding the proposals to reduce the height it is considered that the retention of the parapet walls by reason of the inappropriate scale and height would be out of character with the pattern of development in the area, constitute a visually incongruous feature and conflict with the terms and conditions of Planning Register 02/143. Furthermore, retention of the development would act as an undesirable precedent to further such development elsewhere in the residential area, and would be contrary to the proper planning and sustainable development of the area.*

6 GROUNDS OF APPEAL

The First Party appeal may be summarised as follows:

- Original application was made by Applicant's uncle, who is now deceased, and property has passed into ownership of Applicant
- Subject application arose from work relating to an Opinion of Compliance whereby it was found that certain matters were not in accordance with the permission
- The Applicant had no control over the construction given that it pre-dated his ownership
- The project was completed some 12 years ago
- Deviations from permitted development have no significant impact on subject property or surrounding dwellings
- Much of the work as constructed would have been exempted development
- It would cause unnecessary disruption at this stage to make structural changes in order to revert back to what was permitted

7 PLANNING AUTHORITY RESPONSE

The Planning Authority confirmed that it had no further comments, and referred the Board to the reports on file.

8 ASSESSMENT

- 8.1 Given that the subject site is not either individually or in combination with other plans and projects likely to affect a Natura 2000 site, an Appropriate Assessment was not considered necessary in the instant case.
- 8.2 The facts of this case are that permission was granted for a residential extension in 2002, which removed, by condition, proposed parapet walls and a gable end. It appears revised plans were submitted in this regard. However, upon construction, parapet walls were incorporated at the northern end of the rear lean-to extension and along the eastern side of the garage extension (i.e. communal boundary with property to east).
- 8.3 No rationale is provided for the deviations from the plans as permitted, and the Board is advised that the extension was undertaken in 2003 by

the Applicant's uncle who is now deceased. It would appear, however, that the inclusion of the parapet walls facilitated to some extent the height required for the lean-to rear extension vis a vis the conservatory. The latter, measuring some 6.6 sq m was not part of the development as permitted, and appears to have been the main impetus for this retention application.

- 8.4 There is no evidence on file that the property has been subject to any warning letters or enforcement during the period since the construction of the subject works; nor are there any objections from Third Parties regarding the subject application.
- 8.5 Whilst I acknowledge that the subject proposal is not in accordance with the plans as permitted, I would not consider that the parapet walls are unduly obstructive in the streetscape nor do I consider they have any material adverse visual impact. I have considered the Applicant's proposal to reduce the parapet walls by 400 and 300 millimetres, respectively, but, on balance, do not consider this necessary. In forming this opinion, I note that the subject property is located on a bend in the road and not prominent in the overall streetscape.
- 8.6 I find the subject proposal acceptable in all other respects and do not consider it has any adverse impact on the character or residential amenity of the area.

9 CONCLUSION AND RECOMMENDATION

9.1 Conclusion

I have had regard to all other matters raised in the instant case, but do not consider them to be so material to the consideration of the merits of this proposal as to warrant a different conclusion from that set out below.

9.2 Recommendation

I recommend a grant of permission for the reasons and considerations outlined below.

REASONS

It is considered that the development to be retained, subject to compliance with the conditions attached to this decision, would not seriously injure visual amenities or residential amenities of adjoining

properties and is in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity

**Juliet Ryan
Senior Planning Inspector**

3 February 2016