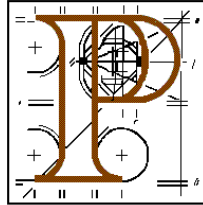


An Bord Pleanála



Inspector's Report

Development: Two Houses (Two Storey with Habitable Attic Accommodation), boundary wall treatment, turning bay and separate entrance to 'Fanad House' and associated site works at 'Fanad House' Bennetsbridge Road, Kilkenny

Planning Application

Planning Authority:	Kilkenny County Council
Planning Authority Reg.	15/600
Applicant:	Pat Wallace
Type of Application:	Permission
Planning Authority Decision:	Refuse Permission

Planning Appeal

Appellant(s):	Pat Wallace
Type of Appeal:	First Party Vs Decision
Observers:	None
Inspection Date:	24 th of March 2016

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site which is irregular in shape has a stated area of 832 square metres and is formed from the side garden of "Fanad House" a guesthouse located off a slip road off the Bennetsbridge Road which is elevated above the main road.
- 1.2 The grounds of Kilkenny Castle (under the control of the OPW and available to the public) are located on the opposite side of the road. There are a number of other dwellings accessed by the slip road, with Fanad House located at the end of the cul de sac.
- 1.3 The subject site/ side garden is to the south side of the existing house and is adjoined by rear gardens and the rear boundary of house within Beechpark which are two storey semi-detached units. Walling and dense hedgerows are located along boundaries.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposal is for 2No. dwellings (two Storey with habitable attic accommodation) , boundary wall treatment, turning bay and separate entrance to Fanad House connection to drainage system and all associated site works.
- 2.2 The proposal involves the subdivision of the side garden which currently serves Fanad House B & B.

3.0 SUBMISSIONS RECIEVED

There would appear to be no submissions received during the statutory period.

4.0 TECHNICAL REPORTS

Irish Water : No objections

Planning Report: The deisgn changes to the proposed dwellings to address the Board's reasons for refusal are insufficient. There will still be an impact to 3 and 4 Beechpark due to the proximity of the development. The proposed building line is forward of Fanad House and this will render the development too prominent when viewed form Bennetsbridge Road.

5.0 PLANNING AUTHORITY'S DECISION

. Kilkenny Co. Co. refused the proposed development for two reasons:

1. With the building line forward of Fanad House, in conjunction with the height and design features such as hipped and asymmetrical roofscapes, the proposal will represent and incongruous feature with the remainder of Bennetsbridge Road, and seriously injure the character of the streetscape.

2. Having regard to the height and proximity of House No. 1 to the neighbouring houses 3 and 4 Beechpark to the south, it is considered the proposed development will seriously injure the existing residential amenity.

6.0 APPEAL GROUNDS

Bluett & O'Donoghue Architects have taken this appeal on behalf of the applicant Mr. Pat Wallace. A summary of the appeal is as follows.

- The existing garden to the south of the applicant's guesthouse is used very little and is a prime urban site
- Under the current scheme careful consideration was given to the reasons for refusal given by the Board under PL10.229762. The houses were reduced in height, the pitch of the roofs was dropped. The hipped form of the roofs sits comfortably with Fanad House and the wider context.
- The development is not incongruous to the remainder of the streetscape, the statement has an implication that the development is incompatible with the streetscape. Bennetsbridge Road does not have a coherent or uniform streetscape. At the location of the subject site, the streetscape is characterised by walls, railings and the wide road verge opposite Castle Park. The houses along one side of the road do not dominate the overall streetscape. This is acknowledged in the Inspectors report on case PL10.236439.
- The site is in an urban setting with a variety of architectural styles, and the proposed design is satisfactory in this context.
- The front building line of Fanad House is established by a single storey front extension constructed under planning reference 05/712. The proposed dwellings are aligned with the building line of Fanad House, and House No. 2 is precisely on the building line, as is House No. 1 excepting the projecting gabled bay which is advanced 1200mm, The advanced bay is a suitable 'end stop' to Fanad House properties and entirely reasonable. It can be recessed to align with House No. 2 if considered appropriate to the Board.
- The proposed units are similar in scale to Beechpark dwellings. The side eaves of No. 1 dwelling facing Beechpark are at a height of 5.4metres which is normal for a two storey structure and it pitches back progressively to ridges at 7.775metres and 9.32metres. The design will eliminate any overbearing impact onto adjoining properties. The proposal is located to the north of 3 & 4 Beechpark and cannot cause overshadowing or a reduction in sunlight enjoyed by the existing properties.
- There were no objections to the development from the residents of Beechpark.

7.0 RESPONSES

7.1 The planning authority has nothing further to add to the planning report on file.

8.0 PLANNING HISTORY

8.1 There is an extensive recent planning history relating to the subject site which includes two appeals.

8.2 **PL10.236439 – Planning ref. 09/730**

Permission granted for one dwelling with habitable attic accommodation on the entire subject site area.

Planning ref. 15/324 Permission granted for an extension of the duration of 09/730 , and the permission remains valid until 03/08/2020.

8.3 **PL10.229762 – Planning ref. 08/142**

Permission granted by Kilkenny Co. Co. but refused on appeal following a third party appeal for 2No. detached two storey dwellings. The reasons for refusal are as follows:

- 1. Having regard to the existing pattern of development in the area and the height and design of adjoining buildings, it is considered that the form and design of the proposed houses would appear incongruous in relation to these buildings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to its height, scale and proximity to the side boundaries, it is considered that the proposed development would, by reason of loss of outlook, and overbearing effect, seriously injure the residential amenities of adjoining properties and would, therefore, be contrary to the proper planning and sustainable development of the area.*

9.0 PLANNING POLICY

Kilkenny City & Environs development Plan 2014-2020

Subject site is zoned **Existing Residential**

10.0 ASSESSMENT

10.1 There is a long planning history associated with the subject site, which is the side garden area to a notable guesthouse 'Fanad House' in Kilkenny City, located opposite Kilkenny Castle grounds along the Bennetsbridge Road. The guesthouse has a long planning history for extensions and refurbishments. The subject site (0.0885Ha), is the side garden of the guesthouse located along the southern side elevation. This side garden has

been the subject of two lengthy planning applications both of which went to the Board on appeal, as detailed in the planning history above.

10.2 Currently there is planning permission for one house on the entire site area, a two storey dwelling with attic accommodation, which was granted permission under **PL10.236439 – Planning ref. 09/730**, and this permission has been extended in time under **Planning ref. 15/324** whereby the duration of the permission remains valid until 03/08/2020.

10.3 This current proposal is similar in principle to appeal reference **PL10.229762 – Planning ref. 08/142**. Planning Permission granted by Kilkenny Co. Co. but refused on appeal following a third party appeal from residents of the neighbouring Beechpark estate, for 2No. detached two storey dwellings. The reasons given by the Board for overturning planning authority's decision were as follows:

1. *Having regard to the existing pattern of development in the area and the height and design of adjoining buildings, it is considered that the form and design of the proposed houses would appear incongruous in relation to these buildings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to its height, scale and proximity to the side boundaries, it is considered that the proposed development would, by reason of loss of outlook, and overbearing effect, seriously injure the residential amenities of adjoining properties and would, therefore, be contrary to the proper planning and sustainable development of the area.*

The current application claims to have addressed the Boards reasons for refusal on the original planning application for 2No. two storey dwellings on the subject site. The design and case presented by the applicant can be summarised as follows:

- The Bennetsbridge Road does not have a coherent or uniform streetscape. The houses are only on one side of the road and they do not dominate the vista. The houses along Bennetsbridge Road have a variety of roof profiles and finishes.
- The proposed dwellings have a similar building line to Fanad House. The single storey front extension to Fanad House is not the established building line. Both of the proposed dwellings are in line with the original building line of Fanad House apart from a projecting gabled bay on house No. 1, which is designed as a end-stop.
- The proposed dwellings are similar in scale to the Beechpark dwellings to the rear. The side eaves of House No. 1 facing

Beechpark have a ridge height of 5.4metres which is normal for a two storey dwelling and it pitches back progressively to ridges 7.75metres and 9.35metres. The houses of Beechpark are to the north, therefore there will be no overshadowing.

- 10.4 The site is located on a higher level than the Bennetsbridge Road. Fanad House has a slip road access, and it is located setback from the Bennetsbridge Road. Fanad House has a long bulky appearance along the streetscape, it is a significant dwelling/ guesthouse, with a variety of window styles and roof designs. In my opinion, Fanad House holds very little architectural merit despite its excellent location opposite the historic Kilkenny Castle grounds and its significant bulk along the streetscape. Beechpark, is a housing estate, which back onto the subject site and only the roof tops of the dwellings are visible from the Bennetsbridge Road.
- 10.5 The proposed dwellings are two different architectural styles, Dwelling No. 1 has a projecting gable end and a half hipped roof, and Dwelling No. 2 has a half hipped roof with a box window design in the front elevation. The design of House No. 1 is irregular, and has been designed to reduce the impact on the neighbouring dwellings to the south, without due consideration to the front elevation design and its compatibility with Fanad House or House No. 2. Similar to Fanad House there is no continuity of roofscapes or window design throughout the overall design of both dwellings. In my opinion, compared to the one dwelling granted under PL10.236439 on the entire site area, the legibility of the proposed development is muddled, and I do not believe it will integrate well into the neighbourhood setting. I do not consider there is a necessity to continue the adhoc architectural style of Fanad House throughout this small scheme. If anything the development of the side garden area of Fanad house should be understated and low ley as opposed to exaggerating the eclectic architectural features of the front facades of existing and proposed dwellings. The vertical legibility of the overall design is incongruous with two narrow dwellings when considered in conjunction with the long bulk of Fenad House, and in my view, is an inappropriate design for this site. I agree with the planning authority's first reason for refusal the development is an incongruous and inappropriate design for this location along the streetscape. Compared to Fanad House, the proposed dwellings appear to be squashed onto the subject site, and the overall design of the dwellings has been influenced by reducing the impact on neighbouring properties without due regard to the overall design impact on the neighbourhood character and streetscape.
- 10.6 The proposed setback of the southern building from the site boundary is only 3metres, however given that the gable end of the dwelling is

tapered down to a height 7.4metres, it may not appear oppressive when viewed from the neighbouring properties at Beechpark. There is a separation distance of 12metres between opposing building lines which is quite restrictive, however the proposed development is to the north of the existing dwellings and it should not interfere with existing levels of light of the habitable rooms and gardens of Beechpark.

- 10.7 The proposed garden areas meet with minimum standards and they are west facing garden areas and should receive good levels of sunlight throughout the year.

11.0 RECOMMENDATION

I recommend the planning authority's decision to refuse be upheld by the Board. The detached dwelling permitted under PI10.236439 is more appropriate in terms of design and layout to the setting.

REASONS AND CONSIDERATIONS

Having regard to the existing pattern of development in the area and the neighbourhood character, it is considered that the proposed development, by reason of its scale, massing and design detail would constitute an inappropriate design response to the existing context of the site would seriously injure the visual amenity of the area and would be contrary to the proper planning and sustainable development of the area.

Caryn Coogan

Planning Inspector

24/04/2016