

# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** 10.245982

**Development:** Alteration of a residence at no. 13 Haltigan Terrace, Waterford Road including demolition of existing single storey rear extension and construction of new rear two storey extension; demolition of existing front porch and construction of new porch enclosure and all associated site works.

### Planning Application

Planning Authority: Kilkenny County Council

Planning Authority Reg. Ref.: 15/378

Applicant: Chris and Laura Bakkala

Planning Authority Decision: Grant Permission

### Planning Appeal

Appellant(s): Richard Imm

Type of Appeal: Third Party

Observers: None

Date of Site Inspection: March 2016

**Inspector:** Joanna Kelly

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located in the residential area of Haltigan Terrace on residentially zoned lands to the south of Kilkenny City. The small housing development, Haltigan Terrace is accessible directly off the Waterford road. The houses form a crescent shaped with a small green area in the middle. On street parking is limited due to the width of the access. The dwellings appear to have formalised parking by providing vehicular parking to the front of the houses. It was noted that some of the dwellings in this development have constructed small and some modest scale extensions to the rear and side of the dwellings.

## **2.0 PROPOSED DEVELOPMENT**

The proposal is to demolish existing single storey rear extension and construction of new rear two storey extension; demolition of existing front porch and construction of new porch enclosure and all associated site works.

## **3.0 PLANNING HISTORY**

The planning report and inspection of the online planning system indicates no recent planning history for the site.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 Planning and technical reports**

#### Planning report

The first planning report recommended further information regarding the potential for impact on the neighbouring residential amenity and sought revised plans to address this matter. It was also indicated that the porch would not be allowed due to the impact it would have on the overall character of Haltigan Terrace.

The subsequent planning report prepared on foot of further information, indicates that the front extension has been omitted and the revised proposals are acceptable. It is considered that the proposal will not significantly impact on the neighbouring residential amenity. It was recommended that permission be granted.

### **4.2 Planning Authority Decision**

The Planning Authority granted permission for the proposed development subject to 5 conditions as follows:

Condition 1                      Compliance with plans submitted and conditions of permission

Condition 2	Section 48 contribution
Condition 3	Surface water drainage
Condition 4	No obstruction to public road
Condition 5	Permissible construction work hours

## **5.0 GROUNDS OF APPEAL**

The grounds of appeal are summarised as follows:

- The overall proposal is located in such a way as to have a negative impact on the appellant's residential amenity.
- The proposal by reason of scale, mass and materials will have an overshadowing negative effect which is not mitigated by clarification of any architectural quality, material quality, detail at ground floor level or finished floor level to the rear.
- Front and rear elevations do not indicate a clear distinction between existing building and extension for both the site to be developed and the adjoining building.
- There are no front or rear contiguous elevations showing the proposed development to the boundary at either side and it is difficult to assess the impact of the proposed extension on the appellant's property.
- To assess the impact on the adjoining site a southwest facing rear contiguous elevation of both existing and proposed development is required.
- Detail of shadow impact is also required to assess impact.
- There is a concern of overlooking of the proposed development at first floor level onto the adjoining site.
- The two storey concrete rendered wall overlooking the garden of the appellant is not addressing the appellant's concerns or any current standards for quality.
- If constructed in its present form the proposal would add substantial space to the dwelling at the expense of the appellant's amenity.
- There is no indication of quality of materials to be used.

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

### **6.1 Planning Authority response**

The Planning Authority sets out that issues raised are dealt with in the planner's report.

### **6.2 Applicant's response to grounds of appeal**

- The current house is 76sq.m. and is too small to accommodate the needs of the family.

- The scale of the extension is modest and in keeping with the original two storey dwellings of the terrace. The additional floor area comprises of 43sq.m. at ground floor and 22sq.m. at first floor.
- The plans and elevations submitted provide for a sufficient basis to quantify overshadowing of the neighbour's property. Neither the ambient daylight nor direct sunlight would be significantly reduced by the proposals.
- The materials proposed are sand and cement finish to the walls, aluminium or PVC frames for the glazing and liquid applied or bituminous roof membrane, consistent with existing houses.
- The overall quality of the house and that of the adjacent neighbours will be enhanced if the proposals can be implemented.
- All elevations illustrate proposed new development together with contiguous existing development to be preserved.
- There are no windows in the proposed development which overlook the house at no. 14. Part of the rationale for the massing of the proposed extension was to enhance privacy to the back garden as well as the rear garden of no. 14.
- In response to the further information, the extension was pulled away from the property line and turned away from the property boundary, further mitigating potential for overlooking and also increasing daylight and sunlight to no. 14.
- With regard to the two storey concrete rendered wall, it is of a height consistent with the two storey building it is connected to. The geometry of the wall is faceted; it is not just a blank wall. It is set back an appropriate distance from the property boundary and is detailed in a manner that is sensitive to the amenity of no. 14.
- The submission concludes that the proposed development is proportionate in its scale, sympathetic in terms of its massing and without significant overshadowing or loss of daylight or sunlight to the neighbouring properties.
- A daylight and sunlight study has been submitted with the appeal.

## **7.0 POLICY CONTEXT**

The Kilkenny City & Environs Development Plan is the statutory development plan for the area 2014-2020.

### **11.8.4 Domestic Extension**

The principal requirement for any proposed domestic extension is that the design should have regard to the need for light and privacy of adjoining properties. The form and design of the existing building should be followed and the extension should integrate fully with the existing building by using similar detailing and window proportions. Where an existing dwelling is being

remodelled and extended, the proposed extension will be considered on its own merits. A high standard of modern design and materials will be encouraged in this instance.

## **8.0 ASSESSMENT**

I have reviewed the proposal in the light of the Kilkenny City & Environs Development Plan, relevant planning history, and the submissions on file. The proposal is to construct an extension to the rear of the existing dwelling in an established residential area. Accordingly, I consider that the pertinent issues pertaining to this appeal should be assessed under the following headings:

- Impact to existing residential amenity
- Appropriate assessment

### **8.1 Impact to existing residential amenity**

8.1.1 The primary grounds for appeal pertain to the impact the proposal would have on the residential amenities of no. 14 Haltigan Terrace. The appellant has set out that there are no contiguous elevations. I, however, consider that there is sufficient information on the plans to permit an assessment. I note that the existing dwellings are semi-detached dwellings located on sites that are 'dog-leg' shaped thereby giving rise to more constrained opportunities for development. The applicant is seeking to construct a ground floor extension consisting of a kitchen/dining area and a first floor extension comprising of a bedroom. Having regard to the positioning of no. 13 and 14 Haltigan Terrace, relative to the neighbouring properties, due consideration should be given to the extent of overshadowing that would occur to contiguous properties. However, in this instance, I would be satisfied that the two storey element of the proposal is not such that would unduly impact on the existing residential amenities of no. 14 Haltigan Terrace. The single storey projection beyond the two-storey section would not result in overlooking or undue overshadowing. The two storey projection would in the main be consistent with the existing extension to no. 12.

8.1.2 The appellant has submitted daylight and sunlight analysis for the proposal and generally sets out that the proposal would result in the overall reduction of vertical sky component of 9.4% when compared to the current conditions, which is less than half of the 20% reduction that BR209 sets as a limit for good design practice. Pursuant to site inspection and an examination of the revised plans submitted I would be satisfied that the loss of day/sun light is

not such that would unduly impact on the existing residential amenities of the adjoining property.

8.1.3 The proposed development does not give rise to any overlooking as a result of the proposed development onto the appellant's property. Overlooking from the rear window to the two storey extension is no more than would exist from any window at first floor rear elevation. There are two first floor windows serving an ensuite which face onto the property to the west (no. 12) which should be fitted with opaque glass. This can be dealt with by way of condition.

8.1.4 With regard to the concerns of the two storey concrete wall and by this it is considered that the appellant is referring to the side elevation of the extension, no overlooking issues arise as there are no openings. The applicant has set out that this was deliberate so as to protect the privacy of the adjoining dwelling. I do not consider that the proposal in an urban context is such that would detract from the existing residential amenities of the area. The proposed scale of the extension is modest with the two storey projection being approx. 4.5m when viewed from the adjoining property (due to the angular position of the proposal).

## **8.2 Appropriate Assessment**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

## **9.0 CONCLUSIONS AND RECOMMENDATION**

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

### **REASONS AND CONSIDERATIONS**

Having regard to the nature of the proposed development on existing residentially zoned lands, the Board is satisfied that the proposed development would be in keeping with the existing character and pattern of development in the immediate area, would not give rise to overlooking or undue overshadowing and would not otherwise unduly detract from the existing residential amenities of the area. The proposal would not be

prejudicial to public health and would otherwise 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 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. The windows at first floor level on the western elevation of the two storey extension shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

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**Joanna Kelly**  
**Planning Inspector**  
**23<sup>rd</sup> March 2016**