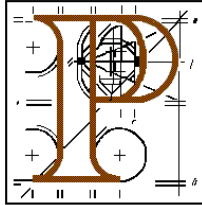


**An Bord Pleanála**



**Inspector's Report**

**Development: Convert a Building Contractor's Office to a one bedroomed apartment with car parking area to the rear at Ivy Cottage, Lower Eyre Street, Newbridge, Co. Kildare.**

**Planning Application**

Planning Authority: Kildare County Council  
Planning Authority Reg. 15/609  
Applicant: Niall Murphy  
Type of Application: Permission  
Planning Authority Decision: Refuse

**Planning Appeal**

Appellant(s): Niall Murphy  
Type of Appeal: 1<sup>st</sup> Party Vs Refusal  
Observers: None

**Date of Site Inspection: 3<sup>rd</sup> of May 2016**

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is located in the heart of Newbridge Town. It is a ground floor office located within a two storey terrace building, located along Eyre Street, which is a busy street with mixed use Town centre services and residential developments. The application relates to the ground floor only.
- 1.2 The site (49sq.m.) has two accesses, directly off Eyre Street and to the rear from a courtyard area off James Lane. The courtyard area serves a multitude of residential developments and commercial activities in terms of off street parking and bin storage. There is one designated carparking space associated with the subject site.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 To convert existing building contractors office into a one bedroom apartment including associated carparking area to rear and all associated site works.

## **3.0 SUBMISSIONS RECIEVED**

- 3.1 There were no submissions received.

## **4.0 TECHNICAL REPORTS**

The other departments within the planning authority had no objection to the proposed development.

**Further Information** was requested on 10<sup>th</sup> of September 2015, whereby the applicant was informed the planning authority welcomed the proposed conversion from office to residential accommodation in the town centre of Newbridge, however he was to provide open space and the storage area for wheelie bins.

## **5.0 PLANNING AUTHORITY'S DECISION**

Kildare Co. Co. refused the proposal for one reason:

Table 19.5 of the Kildare County development Plan 2011-2017 states the minimum private open space requirement for a one bedroom unit located in the Town centre is 10sq.m. The proposal does not meet with the minimum requirement in terms of useable private open space.

## **6.0 APPEAL GROUNDS**

The grounds of the appeal are as follows:

- In the letter of further information dated 10<sup>th</sup> of September 2015, the planners were in favour of the proposed development, but were constraint by the development plan. The Department of Environment has relaxed the requirements regarding apartments, and this should be taken into consideration under this appeal.
- A possible solution would be to remove the car parking space to the rear and use the area as open space, which would be more than 10sq.m.
- The site fronts onto Eyre Street, therefore the tenant is entitled to a parking permit which can be obtained from Kildare Co. Co.

## 7.0 RESPONSES

The planning authority has stated the substitute of off-street car parking provision for open space is unacceptable. The Transportation Department recommend off street parking be retained. A parking permit will not be issued to a tenant, only to a resident. Parking permit will not be issued in areas of high density or shopping business areas.

The proposal does not meet with minimum 10sq.m. private open space requirement for a one bedroom unit in the development plan. The proposal is a substandard development.

## 8.0 PLANNING HISTORY

8.1 There is no relevant planning history.

## 9.0 DEVELOPMENT PLAN

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

Chapter 19 Development Management Standards  
19.4.5 sets out minimum requirements for apartments.

#### **Table 19.3** Floor Area and Storage Requirements for Dwelling Houses

*One Bedroom 55 m2 storage area of 3 m2*

#### **Table 19.6** Private Open Space Requirements for Town Centre Apartments

Unit Type One Bedroom requires 102

### **Newbridge Local Area Plan 2013-2019**

The subject site is zoned A : Town centre – To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses.

## **10.0 ASSESSMENT**

- 10.1 The subject site is the ground floor of an existing two storey terraced building located in the heart of Newbridge town centre. The ground floor is currently in office use and the applicant wants to change it to a one bedroom apartment. The site is located on Eyre Street, Newbridge, which hosts a multitude of uses, and includes a large number of laneways which support mainly residential townhouses. There is a designated car parking space to the rear of the building which is accessed from a courtyard area, serving a number of buildings off James Lane.
- 10.2 The planning authority refused the change of use as it considered the proposed residential use to be a substandard form of development. It stated there was no private open space associated with the residential use and this was unacceptable. According to section 19.6 of the Kildare County development Plan, there is at least 10sq.m. of private open space required for a one bedroom unit within a town centre.
- 10.3 The applicant had proposed during the course of the planning application assessment in response to the further information, to convert the car parking space to the rear of the premises to private open space. This was not accepted by the planning authority as parking permits will not be issued to tenants in areas of high density or in shopping business areas, and the existing off street parking was to be retained for businesses in the town centre.
- 10.4 In my opinion, the planning authority has greatly exaggerated the necessity to retain a parking space with the proposed small apartment at this location. I accept the location is Town Centre, however it is not a heavy footfall location within Newbridge, the more concentrated commercial activity is to the south and south west. Furthermore, the location of the site is within walking distances of most town centre activities and services, therefore the planning authority should not be placing such a high emphasise and priority on traffic generation at this this location. There has been no consideration of the reduction of traffic generated by the proposed change of use in terms of an existing office use to a residential use.
- 10.4 I would encourage the proposed change of use at this location. The wheelie bin storage can be provided to the rear of the property within the 12.5sq.m. proposed as private open space where the existing car parking space is currently located. The proposed development can meet with the minimum private open space requirement of 10sq.m. as prescribed by the County Kildare Development Plan 2011-2017.
- 10.5 There are a number of residential units in close proximity to the subject site. The general pattern of development within this locality of Eyre Street is commercial developments flanked by residential developments especially to the rear off Eyre Street accessed off the lands and side streets. Therefore the proposed change of use is in keeping with the pattern of development in the area.

## **11.0 RECOMMENDATION**

I recommend the planning authority's decision to refuse be overturned by the Board

## REASONS AND CONSIDERATIONS

Having regard to the location of the site within an existing building on lands zoned Town Centre in the current Newbridge Local Area Plan, to the design, scale and layout of the development and to the pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, 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, as amended by the further plans submitted on appeal date stamped 11<sup>th</sup> of January 2016, 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 at permission consequent stage and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. 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.

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**Caryn Coogan**

**Planning Inspector**

**05/05/2016**