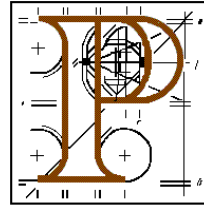


An Bord Pleanála



Inspector's Report

Development: Permission for extension to rear of dwelling to include bathroom, utility, separate toilet and wash hand basin, hallway and conservatory Retention of freestanding conservatory, mobile home (uninhabitable) sheds to rear and side.

Location: 304 Johnswell Road, Kilkenny.

Planning Application:

Planning Authority:	Kilkenny County Council
Planning Authority Reg. Ref.:	15/716
Applicant:	Bobby Dowling.
Type of Application:	Permission
Planning Authority Decision:	Grant Permission with conditions.

Planning Appeal:

Appellants:	Tom and Philomena Shiel
Type of Appeals:	3 rd Party v Permission
Observers:	None
Date of inspection:	29 th June 2016
Inspector:	Bríd Maxwell

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site which has a stated area of 0.1 hectares comprises an established dwelling site located at 304 Johnswell Road to the north east of Kilkenny City Centre. The site is occupied by a detached dwellinghouse with a number of structures to the rear including a detached conservatory type structure, shed / garage, oil shed, mobile home used for storage, domestic shed and dog kennels used to house 4 to 5 dogs. The immediate area is characterised by low density residential development and the appeal site is bounded by residential properties. Site boundaries are defined by a mix of hedging, walling and fencing.
- 1.2 Photographs of appeal site taken on the date of my site visit are appended to this report.

2.0 PROPOSED DEVELOPMENT

- 2.1 The description of the proposed development was revised in response to the Council's request for additional information. The proposal provides for permission for the extension to rear of dwelling to include bathroom, utility separate toilet and wash hand basin and hallway and conservatory. Permission is sought for retention of the freestanding conservatory, mobile home (uninhabitable) and sheds to side and rear.
- 2.2 The proposed domestic extension is intended to provide an additional bathroom / shower utility and will link the conservatory proposed for retention to the existing dwelling.

3.0 PLANNING POLICY CONTEXT

3.1 DEVELOPMENT PLAN

3.1.1 The Kilkenny City and Environs Development Plan 2014-2020 refers. The site is zoned existing residential.

3.1.2 Section 11.8.4 of the Development Plan refers to Extensions. *“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.”*

4.0 PLANNING HISTORY

No recent planning history on the appeal site.

5.0 DELIBERATIONS AND DECISION OF THE PLANNING AUTHORITY

5.1 Third Party Submissions.

- Submission from third party appellant to the council objects to the proposal on grounds of potential impact in terms of light and loss of privacy compounding such previous effects from earlier extension. Object to retention of mobile home

5.2 Internal Reports

- Water Services report indicates no objection subject to conditions.
- Initial planner’s report queried the planning status of the numerous of structures on the site and sought clarification by way of further information. I note planner’s report in reference

to description of proposed development refers in error to a two storey extension proposal. Final report recommends permission subject to conditions.

5.3 Decision

5.3.1 Kilkenny County Council decided to grant permission subject to 8 conditions including the following :

- Condition 2. Development Contribution €615.00
- Condition 4. Prior to the commencement of development the end of life mobile home (structure 3) shall be removed from site.
- Condition 5. No discharge of wastewater from dog kennels to the public sewer without the prior agreement of Irish Water.

6.0 GROUNDS OF APPEAL

6.1 Third Party Appeal

6.1.1 The Third Party Appeal is submitted by Tom and Philomena Shiel, 305 Johnswell Road. Grounds of appeal are summarised as follows:

- Development will impact on enjoyment of appellant's dwellinghouse on basis of light impact and loss of privacy.
- Development of shed and kennels is not compatible to the location.
- Applicant has shown scant regard for planning process.

7.0 APPEAL RESPONSES

7.1 Planning Authority

7.1.1 The Planning Authority did not comment on the appeal.

7.2 First Party Response to the Third Party Appeal.

7.2.1 The submission by the first party is summarised as follows:

- Development is set back 1.2metres from the boundary and the dwelling at the other side is approximately 3.2m from the boundary therefore no impact on light.
- Shed to rear is constructed to same as surrounding buildings
- Kennels are well removed and will not impact on residents of 305 Johnswell Road.

8.0 ASSESSMENT

8.1 Following my inspection of the site and consideration of the documentation on file and the prevailing local and national policies and plans, I consider that the main issues in this appeal relate to the principle of development and impact on adjacent residential amenity. I note some issues with regard to the detail provided within the application documentation and the accuracy of the drawings submitted in their depiction of the existing dwelling on site (Note upper level window to rear elevation is not depicted on elevation plans, discrepancy between elevation and floor plans where floor plans do not depict windows shown on elevation plans), however on the basis of the scale and nature of proposed works I consider it appropriate that the proposal as set out within the application be considered on its merit.

8.2 As regards the residential extension element of the development, having regard to the established residential use on the site and the site size, I consider that the principle of development of the residential extension is acceptable and the site has sufficient capacity to accommodate same. The proposal will result in integration of the conservatory proposed for retention into the dwelling and I consider that this is

appropriate. I consider that the proposed extension is sufficiently screened by site boundary landscaping and is subservient to the established dwelling in terms of its design.

8.3 As regards impact on established residential amenity, I consider that having regard to the 2m setback to the eastern site boundary and to the low level of the proposed extension the potential for overshadowing overlooking or overbearing impact does not arise.

8.4 As regards the retention of the shed I consider that subject to use for domestic purposes ancillary to the use of the dwellinghouse no detrimental impact on residential amenity should arise. Dog kennels house some 4-5 dogs and subject to good practice I consider that no disturbance to residential amenity should occur. I note that in relation to the connection of dog kennels to the public sewer the Council conditioned that this should be agreed with Irish Water.

8.5 In relation to the retention of the mobile home which is apparently used for storage. I would tend to agree with the local authority planner that it appears somewhat dilapidated and detracts from the applicant's residential amenity and that of the appellant. In this regard I consider that the haphazard proliferation of sheds on this domestic site is undesirable and in the absence of a demonstrated need for extensive storage to serve one dwelling this should be removed.

8.6 As regards the issue of Appropriate Assessment, having regard to nature of the proposed development and to the nature of the receiving environment, namely a suburban and fully serviced location the lack of connectivity with a Natura

2000 site it is considered that appropriate assessment issues under the Habitats Directive (92\43\EEC) do not arise.

9.0 CONCLUSION AND RECOMMENDATION

9.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I conclude that the proposed domestic extension, and shed and dog kennels proposed for retention, subject to compliance with the conditions set out below, would not, seriously injure the residential amenities of the area. I would tend to concur with the planning authority that the existing mobile home on the site is not appropriate in this context and would concur therefore that this element of the development proposed for retention should be refused and the structure should be removed off site. The development would otherwise, not be contrary to the proper planning and sustainable development of the area.

RECOMMENDATION I

Refuse Permission for retention of mobile home (uninhabitable)

REASONS AND CONSIDERATIONS

Having regard to the proliferation of structures on this domestic site, to the haphazard and piecemeal nature of the development carried out on site and to the unsuitability of a temporary structure for permanent use, the mobile home proposed for retention would be injurious to the residential amenities of the area contrary to the provisions of the Kilkenny City and Environs Development Plan 2014-

2020 and would therefore be contrary to the proper planning and sustainable development of the area.

RECOMMENDATION II

Grant permission for the retention of freestanding conservatory, sheds to side and rear. Permission for extension to rear of dwelling to include bathroom, utility separate toilet and wash hand basin, hallway and conservatory.

REASONS AND CONSIDERATIONS

Having regard to the established residential use on the site, the pattern of development in the area and the design and layout of the proposed development and development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and would 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 further plans and particulars submitted on 29th February 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development the developer shall submit revised floor plans of the proposed extension conforming to elevation plans as submitted detailing windows to be provided to extension for the written agreement of the planning authority.

Reason: In the interest of clarity.

- 3 (a) The kennels to be retained shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any commercial or business purpose.
(b) The kennelling of dogs on the site shall be restricted solely to the kennel building.
(c) No more than five dogs shall be accommodated within the kennels at any time.

Reason: In the interest of residential amenity and public health.

4. Details of the management of foul waste shall be submitted to and agreed in writing with the planning authority within one month from the date of this order. The kennels shall thereafter be maintained in accordance with the agreed details.

Reason: In the interest of residential amenity and public health.

- 5 No additional buildings or structures for the housing or keeping of animals shall be constructed on site without a prior grant of planning permission.

Reason: To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.

- 6 The domestic store / shed, shall be used for purposes ancillary to the enjoyment of the dwellinghouse as such and shall not be used for human habitation.

Reason: In the interest of residential amenity.

7. 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

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 and any statutory provision replacing or amending them, no development falling within Class 1 or class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage off the house without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

- 9 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.

10. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Bríd Maxwell
Planning Inspector
20th July 2016