

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL10.246450

Development: Permission for renovation of existing single storey residence including plan and elevational changes, new two storey extension to rear, new front boundary treatment and gates and all associated site works.

Location: Archersfield, Bennettsbridge Road, Kilkenny.

Planning Application

Planning Authority: Kilkenny County Council
Planning Authority Reg. Ref.: 16/43
Applicant: Hilary Cantwell
Planning Authority Decision: Grant Permission subject to conditions

Planning Appeal

Appellant: Paul Murray
Type of Appeal: Third Party v Permission
Observers: None
Date of Site Inspection: 29th June 2016

Inspector: Bríd Maxwell

1.0 SITE LOCATION AND DESCRIPTION

The appeal site which has a stated area of 0.083 hectares comprises an established bungalow dwelling site located off a slip road which is in turn off the Bennetsbridge Road, to the west of the Castle grounds in Kilkenny City. The site is occupied by a north facing bungalow type dwelling with a hipped roof and integral garage. The property appears to have been unoccupied for some time. The dwelling has front bay windows and mixed finishes including stone cladding to front elevation. The eastern boundary of the site is defined by a historic stone wall which is in excess of 3 metres in height. The front boundary is defined by low walling with a vehicular entrance located towards the western site boundary. Remaining boundaries are defined by a mix of fencing, trees and hedging. There is a single storey dwelling adjacent to the west. To the south east is two storey guest house residential property Fanad House. To the southwest are the two storey semi-detached dwellings of Beech Park.

2.0 PROPOSED DEVELOPMENT

The proposal involves renovation of the existing dwelling including plan and elevational changes, provision of new two storey extension to rear and new front boundary treatment and gates and associated site works. The proposed two storey extension is described by Mark Kennedy Architecture, agent for the first party as a modernist cube comprised substantially of a tumbled stock brick with an aluclad glazing system and limited use of cladding panels / spandrel panels between ground and first floor windows. The extension provides for new entrance and living area at ground floor level and new bedroom at first floor level. The boundary treatment amendments provide for relocation of vehicular entrance immediately adjacent to the historic 3m high wall.

3.0 PLANNING HISTORY

No recent planning history on the appeal site.

Adjacent site comprising side garden of Fanad House.

PL10.245981 15/600 Board refused permission for two dwellinghouses on grounds of inappropriate design.

PL10.236439 09/730 Permission granted for one dwelling with habitable attic accommodation, 15/324 Extension of duration of 09/730 to 03/08/2020

PL10.229712 08/142 Permission granted by Kilkenny County Council but refused on appeal for two dwellings on grounds of incongruous design and overbearing impact.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

- Irish Water submission indicates no objection subject to conditions.
- Submission of third party appellant to the planning authority raises concerns in regard to overlooking and potential for subdivision of use.
- Planner's report notes refers to verbal feedback from conservation officer indicating no objection to the proposal. Report concludes that the visual impact on the ACA and on neighbouring properties is not significant and recommends permission subject to conditions,

4.2 Planning Authority Decision

By Order dated 23/3/2016 Kilkenny County Council decided to grant permission subject to 6 conditions including

- Condition 2 Development Contribution €3,150 in accordance with the Development Contribution Scheme.
- Condition 6. The house and extension to be occupied as a single housing unit.

5.0 GROUNDS OF APPEAL

The Appeal is submitted by Paul Murray, 11 Beech Park which adjoins to the south of the proposed development. Submission outlines concerns regarding overlooking by first floor bedroom window and the potential for the creation of two separate dwelling units. The proposed two storey contemporary style flat roof extension is not in keeping with the existing single storey residential development in Archersfield.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The Planning Authority did not comment on the appeal.

6.2 First party response

The response to the appeal submitted by Mark Kennedy Architecture on behalf of the first party is summarised as follows:

- Planning application demonstrates that a narrow first floor bedroom window on the southern elevation of the extension is in excess of the 22m separation distance from opposing first floor windows.
- Appellant's property is shielded by a large tree stand which lies on the boundary between the appellant's dwelling and appeal site.

- Request that the window be retained as per original documentation However if the Board consider it an issue the window can be revised in its shape to become a high level long clerestory window which would prevent ant overlooking issues. (As illustrated on Drawing 14-211_3.1.104_Rev B_Floor Plans and 14-211_3.1.301_Rev A Elevations.
- Proposal is clearly for an extension to an existing dwelling therefore concerns regarding creation of a separate dwelling unit are spurious.
- Archersfield is predominantly two storey. Contemporary nature of the design in terms of its proportion, materiality and context have been carefully considered and the proposed design is entirely appropriate for this site.
- Precedent for a similar development inn Castle Gardens.

6.3 Third Party Appellant's observations on First Party response to appeal

- Deciduous tree only provides screening for approximately 4 months of the year.
- Southern facing window is not necessary and if the Board is minded to grant permission the clerestory window is the preferred solution.
- Subdivision of the property is easily achievable.
- Design of the extension is not sympathetic to the more traditional styles of construction in the area. A single storey extension or storey and a half extension would have been more appropriate.

7.0 POLICY CONTEXT

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

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.”*

The site is located within the Kilkenny Castle Architectural Conservation Area.

8.0 ASSESSMENT

- 8.1 As regards the principle of the proposed extension which is intended to enhance accommodation on the site it is supported in terms of national, regional and local planning policies. The existing dwelling on site appears to have been unoccupied for some time and the provision of superior residential accommodation to meet a housing need is clearly appropriate in accordance with proper planning and sustainable development. The main issues to be considered in this case relate to the design of the proposed extension and the impact on established residential amenity.
- 8.2 I note that the proposal involves alterations to the existing dwelling including revisions to pattern of fenestration and external finishes which I consider to be an acceptable intervention given that the current dwelling design is somewhat dated and of no particular architectural merit. Revisions to front boundary treatment include provision for on-site parking adjacent to the historic 3m high eastern boundary wall and I consider this to be in order.
- 8.3 As regards the scale of the extension, I note that it involves an extension of 126sq.m to the existing moderately sized dwelling of 138 sq.m. I consider that

the site with an area of .083 hectares has the capacity for an enlarged dwelling and in my view the extension should not necessarily be excessively bound by the size of the existing dwelling however, I consider that the proposal by reason of its design is not successful and is at odds with the existing dwelling as modified. The proposal creates a visual imbalance and does not in my view achieve a good design solution on the overall site. The proposal breaches a number of good design principles including that whilst it clearly presents as an extension, it is not in any way subservient to the main dwelling. In my view a more appropriate design solution will involve greater modification of the existing dwelling and more successful integration of the extension with the existing structure.

8.4 As regards impact on the residential amenity of adjacent dwellings in terms of overlooking, I consider that on the basis of the separation distance involved (the second level window being 11.6m from the southern boundary and achieving a separation distance of 22.7m between opposing first floor window to 11 Beechpark) is not significant. I note that the western facing elevation presents within 8.5m of the side site boundary and whilst the first floor glazing serves a double height space and ensuite thereby mitigating overlooking, I consider that the perceived overlooking of the adjacent dwelling would impact negatively on established residential amenity. I consider that a more integrated extension could also mitigate the impact on adjacent properties. On the matter of the cube structure being out of character, I note that the site is not prominent in the locality and there are a mix of house types and designs in the vicinity and I would have no objection to the principle of provision of a contemporary structure on the site.

8.4 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 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 recommend that planning permission be refused for the following reasons:

REASONS AND CONSIDERATIONS

The proposed development involves the construction of a substantial extension to the existing dwelling. Having regard to the scale of the proposed extension to meet the residential needs of the applicant and to the ability to more appropriately accommodate these needs by way of a more integrated redevelopment and expansion of the existing structure, it is considered that the proposed development would constitute a discordant design progression in respect of the residential property on this site and would thereby be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
19 July 2016