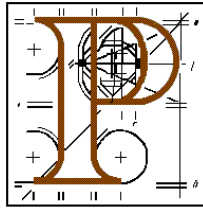


An Bord Pleanála



Inspector's Report

Development: Permission for change of house type from bungalow to two storey and change of garage type in lieu of previous grant of permission File ref. No. 15/679

Site Address: Curryhills, Prosperous, Co. Kildare

Planning Application

Planning Authority: Kildare County Council

Planning Authority Reg. Ref.: 16/302

Applicant: Orla Travers

Type of Application: Permission

Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant: Orla Travers

Type of Appeal: First Party v Refusal

Observers: None

Date of Site Inspection: 26th July 2016

Inspector: **Joanna Kelly**

Appendices:

Appendix 1 Site Location Map

Appendix 2 Photographs and Site key Plan

1.0 INTRODUCTION

This report pertains to an appeal by the first party against the decision of Kildare County Council to refuse permission for change of house type.

2.0 SITE DESCRIPTION

The appeal site, with a stated site area of 0.33ha, is an irregular rectangular shape located along an avenue off the R-403, Prosperous to Clane road. The site is located in the townland of Curryhills on unzoned lands. The entrance is located just within a 60km per hour speed zone. The lands are approximately 1.3km from Prosperous settlement centre.

There is an existing tree-lined avenue to the Focolare Centre, which contains a two –storey structure which is indicated to have previously been a hotel. There is a turning circle and parking area just south-east of the centre, north-east of the appeal site. The avenue is narrow and does not permit the passing of two vehicles. The existing Focolare structures are discreetly located within a landholding with mature screening.

The appeal site is located on the western side of the avenue and is a site that appears to have been carved out from a landholding that would appear to have been within the Focolare/former hotel lands at one point. The appeal site has a hedgerow to the south and eastern boundaries. The site is elevated in contrast to the adjoining lands and the lands fall steeply to the north. There is a small evergreen plantation to the north-west of the site.

The avenue is characterised by linear (ribbon development) on the western side where the dwelling is proposed. The house types, whilst all individual in style, exhibit suburban characteristics which detract from this once rural setting.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant is seeking permission for a change of house from bungalow to two-storey and change of garage type, in lieu of that previously granted in file ref no. 15/679 and all ancillary site works.

The proposed garage is single storey c. 4.5m in height with a floor area of approx. 53sq.m.

The proposed house type is a large two storey dwelling with a floor area (my calculation) of 280sq.m. There is a single storey rear return and side projection.

3.0 TECHNICAL REPORTS

Planning report

The planning report indicates that there were no objections from other inter-departmental sections. No submissions were received in respect of the application. It was considered that the change of house type is unacceptable and it was recommended that permission be refused.

Environment Section

No objection subject to conditions

EHO

No objections

Roads Department

No objection subject to conditions

Chief Fire Officer

No objection

Water Services

Conditions recommended.

Prescribed Bodies

Irish Water

No objection subject to conditions

5.0 PLANNING AUTHORITY'S DECISION

The Planning Authority refused permission for the following reasons:

Having regard to Policy RH5 of the Kildare County Development Plan 2011-2017 which seeks to ensure that the location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings; to the character of the surrounding area, the location of the site on an incline, the proximity of the site to a row of single storey dwellings and the planning history of the site under 15/679 which specifically required the provision of a single storey dwelling only, it is considered that to permit the proposed change of house-type with a ridge height of 7.45m would be contrary to the provisions of Policy RH5, would seriously injure the visual amenity of the area, would set an undesirable precedent for further development

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

6.0 APPEAL GROUNDS

The first party appeal grounds are summarised as follows:

- Permission was previously granted for a bungalow on the appeal site. The applicant revised the house type following further information and a request for clarification of information so as to secure permission. However, the applicant is not happy with the design of the dwelling as granted and instructed a revised house type with first floor living.
- It is submitted that the proposed house type is a traditional vernacular dwelling, simple in form with a ridge height of 7.45m.
- The proposed house is located off the main access avenue to Curryhills House where the grounds are mature with screen planting and well established trees in excess of 10m.
- Since acquiring the overall lands, Focolare Trust has received planning permission and constructed four two-storey dwellings on the grounds.
- It is submitted that the house type does comply with the policy RH5 and takes account of the physical surroundings and integrates with them.
- The proposed house will not detract from the local attractiveness of the landscape.
- The applicant has met the local needs criteria and the site is serviced by public sewer and water.
- It is requested that the Board reverse the decision to refuse permission and grant the two storey dwelling.

7.0 RESPONSES

7.1 Planning Authority

The main points are summarised as follows:

- The Planning Authority outlines the history of the previous application whereby the overall ridge height was reduced to 5.9m and granted on foot of the revision in the house design.
- The central issue in the current application centred on whether the revised house type to the two storey dwelling is acceptable. It is noted that the houses in the immediate vicinity of the site, in particular, those to the south are all single storey bungalow dwellings. There is one dormer dwelling, the first in the row of dwellings, located on lower ground closer to the road which is a considerable distance from the site.
- The house as revised is a two storey dwelling with a single storey to the side.

- The site is located on an incline and is located at a higher level than the adjacent single storey dwelling and is considered to be a prominent visible site at the end of a row of single storey dwellings.
- It is considered that the change of house type is unacceptable.

8.0 PLANNING HISTORY

File ref. No. 15/679 Permission granted to applicant for bungalow, detached domestic garage, connection to public foul sewer and all ancillary site works.

9.0 PLANNING POLICY

- 9.1 Sustainable Rural Housing Guidelines for Planning Authorities
Section 3.2.1 deals with Rural Area Types and suggested policies.

Section 3.3.3 of these Guidelines specifically deals with siting and design.

- 9.2 Kildare County Development Plan 2011-2017

The site lies within the functional area of Kildare County Council and as such the Kildare County Development Plan, 2011 – 2017 is the statutory plan for this area.

Chapter 4 of Volume I of the development plan relates to housing. Sections 4.11, 4.12 and 4.13 refer to rural housing provision, rural housing policies and rural housing objectives, respectively.

Chapter 16 of Volume I of the development plan is entitled “Rural Design Guidelines”. It includes several sets of key principles including site selection, site layout, and design principles. The guidance sets out that *“development in the countryside has tended to focus on the use of road frontage sites, often carved out of larger fields. Here buildings dominate the view and inappropriate suburban gardens, roadside boundary walls and gates are introduced into the landscape. Such development changes the character of the countryside and when repeated leads to ribbon development and a loss of rural character....”*

10.0 ASSESSMENT

Having examined the file, relevant history files, considered local and national policies, inspected the site and immediate environs, assessed the proposal and all of the submissions on file, I consider the key issues to be:

- Proposed House Design
- Appropriate Assessment

In this instance, the applicant is seeking a change of house type having been granted permission for a dwelling on the appeal site under File ref. No. 15/679. The planning authority considered the applicant to have a local need in accordance with the development plan. I do not propose, therefore to re-examine the issue of local need as the principle of permission has been established on the site. In this regard, I also do not propose to re-examine the merits or otherwise of traffic safety on this narrow avenue where the granting of permissions for housing has also lead to ribbon development and contributed to the suburbanisation of this once rural setting. The central issue is that of house design.

10.1.0 Proposed siting and House Design

National and local policies seek to ensure appropriate siting and design of proposed rural dwellings. The policy cited in the reason for refusal by the planning authority is as follows:-

Policy RH 5, which states that

“the location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings and the natural and cultural heritage of the area. Development shall have regard to Chapter 16, Rural Design Guidelines”.

Chapter 16 of the County Development Plan, specifically section 16.4 addresses “appropriate house design” and set out that it is the aim of this chapter to promote innovation through design that is both contemporary and timeless, it is important that architecture respects and acknowledges the characteristics that contribute to the rural character of Kildare.

The applicant is seeking to construct a large two storey dwelling with a single storey projection to the side and rear. The plans as submitted indicate a floor area of 242.19sq.m. however I calculate the floor area to be nearer 282sq.m. The scale and footprint of the dwelling is excessive for the site. No regard has been given to the topography of the site and the adjacent lands which fall steeply to the north-west. No contiguous levels or contours have been indicated on the plans. It is therefore not known the extent of changes in site contouring that the applicant may also be proposing. The adjoining dwellings are located at a lower level than the appeal site and as such the proposed house type would appear overly dominant.

The applicant has submitted that there are dwellings of two storey nature in the immediate area. Whilst this maybe the case, each application must be assessed on its own merits, having regard to the site context. In this

instance, the design of any house must have due regard to the dramatic fall in contours with any proposed dwelling built into the landscape, the mass of which should relate proportionally to the landscape in which it is to be located. The scale of the proposed dwelling is, in my opinion, incompatible with the overall site area, and the topographical nature of the immediate area.

With regard to the house design itself, attempts have been made to simplify the house such that it reflects a vernacular design through the use of symmetrically located vertical windows, narrow floor plan, and good solid-to-void relationship in its windows and doors. However, the scale of the dwelling and the lack of regard for the topography of the immediate lands cannot be overcome in this instance. Whilst the planning authority appear to be stating only a single storey dwelling would be permissible at this location, I consider that the topography of the lands provide an opportunity to create a more responsive and innovative house design that could achieve the additional levels whilst respecting the existing pattern of development and minimising the visual impact on the landscape. I, however, concur with the planning authority that the proposed house type is overly dominant and would set a poor precedent for other inappropriately located houses.

10.2.0 Appropriate Assessment

The appeal site is approximately 1.75km south east of Ballynafagh Bog SAC (Site Code: 000391), the nearest Natura 2000 site. This SAC includes a cutover bog, a small area of farmland and a conifer plantation. It represents the eastern most example of active raised bog in the country and thus is particularly important to ensure the conservation of the natural geographic range of the habitat. Hydrological processes are key drivers of raised bog ecology. The site-specific targets are noted as follows:-

- restore appropriate water levels throughout the site
- restore, where possible, appropriate high bog topography, flow directions and slopes
- restore 13.3ha of central ecotope/active flush/soaks/bog woodland as appropriate.
- Restore, where appropriate, typical active raised bog flora and fauna
- Native negative indicator species at insignificant levels
- Non-native invasive species at insignificant levels and not more than 1% cover.
- Air quality surrounding the bog close to natural reference conditions. The level of N deposition should not exceed 5kg N/ha/yr.
- Water quality on the high bog and in transitional areas close to natural reference conditions.

The planning authority carried out a screening for Appropriate Assessment and concluded that no potential significant effects would arise and AA was not required.

Having regard to the nature and scale of the development and the relative distance of the site from the SAC site and given the serviced nature of the site, I am satisfied that the proposed development would not be likely to have any significant effect either individually or in combination with other plans or projects on the European site.

11.0 CONCLUSION

The proposed house type is considered excessive in scale and would, in conjunction with the existing topographical characteristics of the appeal site and surrounding environment, appear overly dominant on this limited site and as such is inappropriate.

12.0 RECOMMENDATION

Having regard to the foregoing, I recommend that permission be **refused** for this development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

It is considered that the proposed two-storey house would be visually obtrusive at this location, would appear overly dominant on the immediate landscape having regard to the contours of the surrounding landscape, and would therefore be injurious to the visual amenity of this rural area and as such set a poor precedent for other inappropriately designed dwellings which is contrary to the provisions of the Kildare County Development Plan 2011-2017, in particular Policy RH5 which seeks to ensure dwellings integrate appropriately with the surrounding landscape. The proposed house would, therefore, be contrary to the proper planning and sustainable development of the area.

Joanna Kelly
Inspectorate
9th August 2016