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Bord  
Pleanála

## Inspector's Report

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<b>Development</b>	Retain converted garage and permission for construction of an extension and conversion to a studio apartment, 2A St. David's Terrace, Naas, Co.Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	16/313
<b>Applicant</b>	Gina McCarthy
<b>Type of Application</b>	Retention Permission & Permission
<b>Planning Authority Decision</b>	Refuse
<b>Appellant</b>	Gina McCarthy
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Observer(s)</b>	None
<b>Inspector</b>	Pauline Fitzpatrick
<b>Date of Site Inspection</b>	03/08/16

## 1.0 SITE LOCATION AND DESCRIPTION

The structure subject of the appeal is accessed from St. David's Terrace in the western side of Naas town. The northern side of the street is characterised by a terrace of two storey dwellings whilst the southern side is delineated by 2 no. two storey dwellings constructed in what were originally the rear gardens of No. 25 Old Caragh Road and No. 30 St. David's Terrace. The dwellings face each other to either side of the rear lane which provides access to the rear of the dwellings on Old Caragh Road and St. David's Terrace. The dwellings face each other to either side of the rear lane which provides access to the rear of the dwellings on Old Caragh Road and St. David's Terrace. The single storey garages that back directly onto the rear of Nos. 25 and 30 have been converted and are used for habitable purposes with the space between same and the 2 no. dwellings fronting onto the back lane hard surfaced.

The appeal site is the single storey structure that backs directly onto the rear of No.25 Old Caragh Road which is a single storey end of terrace dwelling.

**Note:** There is a concurrent appeal for a comparable development on the adjoining site under file reference number PL09.246763.

## 2.0 PROPOSED DEVELOPMENT

Permission is being sought to retain the conversion of the garage to use as a living unit with a stated floor area of 32.6 sq.m. Permission is also sought for an extension to increase the floorspace to 40.1 sq.m. The works will entail internal alterations removing walls to provide for a 'studio' layout.

## 3.0 TECHNICAL REPORTS

The **Executive Technician Area Office** in a report dated **09/05/16** has no objection subject to conditions.

The **Chief Technician, Roads, Transportation and Public Safety Department** in a report dated **05/05/16** requires further information on parking provision.

The **Executive Engineer, Environment Section** in a report dated **11/05/16** has no objection subject to conditions.

The **Environmental Health Officer** in a report dated **09/05/16** notes that the accommodation falls short of the 2015 Guidelines on Design Standards for New Apartments. A grant of permission cannot be recommended.

**Water Services & Irish Water** in reports dated **18/05/16** & **19/05/16** respectively recommend further information on the fact that the structure is constructed over a mains public service.

The **Chief Fire Officer** in a report dated **20/05/16** has no objection

The **Assistant Planner's** report dated **23/05/16** (countersigned) considers that the proposal is not compliant with the 2015 guidelines on apartments. The provision of studio apartment type developments can be provided in certain specific circumstances such as part of 'build to let' managed accommodation above a certain scale threshold ie. 50 or more units. The minimum size for a one bedroom apartment is 45 sq.m. The proposal does not meet the 3 sq.m. minimum storage requirements. The floor to ceiling height does not meet the 2.7 minimum for ground floor apartments. The private open space appears to be that serving the dwelling to the west. The proposal constitutes a substandard development and a refusal of permission is recommended for three reasons.

#### 4.0 **PLANNING AUTHORITY'S DECISION**

The Planning Authority decided to refuse permission for the above described development for three reasons which can be summarised as follows:

1. The proposal is substandard in terms of its non-compliance with the Guidelines on Design Standards for New Apartments 2015 and would set an undesirable precedent.

2. The proposal by reason of its substandard size, design and inadequate open space provision would seriously injure the residential amenities and depreciate the value of property in the vicinity.
3. By depriving dwelling no. 1 (sic) of private amenity space the proposal would seriously injure the residential amenity and depreciate the value of dwelling no.2.

## 5.0 GROUNDS OF APPEAL

The submission by Conor Furey & Associates Ltd on behalf of the 1<sup>st</sup> party against the planning authority's notification of decision to refuse permission can be summarised as follows:

### **Reasons for Refusal Nos. 1 & 2 – Non Compliance with 2015 Guidelines**

- The Board is requested to consider the development in the context of the surrounding environment of dwelling houses. The site is within walking distance of all services.
- The proposal, coupled with the comparable development on the adjoining site which is the subject of a concurrent appeal, provides a type of accommodation at an affordable price that is otherwise unavailable. The provision of two studio apartments would comply with the basic principle of the guidelines.
- The development, if granted, can fully comply with the buildings regulations and the provisions required for studio apartments.
- The proposal would accord with Section 4.2 of the Naas Town Development Plan which sets out the strategy for housing in that it would provide for greater density and more diverse house types to meet changing housing needs.

### **Reason for refusal No. 3 – Impact on Amenities of Adjoining Dwelling**

- The view that it would seriously injure the amenity value of the existing house within the site is somewhat subjective. The applicant is the owner of the said dwelling and the area of the site where the development is proposed was not actually utilised by the existing dwelling.

- The applicant does not share the view that the value of the property would be depreciated.
- No objections were lodged against the application.

## 6.0 PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

The PA has no further comment.

## 7.0 OBSERVATIONS

None

## 8.0 PLANNING HISTORY

I am not aware of any previous applications on the site.

There is a concurrent appeal on an adjoining site for a comparable development under ref. PL09.246763.

## 9.0 POLICY CONTEXT

### 9.1 Naas Town Development Plan 2011-2017

The site is within an area zoned B – existing/infill residential, the objective for which is to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.

## 9.2 Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, December 2015

Section 3.1 - The 2007 standards did not make any reference to 'studio' type apartments (i.e. a small unit with a combined living/sleeping area, generally provided for a single person). This type of accommodation is now specified in these guidelines and it is a specific planning policy requirement that planning authorities facilitate the provision of studio apartment type developments in certain specific circumstances, such as part of new 'build-to-let' managed accommodation above a certain scale threshold, i.e. 50 or more units.

Section 3.14 - Minimum floor to ceiling height must accord with the Building Regulations requirement of 2.4m, except in relation to ground floor apartments, where it should be greater. It is a specific planning policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m. These are absolute minimum requirements.

### Appendix - Required Minimum Floor Areas and Standards for Studio Apartments

Overall Floor Area	Storage Area	Private Amenity Space
40 sq.m.	3 sq.m.	4 sq.m.

## 10.0 ISSUES AND ASSESSMENT

As can be extrapolated from the pattern of development in the vicinity Nos 1. and 2 St. David's Terrace as delineated on the plans accompanying the application were developed in what were the rear garden areas serving No. 25 Old Caragh Road and No. 30 St. David's Terrace. By reason of their orientation onto the lane providing rear access to the terraces the said dwellings back onto the original dwellings. It is unclear as to whether there was a division in terms of amenity space but it appears

that the hard surfaced areas served the two dwellings constructed in the rear gardens resulting in the original dwellings having little or no rear open space.

The current situation is that the single storey garages attached to the rear of 25 Old Caragh Road and 30 St. David's Terrace respectively have been converted to living accommodation with access to same facilitated via what could reasonably be considered to have been private amenity space Nos. 1 and 2. The units look onto the rear elevations of Nos.1 and 2 with no subdivision of the plots.

The proposal subject of this appeal entails the retention of the conversion of the garage that is connected to the rear of No.25 Old Caragh Road to living accommodation and permission for a small extension so as to bring the floorspace to 40 sq.m. Internal alterations are proposed to provide for what is described as a 'studio apartment'.

It is a specific planning policy requirement of the 2015 guidelines on apartment standards for planning authorities to facilitate the provision of studio apartment type developments in certain specific circumstances such as part of new 'build-to-let' managed accommodation above a certain scale threshold, i.e. 50 or more units. Thus, such a proposal for a single unit to the rear of a dwelling, despite its location within the town of Naas in close proximity to services, cannot be considered to comply with the stated context in which such type development is to be accommodated.

Notwithstanding, whilst it is proposed to extend the unit to meet the 40 sq.m. minimum floor area requirement as set out in the guidelines, it fails to provide for the minimum 3 sq.m. storage provision and will fall short of the minimum 2.7 floor to ceiling height recommended for ground floor units. In addition no allowance appears to be made for private open space or parking provision. As noted above the unit faces directly onto the rear of No.2 with no boundary delineation. The introduction of a further dwelling unit into what was most likely the private amenity space serving the dwelling, in turn, results in an unacceptable diminution of the said dwelling's residential amenity and would set an undesirable precedent for comparable substandard development. The fact that the applicant, who is stated to be the owner of the adjoining properties, does not concur with such a view cannot take precedence in that certain minimum standards are required to be maintained. To

allow for such a pattern of development providing for substandard level of amenities both for proposed and existing residential units, would set an undesirable precedent for comparable development.

I therefore concur with the planning authority's in its refusal of permission.

#### AA – Screening

Having regard to the nature and scale of the development within a fully serviced inner suburban location in the town of Naas, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 11.0 RECOMMENDATION

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.



## **REASONS AND CONSIDERATIONS**

Having regard to the limited size and design of the apartment unit to be retained and extended and to the pattern of development in the area with no provision made for private amenity space or off street parking, it is considered that the proposed development would fail to provide an acceptable standard of residential amenity for future occupants and would seriously injure the residential amenities of adjoining property by reason of overlooking and loss of privacy. The proposed development would contravene the zoning objective for the area as set out in the current Development Plan which seeks to protect and improve existing residential amenity, would be contrary to the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, December 2015 and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Pauline Fitzpatrick**  
**Inspectorate**

**August. 2016**

**Attachment - Photographs**