



Development

Permission for detached dormer dwelling. The proposed 252sq.m. dwelling consists of kitchen/dining/living room, sitting room, utility and bedroom suite to ground floor and three bedrooms and bathroom to first floor, ancillary accommodation and associated site works to include front entrance gate and piers. Retention permission is sought for self-contained unit for use as a store and music room, ancillary to the dwelling and retention of existing septic tank and effluent treatment system.

Location

Kilmacredock Lower, Maynooth.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

15/855

Applicant(s)

Mary Lennon

Type of Application

Permission and Retention

Planning Authority Decision

Refuse permission

Type of Appeal	First Party
Appellant(s)	Mary Lennon
Observer(s)	Catherine Murphy T.D.
Date of Site Inspection	19 th October 2016
Inspector	Joanna Kelly

1.0 Site Location and Description

- 1.1. The appeal site, with a stated site area of 0.235hectares, is located in the townland of Kilmacredock Lower, outside any service settlement area. The site is however, located between Maynooth, Celbridge and Leixlip, being only 1 kilometre from zoned land of the latter settlement. The area is characterised by one-off dwellings served by individual treatment systems.
- 1.2. The road from which the appeal site is accessed is narrow. There is an existing entrance and drive-way serving the site. The existing garage on the appeal site is located to the south-western extremity of the appeal site. The site falls gently from east to west and is exposed to the western and northern boundaries. The existing treatment plant and percolation area to located to the front of the site.

2.0 Proposed Development

- 2.1. The applicant is seeking to permission to construct a dwelling with a proposed floor space of 252sq.m. and retention permission for a self-contained unit (69sq.m.) for use as a store and music room.
- 2.2. The proposed two-storey dwelling is a three bed unit and not a four bed unit as described in the details submitted. I note the public notices refer to three bedrooms at first floor level when in fact there is only two and a study. In any event, such an error does not prejudice the consideration of the application before the Board.
- 2.3. This application is somewhat unusual in that the applicant previously secure permission on the appeal site for a dwelling, however that permission has withered. However, the applicant constructed a structure on the site which is now to be retained as a music room having lived there until enforcement action by the Council required her to vacant the structure. A septic tank and percolation area has been installed on the site which it is now proposed to retain.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for two reasons as follows:-

- It is the policy of the County Development Plan 2011-2017, namely policy RH4, to focus the provision of one-off rural housing in the rural countryside to the category of 'local need', subject to compliance with normal planning criteria including siting and design considerations. The information submitted does not adequately demonstrate compliance with the rural housing policy of the County Development Plan given the lack of information detailing the applicant's permanent residence for a period of 12 years and as a result the proposed development would materially contravene policies RH4 of the Kildare County Development Plan 2011-2017 (which seeks to focus such developments to certain categories of applicants) and would also be contrary to the proper planning and sustainable development of the area.
- Taken in conjunction with existing and permitted development in the vicinity and taking into consideration the degree of existing ribbon development in the area, which is defined as 5 or more houses alongside 250 metres of road frontage, it is considered that the capacity of the area to absorb any further development has been exhausted. It is also considered that the proposed development would exacerbate ribbon development in the area and therefore the proposed development would be contrary to the provisions of Policies RH12 of the County Development Plan 2011-2017 and it would also be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planning report recommended a further information request in relation to local need, house type, reduction in the scale of the store to be retained and details to address concerns regarding local need.

The subsequent report noted that the revised house type was considered acceptable. With regard to local need, the planner noted that the applicant whilst submitting some information regarding this issue considered it reasonable that the applicant would have a utility bill to demonstrate that she lived in the area. The report noted that the proposed would give rise to ribbon development and is not considered an infill site. It was recommended that permission be refused for two reasons.

3.2.2. Other Technical Reports

Chief Fire Officer and Environmental Health Officer had no objections

Roads Department

09.11.2016 FI required in respect of sightlines which were deemed inadequate.

08.06.2016 No objections subject to conditions

Environment Department

26.05.2016 FI required in respect of exact layout and design of treatment plan, percolation area, and cross section drawings of the site.

21.06.2016 No objections subject to conditions

4.0 **Planning History**

File ref. No. 06/2105 Permission granted to applicant for dwelling, separate double garage, septic tank and new vehicular entrance

File ref. No. 12/358 Permission refused to applicant for enlargement and conversion of a garage to residence, retention of sewage treatment system and all associated site works. Three reasons for refusal citing haphazard development, impact on adjoining residential amenity, local need.

File ref. No. 15/255 Permission refused to applicant for dwelling for reasons pertaining to local need, ribbon development, inadequate sightlines, inappropriate urban design and scale.

5.0 Policy Context

5.1. Development Plan

The Kildare County Development Plan 2011-2017 is the statutory plan. Section 4.12 of the plan deals with Rural Housing Provisions.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant was granted permission for a dwelling on the same site in 2007 when all the same policy objectives applied in the previous plan.
- A similar development was refused in June 2015 however the technical issues pertaining to this application have been resolved. It is submitted that the only items outstanding are the two reasons for refusal.
- It is submitted that as the applicant has previously received permission for a dwelling and had acted on that development therefore, both issues in relation to local needs and ribbon development should not be raised at this stage.
- An extract from the planner's report pertaining to the permission that was granted is referred to. The extract highlights the applicant's local need and that she was considered to have a local need. It is set out that the criteria to meet local needs in RH4 is unchanged in this plan from the previous plan.
- The applicant makes reference to all the documentation submitted demonstrating a local need.
- With regard to ribbon development, it is set out that all of the existing dwellings in the immediate vicinity were constructed prior to the applicant being granted permission in 2007.
- The development plan sets out mitigating factors whereby if development is considered ribbon development particular conditions may be taken into account.

- In this case the site is not a high amenity area and is not located proximate to an SPA or SAC. The applicant has ten siblings of which eight were granted houses on the landholding. No sites have been sold for speculative purposes and there is no pressure in relation to these lands.
- It is submitted that the applicant is seeking to construct a dwelling on an infill site
- It is requested that An Bord Pleanála permit the use of the existing self-contained unit as a music room.
- It is set out that the applicant has begun development on site and has invested over €20,000 in development contributions, effluent treatment system and professional fees in the development.

6.2. Planning Authority Response

- No additional comments to make

6.3. Observations

Catherine Murphy TD

- The applicant has lived her whole life in the area where the Council had previously accepted that she had a local need.
- She has continued to live in close proximity to the subject site so it is difficult to see how she does not meet the criteria now.
- The existing houses were constructed prior to the applicant securing permission.
- It is submitted that there is an issue of natural justice given that she was previously granted permission.
- A positive decision is urged.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Rural Housing Policy
- Ribbon Development
- Design and Layout
- Retention of existing structure
- Appropriate Assessment

7.1. Rural Housing Policy

The appeal site is located in rural housing policy zone 1 in the current County Development Plan. This zone pertains to the more populated area of the county where there is significant development pressure. This is borne out in the character of the area in which the site is located as there is evidence of over-development of this area which is only approximately 1 kilometre west of Leixlip, an urban settlement. With regard to the rural housing policy for this zone, the applicant does appear to satisfy the development plan requirements in that she has lived in the area for in excess of 12 years as set out in the documentation on file. However, location of the family home has not been indicated. Indeed, the planning authority previously determined that the applicant did satisfy the local need criteria when she was granted permission under File ref. 06/2105 for a dwelling on the appeal site. The dwelling permitted under this permission was not constructed due to financial reasons as outlined as part of this application. This permission has since withered. Therefore, a local need should be established once again in accordance with the current development plan policies and national guidelines.

Given the pressure for development in the area and its categorisation as a “rural area under strong urban influence” I would refer to the Sustainable Rural Housing, Guidelines for Planning Authorities, 2005 which requires that a “genuine rural

housing need” should be established. In this instance, I do not consider that such a need has been established. The applicant does not work in agriculture or other rural based occupation that has a rural locational need. Whilst I accept the applicant’s links to this area, in that she appears to have grown up in the general area, this in itself is not sufficient to demonstrate a “rural housing need” in an area under such development pressure and in such close proximity to an urban area where the surrounding hinterland should be protected from random development. As already stated the family. As set out in this application, the applicant has ten siblings, eight of which have been granted permission on the family lands.

7.2. Ribbon Development

As already set out the area is over-developed with one-off dwellings. The planning authority refused permission on the basis that the development would constitute ribbon development. Pursuant to site inspection, it is evident that the proposal does constitute ribbon development and is not such that could be considered to be an infill development. This dwelling would be the fifth dwelling along a 150m stretch.

7.3. Design and Layout

The proposed two-storey dwelling is considered to be of excessive scale which could not be easily absorbed onto the proposed site. The site is exposed to the northern and western boundaries and as such will appear as a prominent feature on the landscape notwithstanding that views of the dwelling will be localised. It is also considered that whilst the house type contains elements that are of traditional form such as windows with vertical emphasis and attempts were made to break down the mass of the unit with the use of narrow block form, the house type is considered to be overly fussy due to the many various components.

7.4. Retention of self-contained structure and septic tank

The applicant is proposing to retain the garage structure, 69sq.m. as a store and music room. However, I would have serious concerns about the impact arising from the use of this structure for music purposes having regard to the proximity of the

structure to the adjoining residential property. In fact, the existing structure is in closer proximity to the existing contiguous residential property than the proposed dwelling and could be mistaken to be ancillary to this dwelling. The applicant has clearly set out her intended use for the structure as a music room. In the absence of a dwelling on site, it is difficult to justify the use as a store/garage which would normally be ancillary to a dwelling house.

7.5. Appropriate Assessment

Having regard to the nature of the development proposed and the receiving environment between the appeal site and the nearest Natura 2000 site, Rye Water Valley/Cartron SAC, approx. 2 kms north of the site, I am satisfied that no appropriate assessment issues arise.

8.0 Recommendation

8.1. I recommend that permission be refused for the proposed development for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the site within "Area Under Strong Urban Influence" as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Kildare County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

2. It is the policy of the planning authority as set out in the current development Plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that, by reason of its mass, scale and bulk, the proposed two-storey house would be visually obtrusive and out of context on the appeal site. The proposed house would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The use of the structure which it is proposed to retain as a music room would have a detrimental impact on the adjoining residential amenities. Further, in the absence of a dwelling house on the site the subject structure is considered unjustified and unnecessary at this location. As such would be contrary to the proper planning and sustainable development of the area.

Joanna Kelly

Planning Inspector

20 October 2016