



An  
Bord  
Pleanála

## Inspector's Report PL09.247050

### Development

First floor extension over existing garage conversion to the side and single storey extension to the rear, and all associated works, at 24 The Lawn, Oldtown Mill, Celbridge, Co. Kildare.

### Planning Authority

Kildare County Council.

### Planning Authority Reg. Ref.

16/529.

### Applicant(s)

Bernadette and Chris Melbourne.

### Type of Application

Permission.

### Planning Authority Decision

Grant permission with conditions.

### Appellant(s)

Marie and Jim Clune (3<sup>rd</sup> Party vs. Grant).

### Observer(s)

None.

### Date of Site Inspection

14<sup>th</sup> October 2016.

### Inspector

Ciara Kellett.

## 1.0 **Site Location and Description**

- 1.1. The appeal site is located in a relatively large housing estate in Celbridge, Co. Kildare. It is located to the west of the town off the Oldtown Road. The area is characterised by recently established, medium density, two storey, semi-detached suburban type housing.
- 1.2. The appeal site, no. 24 The Lawn, is one of 8 houses in the cul-de-sac facing a large green area. The house is one of a semi-detached pair – the third party appellant is the adjoining house at no.26. There are no front gates on any of the houses and only a low brick wall forms the boundary to the front opening onto the green area. A low hedgerow divides the semi-detached pair of houses to the front and a 2m high wooden fence with hedges and shrubbery provides the boundary to the rear. A number of the houses in the estate have built similar extensions to that proposed in the subject application. Most recently the house at the end of the cul-de-sac has built an identical extension.
- 1.3. Appendix A includes a map and photos of the development.

## 2.0 **Proposed Development**

- It is proposed to build a first floor extension over the converted garage to the side and a single storey extension to the rear.
- The proposed ground floor rear extension is 29.64 sq.m in area. The side extension at first floor is the same depth as the existing house above the converted garage. The roof will be extended and remain of a hipped style.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

The Planning Authority issued a decision to **grant permission** subject to 8 standard conditions.

### 3.2. **Planning Authority Reports**

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Notes that no submissions or observations are on the file.
- No recent planning history.
- Considers proposal complies with the policies in the Kildare County Development Plan 2011- 2017, for Extensions to Dwellings and recommends a grant of permission subject to conditions.
- The decision was in accordance with the Planning Recommendations.

### 3.3. **Other Technical Reports**

The application was referred to:

- Area Engineer – no objection subject to conditions.
- Water Services - no objection subject to conditions.
- Irish Water – no objection subject to conditions.

### 3.4. **Third Party Observations**

The Planning Authority received one submission from a third party – the adjoining neighbour in no.26. The main planning points raised include:

- They have no issue with the side first floor extension. Their only concern is the rear ground floor extension.
- Length and footprint of the extension is considered excessive and is overbearing and obtrusive.
- No shadow diagrams prepared.
- Details of drainage requested to ensure that it does not overhang on no.26.

## 4.0 Planning History

4.1. There is no recent planning history pertaining to the site.

4.2. There have been a number of planning applications in the area. Of relevance:

- Reg. Ref. 15/598: No.16 The Lawn, Oldtown Mill, which is for an identical development granted permission in October 2015. This development has been completed.

## 5.0 Policy Context

5.1. Kildare County Development Plan 2011 – 2017.

Chapter 19 of the Plan refers to Development Management Standards and section 19.4.7 specifically refers to *Extensions to Dwellings*. Section 19.2.3 considers *Overlooking* and Section 19.2.4 considers *Overshadowing*.

Section 19.2.3 states that “*In general, a minimum distance of 22 metres between opposing above ground floor level windows is required for habitable rooms*”. Section 19.2.4 states “*Where development of a significant height is located close to existing development, the planning authority may require daylight and shadow projection diagrams to be submitted*”.

Table 19.4 notes that 4 bedroom dwellings must have a minimum of 75 sq.m private open space.

Section 19.4.7 refers to *Extensions to Dwellings*. It states: *Primarily the design and layout of extensions should have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy*. It includes (inter alia):

- *The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure, or adjoining properties.*

- *The extension should not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.*
- *New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in day or sunlight entering into the house*

## 5.2. Celbridge Local Area Plan

Kildare County Council has commenced the preparation of a Local Area Plan (LAP) for Celbridge. The current Plan indicates that the land use zoning is Existing Residential, which has a specific objective *“To protect and improve existing residential amenity, to provide for appropriate infill residential development, to provide for new and improved ancillary services”*.

## 5.3. Natural Heritage Designations

There are no designated sites within the vicinity. The Rye Water Valley Carton SAC (Site Code 001398) is located c.4.5km north of the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal against the decision to grant permission has been lodged by Marie and Jim Clune of 26 The Lawn, Oldtown Mill, Celbridge, the adjoining house.

The grounds of appeal can be summarised as follows:

- Object to the extension at the ground floor on the basis that it would interfere with the residential and visual amenities of the appellant’s back garden.
- States that the content of their observation submitted to the Council was not taken into consideration by the Planning Section as evidenced by the reference to no observations in the Planning Report.
- Length of the extension at 6m is considered excessive and must be reduced to maintain the open nature of the private open space. The claustrophobic

nature of the extension would be overbearing and would reduce the amenities currently enjoyed.

- These houses were built in a manner that provides opportunities to extend with enough room to still maintain the open nature of the private rear space.
- If the Board were minded to grant permission, they ask that the extension is reduced in length to approximately 3m.
- Concerns expressed with roof design to avoid maintenance and access issues with drainage.

## 6.2. Planning Authority Response

The Planning Authority responded and noted the following:

- The appellant's submission and the contents of their submission dated 20<sup>th</sup> June 2016 have been noted.
- The appellant's concerns largely focus on the single storey extension to the rear. This development at 29.64 sq.m would be considered exempt being significantly below the 40 sq.m threshold. The rear garden area of 75 sq.m is more than adequate.
- Any increase in overshadowing would be marginal.
- Proposed development is in accordance with Section 19.4.7 of the Development Plan.

## 6.3. Applicant's Response

The First Party response to the appeal includes:

- The Council confirmed that they did consider the observation received from the appellant but failed to note it on the planning report.
- Note that numerous properties within the estate have built similar extensions and all have been granted planning permission, including their neighbour four doors away. Therefore, a precedent has been set.

- The private open space is c.75sq.m which is acceptable. The proposed works complement the existing dwelling.
- Dispute any reference to a single storey extension having an effect on the current open nature of the back garden and notes that the dwelling faces a large green area so there is still ample open space.
- A single storey extension will not interfere with the garden of no.26 with respect to drainage.
- Notes that they could build the rear extension as exempt development and are only applying for permission for it because of the side extension.

#### 6.4. **Observations**

None

#### 7.0 **Assessment**

7.1. 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:

- Residential Amenity
- Appropriate Assessment

#### 7.2. Residential Amenity

The area is characterised by recently established, medium density, two storey, semi-detached suburban type housing. A number of the houses have been extended and there is a mix of single and two storey side extensions in place.

The appellant states that their main concerns relate to the impact the rear ground floor extension will have on their residential and visual amenities.

With respect to overshadowing, the proposed extension will be located to the rear of the applicant's house which is north-east facing. During the site visit I observed large trees to the rear of both properties which cast shadows on both properties.

Therefore, if there is an increase in overshadowing it will be marginal, early in the morning and for a very limited duration.

The extension will extend the dwelling footprint by 6m to the rear, but according to the drawings, 7m distance will remain between the extension and the rear boundary. The design proposed includes a low pitched roof with the apex positioned between the two first floor windows sills. I am satisfied that the design will not have an overbearing impact on the adjacent dwelling.

The remaining private open space of the back garden will be c.75sq.m, which is in accordance with the requirements of the Development Plan.

With respect to concerns regarding drainage, I note that the application was referred to the Area Engineer and the Water Services Department who had no objections to the proposal subject to conditions.

The rear extension proposed is only 29.6sq.m, which is below the exempt threshold of 40sq.m. There is no objection to the first floor side extension on the file or as part of the appeal. Having visited the site and the area, I note that a number of dwellings have been extended in a similar manner and I am satisfied that the side extension will not impact on the visual amenities of the area.

I am also satisfied that the rear single storey extension will not seriously injure the residential or visual amenities of the adjoining dwelling or other dwellings in the vicinity.

Therefore, I am satisfied that the proposed development will not have a negative impact on the residential or visual amenities of the area.



### 7.3. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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.

### 8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

#### **Reasons and Considerations**

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards for extensions to dwellings in the Kildare County Development Plan, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, 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, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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Ciara Kellett  
Senior Planning Inspector

18<sup>th</sup> October 2016

**Appendix A: Location Maps and Photographs.**