



An
Bord
Pleanála

Inspector's Report

PL09.247156

Development	Alteration to Existing Dwelling including a ground floor extension, attic conversion, internal and external alterations at 4 Thornfields, Leixlip Gate, Leixlip, Co. Kildare
Planning Authority	Kildare Co. Co.
Planning Authority Reg. Ref.	15/751
Applicant(s)	Susan Cosgrave & Michael Gayward
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant(s)	Patrick & Eileen Whelan
Observer(s)	None
Date of Site Inspection	28/11/2016
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site approximately 0.317 Hectares is located to the west of Leixlip town with the motorway to the south. The site is within a small cluster of dwellings each one on a relatively large individual curtilage. There is an existing single storey dwelling on the subject site, which is in a derelict state. There are dwellings to the north, south and west of the subject site. The lands to the east are been developed on foot of planning reference No. 08/1610.
- 1.2 The site is enclosed by very tall and mature leylandi trees, which are overgrown on the public footpath which is now impassable. The trees along the southern boundary have collapsed into the site, leaving an unsightly mess when viewed from the residential curtilage of the dwelling to the south

2.0 PROPOSED DEVELOPMENT

- 2.1 Alterations to existing dwelling house and previously permitted extension granted under planning reference 08/1011 including a ground floor extension, alterations to existing front entrance

3.0 PLANNING AUTHORITY DECISION

3.1 DECISION

Kildare County Council granted the proposed development subject to 15 No. standard conditions.

3.2 TECHNICAL REPORTS

Area Engineer: No objections

Water Services: No objections

Environment: No objections

Transport: No objections

EHO: No objections

Planning Report: The proposal was revised by way of further information regarding the visual impact of the development. The further information also addresses the potential impacts to neighbours.

3.3 THIRD PARTY SUBMISSIONS

The neighbours were gravely concerned about their loss of privacy as a result of new window openings facing their property.

4.0 PLANNING HISTORY

4.1 08/1011

Retention granted to Peter Cosgrave for a ground floor extension to the side of the house, change of roof covering tiles, three dormer windows to the side elevation, and three velux windows to the rear elevation.

5.0 POLICY CONTEXT

5.1 Development Plan

Kildare County Development Plan 2011-2017

The subject site is zoned B – Existing Residential with the objective to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.

6.0 THE APPEALS

6.1 The neighbours, Patrick and Eileen Whelan have taken this third party appeal. They do not object to the bulk of the works proposed. The property has been vacant for a number of years and fallen into disrepair. The trees dividing both properties fell last year during the winter leaving their home exposed.

6.2 Their concern are the windows proposed in the attic, i.e. the dormer windows. The windows will face into their property, and will overlook the entire front of their home, namely their sitting room, driveway and front door, which is an enormous loss of privacy. The proposed planting will not allay their fears.

6.3 The proposed dormer windows will not match the existing dwellings within Leixlip Gate. There is no issue with velux windows, but they strongly object to dormer windows. They have no objection to the entire development proceeding, the installation of dormer windows facing into their property will be invasive and will cause them undue stress. They request the Board revert to the originally permitted velux windows at first floor level.

6.12 RESPONSES

Planning Authority: There was no further comment from the planning authority.

Applicant:

- The proposal is compliant with the zoning objective and significantly improves the residential amenity of the existing dwelling. There is extra accommodation been provided within the dwelling with 2No. new bedrooms in the attic space and the dormer windows are essential to achieve sufficient light for the rooms.
- The neighbouring property, White Coppice, is L-shaped single storey dwelling and is orientated west/ north-west with the private amenity space to the rear ie. The south east of the dwelling. The proposed dormer windows will be in excess of 22metres from the neighbouring house. The development is in compliance with Section 19.2.3 of the development plan in terms of privacy and overlooking. The dormer windows will be set back 55metres from the appellant's front door and almost 40metres from the nearest building line of the appellants dwelling.
- The applicant had been asked by the planning authority by way of further information to revise the design from dormer to velux windows in line with the third party's wishes. However, the applicant argued in the response the dormer windows were required to achieve adequately sized habitable rooms within the roof space of the existing dwelling. The design of the windows was revised to a more contemporary design and to reduce visual impact, with zinc cladding, examples of similar windows are enclosed.
- The proposed windows are minimalistic glazed additions to the southern elevation of the existing dwelling.

7.0 ASSESSMENT

- 7.1 The subject site is a large residential curtilage located alongside the M4 motorway on the outskirts of Leixlip. It is a beautiful area at Lexilip Gates with mature trees surrounding bungalows positioned on individual expansive gardens. There is more suburban like dwellings to the north and east of Leixlip Gate.
- 7.2 In my opinion, the subject site is practically obsolete and an eyesore within the general Leixlip Gate area, and the proposed development is most welcome to refurbish the dwelling and the subject site. It includes a vacant and semi-derelict dwelling whereby an extension to the southern elevation was commenced but appears not to have been completed or occupied. The site itself is overgrown and completely enclosed by leylandii trees. The trees have completely outgrown the site to such an extent the public footpath in front of the site is impassable. Along the communal boundary with the third party appellants to the south, the trees have fallen into the site, exposing the southern site boundary, resulting in clear views between each property.
- 7.3 There was planning permission granted to extend and alter the existing dwelling, under planning registration reference 08/1011 which included the

conversion of the attic space. In this current proposal granted by Kildare Co. Co. the extent of the works is broadly similar, however the most significant alteration is the installation of two dormer windows into the first floor level along the southern elevation of the dwelling.

- 7.4 The third party appellants reside immediately south of the proposed development. As stated the trees along the communal boundary between the dwellings have fallen and left both properties exposed to each other. The third party has no objection to the proposed development, in fact the third party strongly welcomes the refurbishment and reoccupation of the proposed dwelling. The concern is, the proposed dormer windows at first floor level overlooking their property, they consider these windows to be invasive and will seriously undermine their privacy.
- 7.5 On appeal the applicant has counter-argued there are no opposing windows as the neighbouring dwelling to the south is single storey. The windows also exceed the minimum separation distance of 35metres from living rooms etc. The applicant has also proposed tree planting along the southern site boundary. The applicant was requested to revise the dormer windows to velux windows by the planning authority by way of further information. The applicant revised the design of the dormer windows to reflect a more contemporary design. I note the design and it is acceptable and would not impact in the visual amenities of the area.
- 7.6 Having examined the proposed development from the adjoining property to the south, noted the exposed nature of the subject site, the location of the proposed dormer windows relative to the third party's front door, front curtilage and garden area, I do consider the proposed dormer windows to be oppressive, unreasonable and invasive. I accept that the separation distances prescribed by the development under section 19.2.3 are met, however, these prescriptive measurements fail to take account of the relationship of both properties. The third party's dwelling currently has no privacy along it northern site boundary, and has to view a derelict site. There has been no effort to clear the trees or reinstate the privacy between the properties by the applicant since the trees fell. I noted from my inspection the third party had planted a new hedge and removed mature trees along their communal boundary also. I consider the installation of velux windows is a reasonable compromise and consistent with previous planning decision on the subject site. The level of overlooking resulting from the proposed dormer windows will enable the applicants to view the third parties coming and going from their own front door, with clear views towards the front of their dwelling. It would be very uncomfortable and result in a significant loss of privacy currently afforded to them.

8.0 RECOMMENDATION

Overall, the development is acceptable in principle on the subject site, and the planning authority's decision to grant planning permission for the proposed development should be upheld by the Board excluding the dormer windows.

REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the area and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. 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, as amended by the further information submission on the 14th of July 2016, 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. Prior to the commencement of the development, the applicant shall submit and agree in writing with the planning authority, the removal of the dormer windows on the first floor level along the southern elevation, and their replacement by velux windows only.

Reason: In the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. 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 and to ensure a proper standard of development.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Caryn Coogan

Planning Inspector

30/11/2016