



An
Bord
Pleanála

Inspector's Report

PL09.247400

Development	To Erect Two Storey Semi-Detached Houses Including Use of Attic Space Unit, Rooflights at 9 Ryemount Abbey, Leixlip, Co. Kildare
Planning Authority	Kildare Co. Co.
Planning Authority Reg. Ref.	16/123
Applicant(s)	Oakley Park Development Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant(s)	1. Frank Mc Nearey 2. John Ryan
Observer(s)	None
Date of Site Inspection	30 th of January 2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

1.1 The subject site is located within a residential suburb of Leixlip. The cul de sac is called **Ryemount Abbey**. It includes red bricked detached dwellings on individual curtilages with uniform building lines, front and rear garden configuration. The subject site is an undeveloped portion of Ryemount Abbey overlooking a public open space area and the main entrance into the estate.

1.2 The site is a rectangular configuration, 0.0485hectares. It has a south-eastern orientation. There is an adjoining dwelling to the east, No. 9 Ryemount Abbey, and a large dwelling to the west on a large curtilage. The site is flat and currently an overgrown, unkempt wasteland.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development is 2No. semi-detached dwellings, each of them are four bedroomed units, with a floored attic space. Both dwellings have a single storey ground floor projection to the rear, with front and rear garden areas.

2.0 PLANNING AUTHORITY DECISION

On the 19th of September 2016, Kildare Co. Co. granted the proposed development subject to 11No. conditions.

2.2 TECHNICAL REPORTS

- Area Engineer – No objections to the proposed development
- Environment – No objections
- Water Services – No objections
- Transportation – F.I. required regarding footpath layout
- Planning Report recommended further information regarding shadow analysis, and a revised layout incorporating a single access. A response to the **Further Information** was received on 23/08/16, and the proposed development was deemed to be in keeping with the development plan and the character of the area.

2.3 THIRD PARTY SUBMISSIONS

There were a number of third party objections received:

- The design is not in keeping with the estate

- Loss of Privacy
- One dwelling would suit better than two
- Insufficient parking

3.0 PLANNING HISTORY

3.1 the planning history of the estate dates back to the mid-1990s. there is no relevant history relating to the subject site.

4.0 POLICY CONTEXT

4.1 Government Policy

Quality housing for Sustainable Communities – Best Practice Guidelines

Sustainable Residential Development In Urban Areas – guidelines for Planning Authorities

Urban Design Manuel : A Best practice Guide

Regional Planning Guidelines for the Greater Dublin Area

4.2 Kildare County Development Plan 2017-2022

Leixlip Local Area Plan 2010

Site zoned for B Existing Residential Development.

5.0 THE APPEAL

5.1 Appeal No. 1 – John Ryan, 9 Ryemont Abbey, Leixlip

His dwelling adjoins the subject site. It is accepted the principal of a development on the infill site. However there are a number of design issues which are inappropriate:-

- One dwelling instead of two dwellings would be more in keeping with the pattern of development in the area, and result is less loss of amenity
- The dwellings extend to the rear of his dwelling by several metres and will block the natural light to his dwelling
- The increase in size and volume of the proposed development, is not in line with the existing developments within the estate. The houses in Ryemont are detached dwellings with their own garages.

- The increased depth and height will overlook his adjoining residence at closer proximity and intrude onto their privacy.
- There are concerns about the size of the room on the second floor within the design. The design does not conform to building regulations. It should not be used as a bedroom because it is not designed for bedroom use.

5.2 Appeal No. 2 – Frank McNeary, Station Road, Leixlip

The appellant resides immediately south-west to the subject site. The development is a vacant infill site is acceptable. However, there are some serious concerns regarding a number of issues relating to the proposal that should be amended.

- The most serious concern is overlooking and loss of privacy. The appellants house would have bedroom windows and a full area of their back garden directly overlooked by a window on the second floor level and only 1.2metres form the communal boundary. The reporting planner had asked the window be removed and that the attic space be excluded as floor area of the dwelling, however this recommendation was removed from the final decision.
- The appellant is asking for the condition relating to the removal of the second floor window and the attic gable window to be reinstated in the decision. The nearest of the bedroom windows is less than 12metres from the new proposed windows which will be at a higher level. This is unacceptable overlooking in close proximity, and the normal separation distance is 22metres from opposing windows.
- The room on the second floor does not meet with height standards as a habitable room and can only be used for storage, so therefore why does it need a window in the gable wall. It is requested the windows be omitted in the gable walls.

5.2 RESPONSES

5.3 The **planning authority** had nothing further to add to its report on file.

5.4 The **Applicant's** response to the third party appeals can be summarised as follows:

Section 19.4.4. and Table 19.3 of Kildare County development Plan 2011-2017 requires 10sq.m. of storage space for a four bedroomed dwelling. There is no provision in the Planning act or Regulations prohibiting the provision of access to an attic space via and conventional stairs. It is considered preferable the attic space would have natural light and ventilation.

The gable window can have restricted opening.

If the Board remove the gable window it would be unreasonable to remove the roof lights also.

The design of the dwellings is to give the appearance of one large dwelling similar to the dwellings within the estate.

In urban gardens it is normal for adjoining gardens to be overlooked by first floor window on adjoining properties. This is an established principle and the proposed development is not different to the normal design.

There will be little or no negative impact to the adjoining No. 9 as a result of the proposed development. The shadow report reveals this. The ridge height of the proposed dwellings is only marginally higher than existing dwellings within Ryemount Abbey., and there is a substantial fall in ground level within the estate. Each house is at a different level, there a marginal increase in height is an immaterial issue.

6.0 ASSESSMENT

6.1 The subject site is an infill site within an established residential estate in Leixlip. The estate consists of large detached dwellings. The proposed development consists of two semi-detached units. The zoning for the area is Residential. There are two third party appeals to the decision of the planning authority to grant planning permission for the development. Both parties reside on each side of the subject site. One appellant resides at No. 9 Ryemount Abbey which is positioned northwest of the site, and the other appellant resides in a dwelling with a large curtilage off Station Road to the south east. Both appellants have made it clear that they are not opposed to the principle of the dwellings on the subject site. They are opposed to a number of design issues which I will address in this report.

6.2 Scale

It is stated on appeal that Ryemount Abbey consists of detached dwellings only, and the proposed development is for two semi-detached units which is not in keeping with the overall design of the estate. In my opinion, the overall design, finish and proportions of the proposed dwellings are broadly similar to the existing dwellings within Ryemount Abbey. There is a similar curved brick projection to the front elevation which is adopted from the existing dwellings. The pitch and finish of the proposed roof is also similar to the existing dwellings. I welcome two dwellings on the subject site in the form of semi-detached units. The existing estate is uniform in layout and legibility and the proposal offers a gentle diversity in terms of housing types and scale. It also increases the yield of the serviced lands in close proximity to the village centre.

6.3 *Building Height*

One appellant is concerned about the building height been greater than the existing dwellings and it will impact negatively on the visual amenities and residential amenities of the area. There is a fall in ground

level across Ryemount Abbey, in a north easterly direction. The streetscape has a descending ridge line profile as the building heights appear to be stepped. The height of the proposed dwellings is not disproportionate to the stepped heights across the streetscape. Furthermore the shadow analysis submitted to the planning authority 23rd of August 2016 demonstrated minimal material impact to the adjoining dwellings. The single storey element to the rear will not impact on No. 9 as suggested by the owner occupier on appeal.

7.5 **Impact On Adjoining Residential Amenities**

Both adjoining owners are concerned about the proposed gable window at second floor level. I note the gable window at first floor level is a bathroom window with frosted glass. However at second floor level it states the room is for storage purposes with water tanks and heating equipment. There is a proper staircase to this storage area. The applicant has stated the window is to provide natural light and ventilation to the room. There are also velux lights proposed in the rear roof space to cater for these rooms.

There is no necessity for these windows so elevated in the gable end of each dwelling, which gives the heightened perception of loss of privacy to the adjoining residential properties. I accept that a certain level of overlooking of rear/side gardens is to be expected from suburban housing, however, the windows on the second floor are not required and do create an undue loss of privacy associated with the neighbouring properties.

7.6 **Other Matters**

- The site is below the threshold for Social and Affordable Housing provision
- The proposed infill development will develop an otherwise wasteland within the estate.
- The garden layout and character respects the garden layout throughout the estate.
- The internal floor space meets with the Guidelines **Quality Housing for Sustainable Communities – Best Practice Guidelines**
- The private open space provision exceeds the development plan thresholds for four bedroom units.

8.0 **RECOMMENDATION**

I recommend the planning authority's decision to grant planning permission be upheld

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Kildare County Development Plan 2011-2017 and the Leixlip LAP 2010, and to the nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area and would provide an acceptable standard of amenity for future residents. 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 and on appeal, 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. The proposed development shall be amended to exclude the gable windows at second floor level serving an attic storage space. Revised drawings indicating the revised design shall be submitted to and agreed with the planning authority prior to the commencement of the development.

Reason: In the interests of visual and residential amenity.

3. Prior to the commencement of development, the developer shall submit details and samples of all proposed external finishes for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

4. The proposed access arrangements including junctions, boundary treatments, sight distances, surfacing and drainage shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic safety.

5. 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.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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.

7. The naming/numbering of the proposed development shall be agreed in writing with the planning authority prior to its occupation.

Reason: In the interest of orderly street numbering.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

9. 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

10/02/2017