



An
Bord
Pleanála

Inspector's Report PL10247496.

Development

Permission for two no two storey semi-detached houses, related boundary wall treatment, turning bay and separate entrance to Fanad House, connection to drainage systems & all associated site works

Location:

"Fanad House" Bennetsbridge Road, Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

16/421

Applicant

Pat Wallace

Type of Application

Permission

Planning Authority Decision

Grant Permission subject to conditions.

Appellants

Madeleine Carroll & John Skuce

Date of Site Inspection

17th January 2017

Inspector

Bríd Maxwell.

1.0 **Site Location and Description**

1.1 The appeal site has a stated area of .0885 hectares is located off a slip road which in turn is off the Bennettsbridge Road, to the west of the Castle Grounds in Kilkenny City. The site is irregular in shape and is formed by the side garden of “Fanad House” a well-established guesthouse. The site which is elevated over Bennettsbridge Road is irregular in shape and is to the southern side of the existing guesthouse. The site is adjoined to the south and southeast by rear gardens of two storey semi-detached houses within Beech Park. The established boundary to the south and southeast is defined by dense evergreen hedging.

1.2 Photographs appended to this report demonstrate the site and its context.

2.0 **Proposed Development**

2.1 The application as initially set out involves permission for 2 no two storey semi-detached houses, related boundary wall treatment, turning bay and separate entrance to Fanad House, connection to drainage systems and all associated site works. The proposed dwellinghouses which are 138 sq.m gross floor area are gable fronted mirror images with a hipped roof structure and a roof pitch of 35 degrees. Private rear gardens of 90 sq.m and 120 sq.m are proposed.

2.2 The nature of the development was subject to some amendment during the course of the application, specifically in response to the Council’s request for additional information, whereby access arrangements were revised to provide for a shared access via the established Fanad House forecourt. The siting of the proposed dwelling pair was amended to provide for increased setback of 5m from the southern boundary, relocating further towards Fanad House.

3.0 **Planning Authority Decision**

3.1. **Decision**

By order dated 2/10/2016 Kilkenny County Council decided to grant permission subject to 10 conditions which included the following:

- Condition 2 Development Contribution of €6,900.
- Condition 3 The existing south and south-eastern hedgerow boundary with mature trees and southwestern boundary shall be retained and maintained by the developer. The existing laurel hedgerow to be maintained at no higher than 2.5m.
- Condition 6. Prior to the commencement of development, the applicant shall employ a suitably qualified arborist to identify the root protection area of the mature Beech tree located proximate to the site corner and to recommend suitable measures to protect same. Root protection area shall be suitably protected with a sturdy fence and no construction traffic shall be allowed on same or spoil heaped onto same. The hardstanding area to the front of the house shall be repositioned away from the root protection area for the agreement of the arborist and planning authority.

3.2. Planning Authority Reports

3.2.1 Initial planner's report expresses concern regarding potential for an overbearing appearance to Beech Park and recommends relocation northwards on site towards Fanad House and reduction in ridge height. Reference is made to comments (verbal) of City Engineer regarding the extent of public footpath and cycle track being used for access to the proposed units and recommends use of the existing Fanad House entrance.

3.2.2 A request for additional information issued seeking a number of items including a revision to the entrance to propose use of Fanad house entrance, cross section illustrating relationship of proposed dwellings to 3 & 4 Beech Park, relocation of proposed dwellings 1.4m towards Fanad House. The request also sought a report from a suitably qualified arborist on the existing trees on site indicating age condition and height and clarification of proposed trees to be retained.

3.3 Other Technical Reports

3.3.1 Irish Water Submission indicates no objection subject to conditions.

3.4 Third Party Observations

3.4.1 A number of third party submissions from neighbouring residents raise concerns regarding the scale and design of the houses, impact on light, overlooking, impact on landscaping particularly beech tree and boundary treatment. Proposed development considered to be out of character.

4.0 Planning History

4.1. There is an extensive planning history on the appeal site including the following:

- **PL10.24598** Previous applications for the construction of two dwellinghouses (two storey with habitable attic accommodation) related boundary wall treatment, turning bay and separate entrance to Fanad House, connection to drainage systems and all associated site works refused on the following grounds:

“Having regard to the existing pattern of development in the area and the neighbourhood character, it is considered that the proposed development, by reason of its scale massing and design detail would constitute an inappropriate design response to the existing context of the site and would seriously injure the amenities of the area and of properties in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”

- **PL10.246439 09/730** Permission granted for one dwelling with habitable accommodation on the site.
- **15/324** Extension of duration of 09/730. Permission is valid to 3/8/2020.

- **PL10.229762 08/142** Decision of Kilkenny County Council to grant permission was overturned on appeal. Refusal of permission for two no detached two storey dwellings on the following grounds

“Having regard to the existing pattern of development in the area and the height and design of adjoining buildings, it is considered that the form and design of the proposed houses would appear incongruous in relation to these buildings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Having regard to its height, scale and proximity to the side boundaries, it is considered that the proposed development would, by reason of loss of outlook, and overbearing effect, seriously injure the residential amenities of adjoining properties and would, therefore, be contrary to the proper planning and sustainable development of the area.”

- **224574 06/2308** The Board overturned Kilkenny County Council’s decision to grant permission for two three level dwellinghouses on the following grounds

“Having regard to the size of the overall site and the pattern of development in the area, it is considered that the proposed development of two number three storey houses would constitute an incongruous and oppressive feature particularly relating to the nearest dwelling to the south, which would seriously injure the amenities of the area and particularly the said existing dwelling and would therefore be contrary to the proper planning and sustainable development of the area.”

5.0 Policy Context

5.1 Development Plan

The Kilkenny City and Environs Development Plan 2014-2020 refers. The site is zoned Existing Residential.

6.0 Natural Heritage Designations

River Barrow and River Nore SAC Site Code 0020162 – Adjacent castle grounds opposite to the east of the appeal site.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 The appeal is submitted by Madeleine Carroll and John Skuce, owners of adjoining residential properties No.3 and 4 Beech Park to the south of the site. Grounds of appeal can be summarised as follows:

- Concern is expressed that the proposed dwellings will be 2m higher than those on Beech Park.
- Shadow casts submitted should be revised to demonstrate impact on 3 properties.
- The laneway adjacent to the house should be considered to be part of the garden.
- Concern that the houses should be used for family members and not for commercial use as rentals or as overflow from the established B&B.

7.2. Planning Authority Response

7.2.1 The Planning Authority did not respond to the grounds of appeal.

7.3. First Party Response to Appeal

7.3.1 Submission on behalf of the first party is summarised as follows:

- The proposed semi-detached houses have a hipped roof to reduce the overall massing.

- Ridge level will be 2033mm above the ridge of 3 & 4 Beech Park at a remove of 20m. The eaves of the hipped roof along the side of the houses at a remove of 14m will be 1892mm lower than the ridge of 3 & 4 Beech Park. Ridge level of the front gable features of the proposed houses virtually the same height as the ridge of 3 & 4 Beech Park.
- Planning permission is in place on the site (236439) for a large single residence which is of similar height and massing as the current proposal.
- Overshadowing will not occur because the proposed houses are located to the north of the appellant's properties.
- It is feasible to provide soft landscaping to the 5m wide open area along the side of the southern semi-detached house as demonstrated on revised site layout attached.
- It is confirmed that it is not intended to put the proposed houses into commercial use.

8.0 ASSESSMENT

8.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal relate to the question of the quality of the design and layout and the impact on established residential amenity.

8.2 The Planning history set out above demonstrates an ongoing effort to provide for two dwellinghouses on the site. The first party sets out within application and appeal documentation that the application responds to the Board's previous decision in proposing a pair of houses that are simple in form and that maintain the building line established by Fanad House. It is asserted that the hipped roof structure with a pitch of 35 degrees minimises the scale and massing of the proposed dwellings thereby reducing the impact on established residential amenity.

- 8.3 As regards the issue of the residential amenity of the proposed dwelling units, I note that the floor areas of the proposed dwellings generally meet the minimum standards in terms of layout floor areas and private open space provision and provide for an adequate standard of residential amenity. The separation distance from opposing dwellings to the rear southwest (7-8 Beech Grove) falls short of the two storey back to back acknowledged standard separation distance of 22m, with the proposed house at minimum within approximately 8.5m of the common boundary. However, I acknowledge the cranked nature of the plot mitigates the extent of direct overlooking.
- 8.4 As regards the impact on the appellant's dwellings 3-4 Beech Grove, the proposed gable presents within 5m of the common boundary which is currently defined by laurel hedging. I concur with the first party on the basis of the location of the appeal site to the north of the appellant's dwellings, that overshadowing is not an issue. A single first floor obscurely glazed window serving a bathroom presents to this gable end therefore direct overlooking does not occur. As regards potential for overbearing impact, I consider that the appellant's concerns are valid. I consider that the side gable of the proposed structure extending for 12.1m has the potential for overbearing impact. I further note that from the existing appeal site survey drawings, on the basis of the location of established hedging, its retention is not entirely feasible given its proximity to the proposed structure.
- 8.5 At its northern side, significant concern arises in respect to the impact of the proposed development on the established guesthouse Fanid house where the proposal presents within 6m of the southern elevation of this established dwelling directly opposing two substantial windows and glazed door at ground floor level. Notwithstanding ownership of established house and B&B by the first party, I consider it inappropriate that a proposal which would result in a significant negative impact on this established property in terms of overshadowing and overbearing impact should be permitted. In comparison, I note that the permitted development PL10.246439 for a single dwelling on the site presents an entirely more appropriate relationship to established properties both to the north and south. On the basis of my deliberations, I consider that the proposed development would be out of character and detrimental to the established amenities of property in the vicinity and on this basis I recommend refusal.

- 8.5 On the matter of appropriate assessment, having regard to nature and scale of the proposed development and nature of the receiving environment namely a suburban and fully serviced site, it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European Site.
- 9.0 I have read the submissions on the appeal file, visited the site and have had due regard to the development plan and all matters arising, I recommend that the permission for the proposed development be refused for the following reasons.

Reasons and Considerations.

Having regard to the existing pattern of development in the area and the neighbourhood character, it is considered that the proposed development by reason of its scale, design and siting would constitute an inappropriate design response to the existing context of the site, would result in discordant development which would seriously injure the established residential and other amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Brid Maxwell
Planning Inspector

6th February 2017