



An
Bord
Pleanála

Inspector's Report PL09.247617.

Development

Alterations to internal layout of extension to house re:08/1706.

Alterations consist of installations of a stairs and kitchenette in living room.

Location

25 College Green, Maynooth, County Kildare.

Planning Authority

Kildare County Council.

Planning Authority Reg. Ref.

16/934.

Applicant

Brian Connaughton.

Type of Application

Retention Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant

Brian Connaughton.

Observers

None.

Date of Site Inspection

1st March 2017.

Inspector

Derek Daly.

1.0 Site Location and Description

1.1. The appeal site is located in a residential estate located off the R 406 Maynooth Naas regional route approximately 1.5 kilometres to the south of Maynooth town centre. The residential estate consists mainly of two storied semi-detached dwellings and the site is the end of a cul de sacs in the development. On the site is a semi-detached dwelling with a two storied extension at the gable. The site is bound to the north, west and south by other semi-detached properties and to the east by a green area.

2.0 Proposed Development

2.1. The proposed development as submitted to the planning authority was for the retention of alterations to internal layout of an extension to a two storied house. The extension is a two storied extension to the gable of the dwelling. The alterations consist of installation of a stairs in the extended area and the installation of a kitchenette in the living room. There are links between the extended area on both floors of the dwelling; the extended area projects approximately 4700mm to the rear of the remainder of the dwelling and projects forward approximately 1310mm from the front elevation of the remainder of the dwelling. The overall dwelling at first floor level has 5 bedrooms.

3.0 Planning Authority Decision.

3.1. Decision

The decision of the planning authority was to refuse permission. One reason was stated which refers to the development cannot be seen as an extension as set out in section 19.4.7 of the current county development plan. That the extension constitutes a separate dwelling unit and substandard form of development which fails to meet standards in relation to private amenity open space and parking. The development it was considered would also give rise to an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 25th of October 2016 refers to;

- The planning history.
- Reference is made to the assessment of the previous application and the current proposal to be retained is the initial proposal submitted in the history file.
- The need for the additional stairwell and kitchenette is not stated.
- The development is considered substandard in relation to private open space, parking.
- Refusal recommended.

3.2.2. Other Technical Reports

The environmental health officer in a report dated the 20th of September 2016 requests clarification in relation to whether it is proposed to sub-divide the dwelling into two residential units or to remain as a single unit.

4.0 Planning History

P.A. Ref. No 08/1706.

Permission granted for a two storey extension of 86.9m² onto an existing dwelling of 84.8m². Condition no.2 relating to a single dwelling occupancy was included.

5.0 Policy Context

5.1. Development Plan

Kildare County Development Plan 2011-2017.

Chapter 19 of the plan relates to development standards and section 19.4 specifically refers to residential development.

Section 19.4.7 relates to extension to dwellings and that the design and layout of extensions should have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. Principles outlined include that 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 design and scale should have regard to adjoining properties, avoid if possible excessive overlooking and in all cases a minimum private rear garden area must be retained.

Maynooth Local Area Plan 2013-2019.

Site is zoned B existing residential/infill.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in the grounds of appeal refers to

- Permission was granted for an extension but when implementing the extension, it was decided to install the extra staircase and small kitchen counter in order than as the dwelling is close to NUI Maynooth it could be easily used for student accommodation.
- Reference is made to the site's planning history.
- The only issue relates to internal works in the extended area.
- The reason for refusal in referring to issues of amenities of adjacent residential amenities is disproportionate as the extension was built as permitted other than two internal changes.
- The key issue raised concerns the actual use to which the extension and dwelling is put.
- There is no evidence of two actual dwelling units being used.
- Reference is made to Kelly v An Bord Pleanala and it for the landowner/householder to decide the scope of the application and the planning authority to assess the environmental impact of development. An

application cannot be determined outside of the ambit of the application concerned.

- If an inappropriate use occurs there are legal mechanisms which can be implemented
- The application does not propose a separate planning unit and has not applied for such development and no harm would result from granting the internal changes.
- If the internal works were carried out subsequent to the permitted works being carried out the works would be exempted development. If the internal works were removed and the dwelling completed in accordance with the grant of permission the internal works could then be carried out as exempted development.
- The decision in this appeal relates to internal alterations of the dwelling and not to subdivision of a property.
- If the Board do not agree with the grounds of appeal rather than refusing the application any reservation may be addressed by a condition requiring the door from the extension to the side passage to be blocked. It is not considered that such works are needed but this egress is needed for fire safety purposes and the appellant would be required to undertake works to comply with Part B.

6.2. **Planning Authority Response**

The planning authority indicated that they had no comment other than requesting the Board to refer to their internal reports.

7.0 **Assessment**

- 7.1. The proposal as submitted is for the retention of alterations to internal layout of an extension to a two storied house. The alterations consist of installation of a stairs in the extended area and the installation of a kitchenette in the living room. There are links between the extended area on both floors of the dwelling. The two storied

extension was granted planning permission by the planning authority and the floor area permitted exceeds the original floor area of the dwelling.

- 7.2. In the reason for refusal refers to the development as a development which cannot be seen as an extension as set out in section 19.4.7 of the current county development plan. Section 19.4.7 refers to extensions to dwellings. It is also indicated that the extension constitutes a separate dwelling unit and a substandard form of development which fails to meet standards in relation to private amenity open space and parking. The development it was considered would also give rise to an undesirable precedent.
- 7.3. In the grounds of appeal, it is indicated that permission was granted for an extension but when implementing the extension, it was decided to install the extra staircase and small kitchen counter in order than as the dwelling is close to NUI Maynooth it could be easily used for student accommodation and that the only issue relates to internal works in the extended area.
- 7.4. Reference in that context in the reason for refusal to injuring the amenities of adjacent residential amenities as disproportionate as the extension was built as permitted other than two internal changes.
- 7.5. It is also considered by the appellant that the key issue raised concerns the actual use to which the extension and dwelling is put.
- 7.6. There is no evidence of two actual dwelling units being used and reference is made to Kelly v An Bord Pleanala and it for the landowner/householder to decide the scope of the application and the planning authority to assess the environmental impact of development. An application cannot be determined outside of the ambit of the application concerned. The application does not propose a separate planning unit and has not applied for such development and no harm would result from granting the internal changes.
- 7.7. The applicant also indicates that if the Board do not agree with the grounds of appeal rather than refusing the application any reservation may be addressed by a condition requiring the door from the extension to the side passage to be blocked. It is not considered that such works are needed but this this egress is needed for fire safety purposes and the appellant would be required to undertake works to comply with Part B.

- 7.8. I would agree with the appellant that this appeal relates to internal alterations of the dwelling and not to subdivision of a property. The principle of the extension as granted is established. Issues in relation to open space and parking could have been addressed when the application for the extension was granted.
- 7.9. In relation to the application as applied for which relate to internal changes I would have no objection. There are no visual issues arising or issues in relation to impacting on residential amenities in relation to the application for planning permission as applied for. In relation to the closing of a door onto the side passage I do not consider that such a measure is desirable or required.
- 7.10. In relation to issues of sub-division the property as constructed can be readily sub-divided into two units but such a course of action would require planning permission. A condition in relation to this matter can included.

8.0 Recommendation

- 8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the planning history of the site and the granting of permission for the two storied extension on the site and the nature of the development as applied for the development as constructed would not be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1. The grant of permission is for the retention of development in accordance with the plans and particulars lodged with the application, 2nd of September 2016.

Reason: In the interests of clarity.

2. The existing dwelling shall remain as one dwelling unit and shall not be subdivided into any additional units without a prior grant of planning

permission

Reason: In the interests of clarity

Derek Daly
Planning Inspector

1st March 2017