



An
Bord
Pleanála

Inspector's Report PL09.247847.

Development	Single storey side and rear extension to an existing semi-detached dwelling.
Location	16 Osberstown Park, Sallins, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	16/910
Applicant(s)	Jonathon Crouch
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party vs. grant
Appellant(s)	Anne and Glen Creffield
Observer(s)	None
Date of Site Inspection	21 st March 2017.
Inspector	Ciara Kellett.

1.0 Site Location and Description

- 1.1. The appeal site is located in a housing estate in Sallins, Co. Kildare. The estate is located approximately 200m south of the Grand Canal and 800m north of the M7 motorway and to the west of Sallins Main Street which leads into Naas. The Odlums Mill site lies to the north-east of the estate.
- 1.2. The housing estate, Osberstown Park, is made up of semi-detached dwellings. The subject dwelling, no.16, faces onto a green area and has a south facing back garden. The appellant is the adjoining dwelling at no.15 Osberstown Park to the east.
- 1.3. To the west of the subject dwelling there is a small green area. Mature trees and shrubbery run along the length of the boundary with the dwelling. The dwelling is not overlooked to the rear.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is for a side and rear single storey extension to the dwelling with a stated floor area of 42sq.m. The proposal includes a flat roof with a height of 3.425m and the length from the back of the existing dwelling is stated as being 5.3m.
- 2.2. The proposed extension will comprise a utility room and shower room to the side and an open plan kitchen and dining area to the rear with almost full glazing along the rear façade. A side passageway of 900mm is being maintained.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 13 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Notes that the existing dwelling measures 95sq.m and the proposed extension is 42sq.m.
- Notes that although the proposed extension is single storey, given the size of the site and the relatively large scale of the extension, considers that further information is required in terms of a shadow survey and preparation of an eastern elevation.
- Considers response to request for Further Information acceptable and recommends a grant of permission subject to conditions.

The decision was in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Roads Section:** No objection subject to conditions
- **Water Services:** No objection subject to conditions

3.3. Prescribed Bodies

- **Irish Water:** No objection

3.4. Third Party Observations

One third party observation was made by the appellants. They raised concerns which form the basis of the appeal and will be expanded upon in Section 6 below.

4.0 Planning History

There is no planning history pertaining to the subject site. There have been a number of applications for extensions within the housing estate.

- KCC Ref. Reg. 16/128 granted permission in July 2016 for a side and rear extension in no.35 Osberstown Park.

- KCC Ref. Reg. 08/678 granted permission in November 2008 for a two storey side extension in no.37 Osberstown Park.

5.0 Policy Context

5.1. Kildare County Development Plan 2017 – 2023.

Chapter 17 of the recently adopted Plan refers to Development Management Standards. Section 17.4.8 refers directly to Extension to Dwellings.

It states that: *Primarily, the design and layout of extensions should have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy.*

In addition, it states that the following basic principles shall apply (inter alia): *The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties; An extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties; New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house; The physical extensions to the floor area of a dwelling should not erode its other amenities. In all cases a minimum private rear garden area must be retained.*

5.2. Sallins Local Area Plan 2016 – 2022

The dwelling is located in lands zoned B – Existing Residential/Infill. The zoning objective for this land use zoning is *To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services. The purpose of this zone objective is to preserve and improve residential amenity and to provide for infill residential development at a density that is considered appropriate to the area.*

5.3. Natural Heritage Designations

There are no designated sites within the vicinity of the site. Mouds Bog SAC (Site Code 002331) and Pollardstown Fen SAC (Site Code 000396) are located c. 8km and c. 10km respectively south-west of the site. Red Bog, Kildare SAC (Site Code 000397) is located c. 11km south-east of the site. Poulaphouca Reservoir SPA (Site Code 004063) is located 14km south-east of the site. Ballynafagh Bog SAC (site Code 000391) and Ballynafagh Lake SAC (Site Code 001387) are located c.10km north-west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal has been lodged against the Council's decision to grant permission by the adjoining neighbours. In summary, it states:

- The extension of 42sq.m to the existing ground floor area of 50sq.m is excessive.
- Of particular concern is the height of the proposal of approximately 12ft and 16ft in length. The development will be approximately 2ft in distance and 6ft in height from the patio door – photos included.
- The height and length of the structure will significantly overshadow and cause a loss of natural light entering the kitchen, dining and living room.
- Disagree with the applicant that any overshadowing is caused by the trees located to the western boundary – the trees are deciduous and bare of leaves for almost 6 months of the year and are located 30ft away from the patio.
- The proposed structure would create a tunnel effect and a copy of South Dublin County Council's House Extension Guide is enclosed.
- Consider extension to be overbearing.
- Flat roof is a deviation from the norm – all other single or two storey extensions are pitched roof in uniformity with the roof on the existing houses.

- Other extensions were made to gable walls causing little or no impact to the neighbouring properties.
- Concerned that the flat roof is a pre-cursor to further upward extension.

6.2. Applicant Response

The applicant responded addressing each point made by the appellant. In summary, it states:

- The proposed extension is 42sq.m. A 40sq.m rear extension is exempt from the requirement for planning permission. 2sq.m in excess of this is not excessive.
- The height of the extension is 3.425m and the length is 5.3m – objective is to keep the works low in profile to prevent a negative impact on neighbouring dwelling. Reference to overshadowing surveys prepared in response to Further Information which demonstrate that the trees cause the majority of the overshadowing.
- Refers to SDCC Design Guide – considers that design guide refers to tunnel effect but only in the case of two storey extensions. The subject extension is only single storey.
- There is no extravagance in the proposed extension. There are a number of positive planning decisions for side and rear extensions in the area – reference to a selection included.
- The applicant has currently no intention to construct a further extension and any future development will be subject to a planning application.

6.3. Planning Authority Response

The Planning Authority state that they have no further comment.

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
- Visual Amenity
- Appropriate Assessment

7.2. Residential Amenities

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

With respect to overshadowing and daylight, the proposed extension will be located to the rear and side of the applicant's dwelling.

The back gardens have a south-east facing aspect and as a result enjoy summer sunshine for most of the day. During my site visit I noted tall trees on the western boundary which are outside the dwelling of the applicant and are in fact, part of the green area of another estate – Sallins Wharf. According to the shadow surveys submitted at Further Information stage, these trees would appear to cause most of the overshadowing of both dwellings in late evening. From my site visit I would concur with the findings. I accept that there will be a slight impact from the proposal in late summer evenings when the sun is setting, but I consider that the proposed extension will not significantly impact further on the amenities of the appellant's due to the presence of the trees.

The appellants are concerned with the loss of daylight and sunlight. As noted above, the back gardens are south-east facing and enjoy sunshine for most of the day. There will be a slight impact on daylight but I do not consider this to seriously injure the amenities of the appellants.

With respect to the height of the extension, it is proposed to be flat roofed and similar to the height of the extensions of both dwellings currently. I note that the new proposal will extend beyond the current extension by a further 3.5m (approximately). However, I do not consider that this is excessive. There will be a further 8.795m between the back wall of the extension and the rear boundary wall.

The total area of the extension (side and rear) is 42sq.m which is just above the 40sq.m exemption limit for rear extensions. The rear element is approximately 32 sq.m (including existing rear extension).

In conclusion, due to the south-easterly aspect of both dwellings and the presence of the trees, I do not consider that the proposal will have a seriously injurious effect on the appellant's residential amenities.

7.3. Visual Amenities

The appellants consider that the proposed flat roof is not in keeping with the other extensions in the area stating that all other single or two storey extensions have a pitched roof, in uniformity with the roof on the existing houses. The flat roofed side extension, which will be visible from the public road, reads as a modest extension with a single window in the façade. A 900mm wide side passageway is being maintained.

The house is located in a corner plot and the side extension will not be very visible from most of the public road. Furthermore, it is set back from the main building line by approximately 1.2m.

In conclusion, I am satisfied that there will not be a significant visual impact as a result of the proposal.

7.4. 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.

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands, the pattern of development in the area and to the compliance with the development standards for extensions to dwellings in the Kildare County Development Plan 2017 - 2023, 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.

10.0 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 plans and particulars submitted on the 21st day of November 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. 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise

transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. 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.

Ciara Kellett
Inspectorate

22nd March 2017