



An
Bord
Pleanála

Inspector's Report

PL09.247967

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| Development | Subdivide Existing detached Dwelling into 1No. 3 Bedroom semi-detached dwelling, and 1No. Two bedroom semi-detached house and all associated site works at 107 Allenvue Heights, Morristownbillier, Newbridge, Co. Kildare. |
| Planning Authority | Kildare Co. Co. |
| Planning Authority Reg. Ref. | 16/1017 |
| Applicant(s) | Tom and Aishling Nolan |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Appellant(s) | Tom and Ashling Nolan |
| Observer(s) | None |
| Date of Site Inspection | 28 th of April 2017 |
| Inspector | Caryn Coogan |

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 107 Allenvue Heights is a large detached dwelling within a suburban estate in Newbridge, Co. Kildare. The house has been subdivided into two units, however this is not evident from the front elevation. I noted the rear garden area of the original dwelling has been subdivided, and there is a garden shed northern extremity of the curtilage.
- 1.2 There is a two storey detached dwelling to the north, east and west of the subject site.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposal involves extending and subdividing an existing detached dwelling into 1No. three bedroom semi-detached house and 1No. two bedroom semi-detached house incorporating a second vehicular entrance. Removal of one estate tree, separate connections to services and utilities, extension to the side and rear, refurbishment of the existing house, new landscaping and changes to windows and external doors.

3.0 PLANNING AUTHORITY DECISION

3.1 DECISION

Kildare Co. Gives two reasons for refusal, namely:

1. The proposal fails to meet the category of dwelling envisaged under section 4.8.6 Subdivision of Dwellings within the policies of Kildare County Development Plan 2011-2017.
2. The proposal fails to meet with the minimum floor area requirements as set out in Table 19.3 of the Kildare County Development Plan 2011-2017 and fails to meet the recommended minimum living room width size of 3.6metres for a two bedroom unit.

3.2 TECHNICAL REPORTS

Transportation Department

No objections

Roads

Two spaces per dwelling

Water Services

No objection

Irish water

No objection.

Planning Report:

The applicants were requested further information advising them that the site is not considered to be extensive. The further information was received on 8th of December 2016. The applicant was required to submit justification for the subdivision and compliance with the development plan. The permission in 1982 granted to Ron Landy would appear to be an extension to an existing dwelling, with a single dwelling on the site. The applicant has incorrectly interpreted the wording of the relevant section of the development plan.

The proposal fails to meet with the minimum floor area 80sq.m. for a two bedroomed unit. There are 2No. spaces provided per dwelling unit. Refusal recommended.

3.3 THIRD PARTY SUBMISSIONS

A third party submission opposed the proposal because it would require cutting down two trees and these enhance the streetscape. The dwelling could potentially be used for apartments. The building was originally in flats and this caused problems for parking and anti-social behaviour.

4.0 PLANNING HISTORY

16/589

Permission sought for 2 storey rear extension to existing two storey detached dwelling which incorporates a granny flat/ separate unit, refurbishment of existing house and changes to windows/ doors.
APPLICATION WITHDRAWN

81/1745

Permission granted to Ron Landy for extension to existing dwelling.

5.0 POLICY CONTEXT

5.1 National Policy

Sustainable Rural Housing – Guidelines for Planning Authorities, issued by the DoEHLG in 2005 identify that Kildare falls within the areas under strong urban influence and also within the stronger rural areas. The guidelines advise that only people who are part of the rural community are

facilitated for one-off housing and that there is careful management of the rural environs of major urban areas to ensure their orderly development in the future.

The DoEHLG *Circular Letter SP5/08 (2007)* provides advice and guidance in relation to local need and occupancy conditions

5.2 Development Plan

Kildare County Development Plan 2011-2017

Chapter 4

4.8.6 Sub-division of Dwellings

New households in existing residential areas may be catered for through the subdivision of large houses on relatively large sites. The subdivision of dwellings will only be considered for exceptionally large houses on relatively extensive sites in urban areas that are well served by public transport and subject to adherence to all Development Management Standards set out in Chapter 19.

Chapter 19 – Development Management Standards.

Newbridge LAP 2013

The subject site is zoned **B – Existing Residential/ Infill**

6.0 THE APPEALS

- 6.1 Planning permission already exists for the subdivision of the property into two separate units under reference 1745/81 granted to Mr. Ron Landy in 1981. In the Planning report it is noted the reference to the 1981 case states that Ron Landy only sought for an extension to the existing dwelling only, and the floor plans provide for a single living unit only.
- 6.2 The applicants do not agree with the Planning report conclusions, especially regarding 1745/81:
- In the 1982 planning application Mr. Ron Landy stated the reason for making the application was to build a extension for elderly parents to live in.
 - On the basis of the plans submitted, there was planning permission granted for a separate dwelling

- The ground floor plan shows a separate dwelling accessed independently of the from an existing house via a side entrance door.
- There is no condition attached to 1745/81 stating that the proposed development was to be used as a single dwelling.

These facts conflict with the planner's conclusions in particular that the floor plans provided for a single dwelling only. The property had been already submitted divided and this was permitted under 1745/81. It is not an option for the planning authority to refuse the permission sought for failing to meet the criteria under section 4.8.6 of the KCDP 2011 as the permission for two dwellings already exists.

6.3 The planning report refers to the built pattern along the road as predominantly detached dwellings. This is not exclusively the case, eg. 103 Allenvue Heights and 139 Allenvue Heights have floor areas of 176sq.m. and 139sqm respectively. The proposed extension does not conflict with the diversity of house types along the streetscape.

6.4 Even if section 4.8.6 of the KCDP were to apply, the applicants claim the planners have not interpreted the wording '*The subdivision of dwellings will generally only be considered for exceptionally large houses on relatively extensive sites in urban areas*'. The subject dwelling is large and the proposal will result in:

- A two storey three bed semi-detached dwelling with a floor area measuring 272sq.m. with private open space in excess of 79sq.m.
- A two storey 2 bed semi-detached house with a floor area measuring 77.49sq.m. on a 157sq.m. plot and having private usable space measuring 32sq.m.

Each property has their own driveways, front and rear gardens, external sheds and side access pathways.

6.5 Kildare County Development Plan 2011-2017 states that a two bedroom is 77.49sq.m. this area excludes the existing shed/ store on the property which has a floor area of 11.19sq.m. The aggregate proposed floor area in respect of this property is 88.68sq.m. which is within 80-90sq.m. guidelines set out in the Kildare CDP, as dwellings should have a storage requirement. It is not an option for the planner to refuse permission sought for failing to meet with the criteria set out in Table 19.3 as the proposal meets with the criteria in the table.

6.6 The proposed two bedroom unit would be significantly larger than nearby two bedroom houses at No.s 1, 2 and 3 Morrinstownbillier and Abbey Court in Sallins. The final reason for refusal relating to minimum living room size of 3.6sq.m. is refused as the 3.6metres measurement is a recommendation and not a requirement, and the aggregate area of the kitchen/ dining area of the proposed two bedroomed dwelling is 30.15sq.m. in excess of the recommended floor area of 28sq.m.

- 6.7 The living room in the two bedroomed dwelling having a width of 2.95m, was constructed in accordance with the permission in 1981 and it is reasonable to retain the living room as part of the proposed development.
- 6.8 The Planning Authority did not give due regard to 'Action Plan for Housing and homelessness'. There is a shortage of housing in the area. The proposal will ensure existing housing stock is utilised to the maximum degree.

6.6 RESPONSES

The planning authority has no further comment

7.0 ASSESSMENT

- 7.1 Firstly the Board should note the proposed development is complete. The public notices state the application is for planning permission for '*an extension and subdivision of an existing detached dwelling into 1No. three bedroom semi-detached dwelling and 1No. two bedroom semidetached dwelling*'. Therefore, in my opinion the planning application/ appeal is effectively invalid, as the application should be retention of the works carried out on site.
- 7.2 On appeal, the applicants have stated that planning permission already exists on the property for 2No. separate dwellings which was granted planning permission under reference 1745/81 to a Mr. Ron Landy in 1981. The permission granted in 1981 was for an extension to 107 Allenvue Heights. The applicants have stated the extension was in fact a separate dwelling unit for Mr. Landy's parents to reside in. The Board cannot accept this argument, without substantial proof the permission from 1981 was in fact for the subdivision of the dwelling, and that the development was carried out. Certainly from the original submission documents relating to the current extension and subdivision of the dwelling, there was no reference to the dwelling having been previously subdivided. I note in the further information submission dated 8th of December 2016, the applicants maintain the permission now being sought relates to the extension of the separate living unit within 107 Allenvue Heights. There is no mention of the separate unit in the public notices. The submission documents which accompanied the planning application, date stamped 26th of September 2016, indicated both 'existing elevations and floorplans' and 'proposed elevations and floorplans'. The existing elevation and floor plans indicate **one large detached dwelling** at ground and first floor level, and not two as claimed by the applicant on appeal. I would question why the applicants applied for the subdivision of the dwelling in the first place, if the subdivision already existed. I consider the detail in the appeal to be disingenuous, the development has been completed without the benefit of planning permission, and from my general observations especially regarding the smaller residential unit, the development has not been completed in accordance with the submitted drawings (of note the drawings of the proposed development and the as completed fenestration and doors on site differ). Based on the information on the appeal file, I do not accept the argument put forward that the subdivision

existed on the site since 1981. I do believe the Board is not in a position to consider further the development as presented.

- 7.3 Notwithstanding, the above procedural issues associated with the development, I consider the development to be acceptable in terms of design, residential standards and the development plan. In certain cases, large suburban dwellings need to be adapted to suit changing family needs or circumstances. In this instance, the subdivision is a clever and sustainable form of development, in that the dwelling still appears to be a single unit from the front elevation and along the streetscape. Therefore, visually the subdivision does not impact on the existing streetscape. The streetscape consists of detached two storey dwellings, with little or no architectural merit, and the refurbishment of the entire dwelling and front façade has enhanced the streetscape. The development does not conflict with the existing pattern of development in the area, and it provides an alternative form of living accommodation in the suburban area.
- 7.4 In terms of the reason for refusal relating to Section 4.8.6 of the Kildare County Development Plan 2011-2017, each dwelling has a front and rear garden area/ parking curtilage. I note the subdivision is not obvious from the front of the dwelling, however the private garden areas are portioned off to the rear. Both units have adequate car parking provision and open space/ bin storage area. Although the two-bedroom unit is 77.49sq.m. and below the 80-90sq.m. threshold for a two-bedroom townhouse as stipulated by Table 19.3 of the development plan, the floor area has not taken into consideration the detached shed/ store to the rear of the two bedroomed unit which is 11.19sq.m. and could be conditioned to form part of the two-bedroom unit. Therefore reason No. 2 of the planning authority's decision to refuse can be dismissed.

8.0 RECOMMENDATION

The planning authority's decision to refuse planning permission for the proposed development should be upheld by the Board.

REASONS AND CONSIDERATIONS

On the basis of the submission documents accompanying the planning application and appeal, the Board is not satisfied the public notices and drawings accurately describe the full nature and extent of the development on site. It is considered the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

Caryn Coogan

Planning Inspector

4th of May 2017

Appendix:

1. Site Location Map
2. Photographs from Site Inspection carried out 28/4/2017
3. An auctioneer's brochure of the property at 107 Allenview Heights, indicating the pre-application dwelling and a description of the property as a '4/5 detached 2 storey house'