



An
Bord
Pleanála

Inspector's Report

PL09.248095

Development	Change of House Type from Previously Permitted (Pl. Ref. 16/76) single storey house to a traditional style two storey house and all associated works at Rathbride Cross, Rathbride, Kildare town, Co. Kildare
Planning Authority	Kildare Co. Co.
Planning Authority Reg. Ref.	16/1244
Applicant(s)	Simon and Sasha Kerins
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant(s)	Simon and Sasha Kerins
Observer(s)	None
Date of Site Inspection	28 th of April 2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site is located within the heart of The Curragh (NHA) in Co. Kildare, a short distance from The Curragh racecourse. It is a large square site with a bungalow in the corner at the crossroad junction of Rathbridge Cross Road. There is a bungalow on the site, immediately to the north of the site and to the west of the site.
- 1.2 The site is flat, with mature planting along the roadside boundaries (eastern and southern site boundaries). There is a small bungalow in the south eastern extremity of the site .

2.0 PROPOSED DEVELOPMENT

- 2.1 The application is for planning permission for a change of house type from a previously approved single storey dwelling house granted under reference 16/76, to a traditional style two storey dwelling with additional planting and all associated site development works.

3.0 PLANNING AUTHORITY DECISION

3.1 DECISION

Kildare Co. refused the change of house type for one reason.

Having regard to the location of the site within a low lying landscape in an area designated as 'High Amenity' under policies CU1 and RH5 of the Kildare Town Development Plan 2011-2017 which seeks to restrict development on the edge of The Curragh, and the parent permission which is for a single storey dwelling only, it would seriously injure the visual amenities of the area. The two storey would adversely affect the integrity of the Curragh pNHA.

3.2 TECHNICAL REPORTS

Transportation Department

No objections

Roads

Two spaces per dwelling

Water Services

No objection

Irish water

No objection.

Planning Report:

The elevations granted under P.R.N. 16/76 are noted . The single storey dwelling has a floor area of 244sq.m. and a ridge height of 5.8metres. From the previous refusal on the site, 13/526 (PI09.242473) a two storey dwelling was not acceptable on the site.

The proposed two storey dwelling has a floor area of 242sq.m. with a ridge height of 7.7metres. the dwelling is almost identical to the recently refused reference 16/593 on the subject site.

Notwithstanding the mature trees on the site, the two storey dwelling is adjacent to the Curragh Plains. A designated Area of High Amenity. Given the pattern of development in the area, a single storey dwelling is more appropriate.

3.3 THIRD PARTY SUBMISSIONS

There were no third party submissions.

4.0 PLANNING HISTORY

16/593:

Permission refused for change of house type from previously approved single storey granted under 16/76 to traditional two storey style.

16/76

Permission granted to Simon and Sasha Kerins to demolish existing bungalow and replacement of single storey dwelling.

13/526 (PL09.242473)

Permission refused to Simon and Sasha Kerins for alterations to existing approved planning permission Ref. 07/2398 and provision for two storey detached dwelling.

1. The proposed development would constitute random residential development in a rural area which is under strong development pressure, and which is lacking in certain public services. It is the policy of the planning authority, as expressed in the Kildare County Development Plan, 2011–2017, to focus such developments to certain categories of applicants. It is considered that the applicant who already has a house in this rural area does not come within the scope of the housing need criteria as set out in the development plan or the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005. The proposed development would conflict with policy RH

4 of the development plan in relation to rural housing, would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale and massing of the proposed dwelling, situated in a low-lying landscape in a designated 'Area of High Amenity', it is considered that the proposed development would seriously injure the amenities of the area, set an undesirable precedent for other such development and would be contrary to Policy CU1 of the Kildare County Development Plan, 2011–2017. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

The operational development plan is the Kildare County Development Plan, 2011 – 2017.

Chapter 4 - Rural Housing

□ Section 4.11.5 of the County Development Plan sets out the Rural Housing Strategy and it is stated that the focus of the rural strategy is to facilitate the legitimate needs of the rural Kildare people and / or those who by their occupation or employment can make a significant contribution to community life in the country.

□ The appeal site is located within Rural Housing Policy Zone 1. This zone covers northern and central areas of the county, which are more populated with higher levels of environmental sensitivity and significant development pressure.

□ The Local Need Criteria is set out in Table 4.3 and this provides for (a) persons engaged full-time agriculture, (b) persons who have spent a substantial period of their life in a rural area, (c) persons who wish to return to an area where they have previously spent a substantial period of their life, (d)

persons engaged in full-time farming for the last 7 years and are employed within 5km of the site (e) persons operating small businesses that will contribute to and enhance the rural community.

□ Section 4.12 sets out Rural Housing Policies

In accordance with Map 14.2 of the Chapter 14 the appeal site is located within an area designated '**high sensitive landscape**'. The Curragh and Environs is located within an **Area of High Amenity**. The Policy objectives in Section 14.8.6 of the County Development Plan are relevant.

Chapter 16 sets out Rural Design Guidelines

Chapter 19 sets out Development Management Standards and the following is relevant;

6.0 THE APPEALS

6.1 The applicants have appealed the decision to refuse permission for the proposed development. The following are the grounds of appeal:

- The overall height of the proposed dwelling is 7.75metres.
- The ridge height will not exceed existing ridge heights to the west of the subject site
- The proposed dwelling is set into the foreground of a woodland with trees in excess of 12metres and the houses will not be visually intrusive on the skyline.
- The ground level will be reduced by 0.5metres
- The replacement of the permitted bungalow (16/76) will improve the visual impact at this rural location as the proposed house is setback from the established site boundaries by 83metres and 144 metres from the public roadway.
- The proposed dwelling is modest at 242sq.m. with a 150sq.m. footprint
- The proposed dwelling has a narrow roof span of 7metres.
- Planning permission was approved for a two storey dwelling by ABP under reference 12/927.
- The proposal should be assessed against the visual impact of the existing bungalow on the edge of the site versus the visual impact of the dwelling to the rear of the site with a reduced ground floor level.

- The site conditions should be examined including the lower topography than the adjoining Curragh plains, the extensive mature hedgerows on all sides, the visual impact of the existing bungalow and the established roof heights in the area.
- The family have resided in the Curragh for generations and are an intrinsic part of the bloodstock community. It is not their intention to adversely affect The Curragh

6.2 RESPONSES

The planning authority has no further comment.

7.0 ASSESSMENT

7.1 The planning history of the applicants and the subject site has to be taken into consideration in the assessment of the case. Whilst I accept permission was granted for a two storey dwelling to the applicant's in 2005, the permission remained outstanding. The policies of the development changed since the original planning permission. The relevant development plan is Kildare County Development Plan 2011-2017. Since 2013, there have been a number of planning applications made by the same applicants on the subject site for a dwelling house.

7.2 It should be noted the Board has previously refused a two storey dwelling on the subject site under PI09.242473 for the following reasons:

1. The proposed development would constitute random residential development in a rural area which is under strong development pressure, and which is lacking in certain public services. It is the policy of the planning authority, as expressed in the Kildare County Development Plan, 2011–2017, to focus such developments to certain categories of applicants. It is considered that the applicant who already has a house in this rural area does not come within the scope of the housing need criteria as set out in the development plan or the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005. The proposed development would conflict with policy RH 4 of the development plan in relation to rural housing, would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale and massing of the proposed dwelling, situated in a low-lying landscape in a designated ‘Area of High Amenity’, it is considered that the proposed development would seriously injure the amenities of the area, set an undesirable precedent for other such development and would be contrary to Policy CU1 of the Kildare County Development Plan, 2011–2017. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

The applicants reapplied in 2016 under reference number **16/76** to demolish existing bungalow on the subject site and to replace it with a single storey dwelling. This proposal was granted planning permission. The applicants then applied under reference **16/593** for change of house type from previously approved single storey granted under 16/76 to traditional two storey style, which the planning authority refused.

- 7.3 This has resulted in the current appeal. Following on from the refusal for a change of house type from a single storey to a two storey, the applicant's reapplied under reference 16/1244, which was refused and is the subject of this appeal. The reason for refusal is:

Having regard to the location of the site within a low lying landscape in an area designated as 'High Amenity' under policies CU1 and RH5 of the Kildare Town Development Plan 2011-2017 which seeks to restrict development on the edge of The Curragh, and the parent permission which is for a single storey dwelling only, it would seriously injure the visual amenities of the area. The two storey would adversely affect the integrity of the Curragh pNHA.

- 7.4 The applicants have argued on appeal that the proposed ridge height is only 7.75metres, the house will be set within the backdrop of a woodland and will not impact on the skyline, the proposed dwelling is modest and will not impact on the visual amenities of the area.

- 7.5 The subject site is located within the heart of The Curragh, a designated NHA. The site is also located within an Area of High Amenity as designated in their current Kildare County development Plan 2011-2017. The receiving environment is the unique setting of The Curragh plains. The plains extend to the south and east of the subject site at Rathbridge Cross, with the Curragh racecourse only a short distance from the site to the east. There are a number of dwellings set back from the Curragh Plains in the general vicinity of Rathbridge Cross, all of which are single storey in profile. I noted the agricultural sheds associated with the sheep and equine industry are all low profiled and angled in most cases perpendicular to the roads to reduce their visual impact. There are no two storey houses visible in the locality similar to the current proposal. Whilst I do accept the subject site is set against a backdrop of trees and has mature planting along the eastern site boundary, there is still no planning or design justification to deviate from the existing single built in the locality, the development plan policies relating to the High Amenity Area and the planning history of the site. I cannot find any planning justification for pursuing a two storey dwelling on this site and creating an unprecedented exception, apart from satisfying the preferential needs of the applicants for a two storey dwelling.

- 7.6 The applicant's submitted photographs of a typical two storey building form visible from the subject site. The buildings in question are a significant distance to the west of the subject site, and include stables and sheds, and from my observations in the general vicinity of the site, the

building form submitted is not typical of the area. I have included photographs appended to this report of dwellings to the immediate north, west and east of the subject site, of a building footprint in the locality. It is imperative the Board and the planning authority hold the line on this issue, or the scant few low profile bungalows within the Curragh could apply an additional floor, as large two storey dwellings on significant curtilages are most popular form of housing in the rural areas of Co. Kildare. To date, the planning policies have been effective in preventing the two storey precedence from the wider rural area of Kildare spilling over into The Curragh plains area. The Curragh Plains are unique and the most extensive tract of semi-natural grassland in Europe. The **Area of High Amenity** designation is warranted in this instance, and I recommend the planning authority's reason for refusal be upheld.

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

Having regard to the scale and massing of the proposed dwelling, situated in a low-lying landscape in a designated 'Area of High Amenity', it is considered that the proposed development for a two storey dwelling on the subject site would seriously injure the amenities of the area, set an undesirable precedent for other such development and would be contrary to Policy CU1 of the Kildare County Development Plan, 2011 – 2017. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan

Planning Inspector

03/05/2017

