



An
Bord
Pleanála

Inspector's Report PL09.248197.

Development	Two storey house, boundary wall and new vehicular entrance.
Location	6 Ballymany Park, Newbridge, County Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	16/1365.
Applicant	Myles Maloney.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party versus decision.
Appellant	Myles Maloney.
Observer(s)	None.
Date of Site Inspection	24 May 2017.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located in a residential suburb south west of Newbridge Town Centre in County Kildare. The site is located along the R445 southern approach road to the town and is within the 30 Kph speed restriction area.
- 1.2. The site comprises the garden of an existing dwelling at the entrance to the Ballymany Park housing estate. There are over 36 dwellings within the estate which is arranged around a 'T' shaped cul-de-sac. The appeal site forms part of an offset corner treatment that announces the entrance to the estate. As a result the site is triangular in shape with a wide road frontage and a rear garden that tapers to the south.

2.0 Proposed Development

2.1. Permission is sought for:

- A detached two storey house with a single storey side and rear extension,
- A new vehicular entrance and indented boundary wall.

Permission was refused for this development, however, the applicant has submitted revised drawings to the Board, which differ as follows:

- A detached two storey house with a single storey side extension, rear extension shown as 'omit if required',
- A new rear boundary wall with straight alignment.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the following reason:

- The proposed development would break an established building line and provide awkwardly shaped private open space for the existing and proposed dwelling. This would materially contravene the LAP zoning objective of the site which seeks to protect and improve residential amenity. The layout of the

private amenity space would be contrary to section 19.4.4 of the Kildare County Development Plan and represent substandard over development of the site and depreciate the value of property in the vicinity. The development would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's Report can be summarised as follows:

- Overshadowing of the existing dwelling would result from the proposed development.
- No storage has been provided within the proposed dwelling and this is contrary to the provisions of the CDP with regard to residential amenity.
- Though the private amenity space is provided at 65 sq.m. and exceeds the minimum standards set out in the CDP, the layout of the space is unsatisfactory. Refusal is recommended.
- Appropriate Assessment screening concluded that there would be no impacts to any Natura 2000 sites.

3.2.2. Other Technical Reports

Water Services, Roads, Transport and Public Safety Department and Newbridge Municipal District Office Reports. All departments raised no objections to the proposed development subject to standard technical conditions.

3.3. Prescribed Bodies

Irish Water Report. No objections to the proposed development subject to standard technical conditions.

3.4. Third Party Observations

None.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

Newbridge Local Area Plan 2013-2019

The appeal site is located within an area zoned Existing Residential/Infill, it is the objective of the LAP to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for a new and improved ancillary services. A dwelling is permitted in principle in land use zoning 'Existing Residential/Infill'.

Housing **Objective HPO 2** strives to encourage the appropriate intensification of residential development in existing residential areas and the town centre, subject to compliance with relevant development management criteria and the protection of the residential amenity and adjoining properties.

Kildare County Development Plan 2017-2023

The operational development plan is the Kildare County Development Plan 2017-2023.

Relevant sections and objectives of the Development Plan include:

Section 17.4 Residential Development.

Table 17.4 Minimum Floor Area and Storage Requirements for Dwelling Houses and
Table 17.5 Minimum Private Open Space Requirements for Dwelling Houses

Infill policies and objectives:

Infill Housing is described in the current Development Plan as: housing which fills gaps in otherwise continuous built-up frontage and is appropriate to the character of the street and/or village.

Table 4.1 of the CDP provides guidance on appropriate locations for new residential development:

Inner Suburban / Infill

The existing built fabric of large towns often contains residential areas where additional dwellings can be accommodated without compromising the existing residential amenity or residential character of the area. The provision of additional dwellings within inner suburban areas of towns can be provided either by infill or by sub-division. Infill residential development may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. Sub-division of sites can be achieved where large houses on relatively extensive sites can accommodate new residential development without a dramatic alteration in the character of the area or a negative impact on existing residential amenities. Sub-division shall be considered subject to safeguards regarding residential amenity, internal space standards, private and public open space, car parking and maintenance of the public character of the area.

Objective SRO 1: Encourage the consolidation of existing settlements through well designed infill developments in existing residential areas, located where there are good connections to public transport and services and which comply with the policies and objectives of this Plan.

National Guidelines

Quality Housing for Sustainable Communities Best Practice Guidelines, DEHLG (2009).

5.2. Natural Heritage Designations

Pollardstown Fen SAC (site code 000396) is located 1.2 kilometres to the north west of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The applicant has submitted an amended design proposal. The footprint of the house been reduced by omitting the single storey rear extension. This results in an increased rear garden.
- The boundary wall between properties has been straightened in order to provide suitable rear garden space. The neighbouring property is owned by a relative and both agree that the new garden sizes and large front gardens are adequate for their purposes.
- The first floor of the proposed house matches the building line of the house to west. A single storey element projects 900mm and 1800mm forward of the main building line but matches many porch designs in Newbridge.
- The applicant notes that number 3 Ballymany Park has been extended beyond the building established building line. The applicant's design has attempted to maintain building lines.
- Landscape hedging is proposed in order to screen the porch element of the proposal.

The grounds of appeal are supported by a revised layout and house plans.

6.2. Planning Authority Response

Details are as set out in the Planner's Report, no additional comments.

6.3. Observations

None.

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 Board should note that the applicant has submitted revised layout and house plans in order to address the reason for refusal. 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 Amenity

7.2.1. The reason for refusal issued by the planning authority referenced section 19.4.4. of the Kildare County Development Plan 2011-2017, and relates to Dwelling Design/Layout/Boundary Treatment. The operative Development Plan for the purposes of the appeal is the Kildare County Development Plan 2017-2023. I note that section 17.4.5. of the new Development Plan entitled Dwelling Houses – Design/Layout/Boundary Treatment contains similar development management guidelines to those published in the previous Development Plan. In the context of the refusal, the planning authority state that it is the narrow and awkward configuration of the rear garden that represents a substandard development and materially contravenes the zoning objectives for the area.

7.2.2. The original proposal submitted with the planning application shows a poorly conceived arrangement for the private amenity space afforded to both properties concerned. The applicant has submitted to the Board a revised layout that attempts to address the primary concerns of the planning authority.

7.2.3. Firstly, it is necessary to set out the requirements of the current Development Plan with regard to usable private amenity space. The plan states that long narrow rear gardens or awkward shapes are not acceptable. The revised layout details a boundary wall which divides the rear properties along a more or less straight line. This has resulted in a regular and triangular shaped rear garden, that is approximately 7 metres in width at the rear of both houses and tapers to a point approximately 17 metres away. The private amenity space is not therefore narrow or

awkwardly shaped and would accord with Development Plan standards. In my mind the revised layout will not materially contravene either the LAP or Development Plan with respect to the preservation of residential amenity. The private amenity space afforded to both properties is approximately 70 sq.m. and this is in accordance with the requirement of the Development Plan to provide 60 sq.m. In addition, the southerly aspect afforded to each property means that the rear gardens will be usable spaces, unaffected by excessive overshadowing.

- 7.2.4. The proposed three bedroom house has a stated floor area of 123.5 sq.m. Amended plans have been submitted with the appeal that provide the option of the omission of the rear living room. This would reduce the floor area of the dwelling to 108 sq.m., and still accord with the minimum floor area standards set by the Development Plan. I can see no reason to omit the ground floor rear living room. However, in order to ensure no reduction of the rear garden in terms of area and configuration I consider it appropriate to restrict exempted development rights.

7.3. Visual Amenity

- 7.3.1. The reason for refusal states that the proposed development would break an established building line. The applicant states that the first floor of the proposed house matches the building line of the house to the west. In addition, the single storey element projects 900mm and 1800mm forward of the building line but matches many porch designs throughout Newbridge.
- 7.3.2. The proposed development site comprises a large triangular area between houses within an estate that dates from the late 1950s, Ballymany Park. There are a large amount of trees and hedging in the vicinity of the estate entrance and the western side of the approach road is mostly devoted to hedging and mature trees. House number 6 turns the corner into the estate and number 7 and 8 run parallel to the main road. Two bungalows further to the south west are set back quite a distance from the road. North of the estate entrance a similar configuration is repeated. Insofar as number 3 and 4 turn the corner into the estate and numbers 1 and 2 are parallel to the main road. I consider that the predominant building line is represented by house numbers 1, 2, 7 and 8, that run parallel to the main road.
- 7.3.3. I note that number 3 has been extended at ground and first floor, this extension breaks what I consider to be the main building line. The proposed house, the subject

of the appeal, has been designed to align with the houses to the south west and I consider this appropriate. I note that a porch, living room and study to the side will step forward of the established building line. However, these projections of between 0.9 and 1.8 metres are only at ground floor level. Given the scale and design of the ground floor projections, I anticipate that the impact to a building line will be slight and therefore will not reduce the visual amenity associated with the area.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving urban environment, 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 as set out below.

9.0 Reasons and Considerations

Having regard to the residential land-use zoning of the site, its location within the Newbridge Local Area Plan 2013-2019 and the existing pattern of development in the vicinity it is considered that subject to compliance with the conditions set out below, the proposed development would not be injurious to the visual amenity of the area or injure residential amenity of property in the vicinity. 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 received by An Bord Pleanála on the 22 day of March, 2017, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new dwelling.

3. The windows on the southwestern and north eastern elevations shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

4. The external finishes of the proposed dwelling including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. The rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: In the interest of public health.

9. 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.

Stephen Rhys Thomas
Planning Inspector

23 June 2017