



An
Bord
Pleanála

Inspector's Report PL09.248587

Development	Construction of two storey dwelling, detached garage and associated services.
Location	Kill, Monasterevin, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/257
Applicant(s)	Albert Kelly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First party
Appellant(s)	Albert Kelly
Observer(s)	None
Date of Site Inspection	31 st August 2017.
Inspector	Ciara Kellett.

1.0 Site Location and Description

The appeal site is located in Kill, Monasterevin. It is located c.1km east of Monasterevin Town and c.200m west of the M7 Motorway. It is located off the old Nurney Road (L7055) which is now a cul-de-sac because of the construction of the M7 motorway. The realigned L7055 road crosses over the M7 via a bridge. There is no access to the M7 from this road.

The land is currently in agricultural use and is within a parcel of land roughly triangular in shape. The parcel of land is owned by family as well as other lands in the vicinity. This triangular parcel of land is bounded by the old Nurney cul-de-sac road to the north, the M7 to the east and the realigned Nurney road to the south-west. A dwelling exists within the parcel of land to the east of the subject site.

The general area is flat but the parcel of land itself slopes upwards towards the realigned L7055. The road leading to the site is narrow and in poor condition and vehicular access is restricted. The site within the overall parcel of land does not have clearly defined boundaries established. A hedge forms the northern and eastern boundary, but there is no distinct southern or western boundary.

Housing estates, Rosglas Avenue and Ardevin, are c.250m north-west of the site. A number of one-off dwellings are located within the general area.

Appendix A includes maps and photos.

2.0 Proposed Development

The proposed development is for the construction of a two storey, four bedroom dwelling, detached garage, septic tank and percolation area, surface water to soakaways, recessed vehicular entrance, landscape screening and all associated works.

The house is stated as being 194sq.m in area and the garage is 71sq.m. The house design is a 3 bay two storey dwelling, with a projecting porch and a gable roof. The overall height to roof ridge is 7.998m. The design incorporates sash windows, a natural slate or tiled roof, with a nap plaster/dash/natural stone finish proposed.

The application was accompanied by a Design Statement, a Landscape Plan, and a Site Characterisation Report, as well as drawings.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason:

Having regard Policy RH9 of the Kildare County Development Plan 2017 – 2023 which seeks to ensure that the location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings to the character of the surrounding area, the elevation and exposed nature of the site, the scale and mass of the proposed dwelling, the planning history of the site under register reference 16/740, which was specifically for the provision of a single storey dwelling only, it is considered that to permit the proposed two-storey dwelling would be contrary to the provisions of Policy RH9, would seriously injure the visual amenity of the area, would set an undesirable precedent for further development of this kind and would, therefore, be contrary to the proper planning and sustainable development of the area.

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 serious concerns with bulk, height and siting of the dwelling at the site which is exposed and open to the wider countryside.
- Refers to previous permission Reg. Ref. 16/740 which was granted for a single storey dwelling measuring 211sq.m with a ridge height of 5.6m. Deems that a single storey dwelling is suitable for the subject site and accorded with the design guidance as set out in Chapter 16 of the County Development Plan.

- Notes previous applications for a dormer and two storey dwelling were refused permission due to scale and bulk and exposed rural location.
- Considers that a single storey dwelling at this location is most appropriate.
- Recommends refusal of permission.

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

3.2.2. Other Technical Reports

- **Area Engineer:** No objection subject to conditions.
- **Transportation:** No objection subject to conditions.
- **Water Services:** No objection subject to conditions.
- **Environment:** No objection subject to conditions.
- **EHO:** No objection.

3.3. Prescribed Bodies

- **Irish Water:** No objection subject to conditions.

3.4. Third Party Observations

No submissions received.

4.0 Planning History

There are a number of planning applications associated with the subject site. In summary:

- **KCC Ref. Reg. 16/740:** Permission granted in January 2017 for a single storey dwelling with a detached garage.
- **KCC Ref. Reg. 16/411:** Permission refused in June 2016 for a dormer dwelling. Two reasons for refusal were put forward by the Council which included the site's exposed agricultural landscape, not considered the most appropriate location on the landholding, contrary to policy RH1, and the dwelling by reason of bulk, height and scale would be out of character.

- **KCC Reg. Ref. 14/1045:** Permission refused by in July 2015 for a two storey dwelling. Two reasons for refusal were put forward by the Council including the site's exposed agricultural landscape, not considered the most appropriate location on the landholding, contrary to policy RH1, and the dwelling by reason of design with projecting gables to the side being out of character.

On the adjoining site to the east (summary):

- **KCC Reg. Ref. 17/90:** Currently at "Further Information" stage. Request for demolition and reconstruction of existing cottage and a single storey rear extension lodged with the Council in January 2017.
- **KCC Reg. Ref. 16/719:** Permission granted in December 2016 for the renovation and refurbishment of an existing single storey vernacular cottage.

Site to the south (c.280m from subject site):

- **KCC Reg. Ref. 16/03:** Permission granted in May 2016 for the construction of a dormer dwelling on family land.

5.0 Policy Context

The site is outside the boundary of the Monasterevin Local Area Plan, so is subject to the policies and objectives of the Kildare County Development Plan 2017 – 2023.

5.1. Kildare County Development Plan 2017 - 2023

Chapter 4 refers to Housing, and Chapter 16 to Rural Design.

Section 4.12 of Chapter 4 refers to Housing in Rural Areas. Section 4.12.7 refers to Rural Housing Policy and sets out the categories of applicants that satisfy 'Local Need'. Section 4.13 sets out policies for rural housing. Policy RH9 notes that notwithstanding compliance with local need criteria, applicants comply with all other normal siting and design considerations. **Policy RH9** includes 8 sub-sections which can be summarised as follows:

- (i) The location and design of a new dwelling shall take account of, and integrate appropriately, with its physical surroundings.
- (ii) Appropriate landscaping.

- (iii) Protect features that contribute to local attractiveness including hedgerows, trees, landscapes etc.
- (iv) Capacity of area to absorb further development.
- (v) Safe vehicular access.
- (vi) Ability of site to accommodate an on-site waste water disposal system.
- (vii) Ability of site to accommodate an on-site surface water management system.
- (viii) Compliance with Flood Risk Management Guidelines.

Policy RH10 seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements having regard to potential impacts on (inter alia): orderly and efficient development of newly developing areas on the edge of towns and villages.

Policy RH11 seeks to preserve and protect open character of transitional lands outside of settlements in order to prevent linear sprawl near towns, villages and settlements and to maintain clear demarcation and distinction between urban areas and countryside. This will not apply to persons building on family land where another family site is not available to them.

Chapter 16 provides advice on Rural Design. Under Site Layout it lists Key Principles, including – *‘Don’t artificially alter the natural levels of the site. Avoid excessive cutting and filling – locating housing on ‘platforms’.*

Section 16.4.2 refers to Scale, Form and Proportions. It notes that *‘A buildings size should be relative to its surroundings’.*

5.2. Natural Heritage Designations

The River Barrow and River Nore SAC (Site Code 002162) is located c. 2km to the west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged against the Council's decision to refuse permission. In summary, it states:

- Consider the location of the house is not elevated but on the foot slope of Kill hill as evidenced by the fact that the house is only 1.2m over the level of the land subject to flood risk assessment.
- Refers to photographic survey submitted of the site with 12 photos, which show that the ridge height as originally proposed (8.95m) is marginally visible in some photos and not visible in the majority of photos.
- Applicant is prepared to complete landscape plan within first planting season.
- Refers to Drawing 2035 03 which shows a contiguous elevation of the proposed two-storey dwelling, the outline of the single storey dwelling granted on the same site under Reg. Ref. 16/740, and the adjacent dwelling. Considers that the proposed finish floor level being 1.6m lower than the dwelling granted under 16/740 will integrate appropriately into the physical surroundings.
- Refers to recent grants of permission. Notes that Reg. Ref. 16/03 for a dormer dwelling was approved for the applicant's brother on family land 280m to the south, on the north-east slope of Kill Hill – subject site is on the foot of the slope and brother's dwelling is c.18m more elevated. Notes Planning Authority granted that dormer dwelling with a ridge height of 6.3m and considers subject dwelling at a height of 7.9m on a site 18m lower is appropriate for this location.
- The dwelling design is simple two storey with a ridge height of 7.9m and employs the principles set out in the Rural Design Guide of the Council.
- Notes finished floor level (10.6) is 1.4m lower than the dwelling previously granted permission resulting in ridge height of proposed two storey dwelling being c.1m higher than the bungalow previously granted on site. Refers to family home which was constructed in the 1800's and has a finished floor

level of c.1.8m lower than the adjacent roadway. Considers that lowering the floor level will ensure there is no visual impact.

6.2. **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:

- Location
- Design of dwelling
- Appropriate Assessment

7.2. **Location**

The reason for refusal refers to policy RH9, which seeks to ensure that the location and design of a new dwelling should take account of, and integrate appropriately with its physical surroundings, the character of the surrounding area, the elevation and exposed nature of the site.

I have visited the site and surrounding areas. The majority of dwellings in the general area are single storey bungalows. This is the case along the realigned L7055 and on both sides of the old L7055 at the junction with the M7. I note that the applicant has a grant of permission for a single storey bungalow on the site, granted in January 2017. A two-storey dwelling would be out of character in the general area, and I share the concerns of the Planning Authority in this respect.

The area comprises wide open exposed fields. The land slopes up to meet the realigned L7055 which forms a bridge across the M7. The M7 itself is almost level with the cul-de-sac where the house is proposed to be located, albeit well screened

from the M7. There is some landscaping providing screening along the L7055, but I consider that a single storey dwelling is more appropriate in this location and would minimise potential visual impact.

The applicant intends to lower the finished floor level of the dwelling to +10.6; the permitted single storey dwelling is at a finished floor level of +12.0. This would result in the floor level being 1.4m lower than that granted. I note the dwelling ridge height is still higher than that permitted, and reviewing the Drawing 2035-03 it is indicated that the ridge height will be higher than the fence which runs parallel to the L7055.

Furthermore, I note that no information has been provided with respect to the volume of spoil material to be disposed of to enable the lower finished floor level, or how or where the material is going. Chapter 16 'Rural Design' of the Kildare County Development Plan, under Site Layout lists Key Principles, including – '*Don't artificially alter the natural levels of the site. Avoid excessive cutting and filling*'. The proposed design does not align with this key principle, because it is proposed to alter the levels of the site and entails excessive cutting.

In the absence of information, I consider that should the Board consider granting permission, a condition of permission should require the applicant to agree with the Planning Authority a construction waste management plan, prior to commencement of development.

I am of the opinion that the siting of a two storey dwelling in this location is out of character with the surrounding area, would set an undesirable precedent, would not align with key principles as stated in the Kildare County Development Plan 2017 – 2023, would impact on visual amenities and would be contrary to policy RH9 of the Plan.

7.3. Design of dwelling

The reason for refusal refers to the scale and mass of the proposed dwelling. The dwelling has a proposed ridge height of 7.998m, and having regard to the permitted refurbishment of the dwelling to the immediate east, as well as dwellings in the vicinity, will be out of scale.

Permission was granted in December 2016 for the refurbishment and extension of the dwelling to the east which is currently in a poor state of repair. That dwelling

height is 4.45m high. The design of the proposed dwelling being two storey, with a ridge height of 7.998m, and 3 bay is out of scale and character.

In conclusion, I consider that the design of the dwelling incorporating two storeys would be out of scale with the adjacent dwelling and the general area.

7.4. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving 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 refused permission, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. It is considered that, by reason of its location, height and design, the proposed two - storey house would be out of character with the established rural house type in the surrounding area, and would be visually obtrusive in this open rural area which is characterised by single - storey houses. The proposed house would, therefore, be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Inspectorate

1st September 2017