



An  
Bord  
Pleanála

## Inspector's Report PL10.249065.

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<b>Development</b>	Single storey extension to rear of house.
<b>Location</b>	26 Brandon Park, Graiguenamanagh, County Kilkenny
<b>Planning Authority</b>	Kilkenny County Council.
<b>Planning Authority Reg. Ref.</b>	17/200.
<b>Applicant</b>	Pat McGrath.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Christopher Browne
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> January 2018
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

This appeal is by a neighbour against the decision of the planning authority to grant permission for a single storey extension to the rear of a house in a suburban area in Graiguenamanagh, County Kilkenny. The grounds of appeal relate mostly to amenity issues.

## 2.0 Site Location and Description

### *Graiguenamanagh, County Kilkenny*

Graiguenamanagh is a small town on a crossing point of the River Barrow which dates back to at least the foundation of the Cistercian monastery in the 13<sup>th</sup> Century. It was an important trading and manufacturing port on the Barrow and now functions as a local market town. The Barrow forms the boundary with County Carlow – the smaller Tinnahinch village is on the opposite side of the river – they are connected by a particularly fine 18<sup>th</sup> Century 7-arch bridge, the only crossing point of the Barrow for a significant distance. The river is lined with quays, originally developed for cargo traffic, now used for leisure and houseboats. It has a population of just over 1,000. The centre of the town is on Main Street, where there is a small public square in front of the former courthouse. There are significant suburban extensions to the north and west of the town. To the west, High Street and Mill Street runs from Main Street where they meet at the R705 Graiguenamanagh Relief Road, which forms the western boundary of the town. Between this modern road and the old town are a series of suburban roads dating from the mid-20<sup>th</sup> Century onwards, mostly extending south from High Street on lands with levels dropping to the south to the base of the river valley.

### *Brandon Park and appeal site*

Brandon Park is a typical cul-de-sac road featuring a number of 5-9 dwelling terraces around a courtyard. The appeal site is on the largest of these terraces, which faces north towards the courtyard. The terraces are incised into the natural slope, so the courtyard is at a significantly higher level than the dwellings. The rears of the dwellings face towards another suburban road, Brandondale, giving them an unusual double aspect.

The appeal site, no. 26, is a mid-terrace 2-storey dwelling on a long 5 metre wide site with a site area given on the application form as 0.0134 hectares. The dwelling has a floor area given as 93 square metres. The house appears to date from the later 20<sup>th</sup> Century. It has a small single storey extension to the rear garden and a shed structure mid-garden. The rear garden backs onto Brandondale, with open space beyond this. Two similar terraced houses are on either side, one with a substantial single storey structure in the rear. The front faces a retained cutting – access is via two sets of steps providing access to all the dwellings on the terrace.

### **3.0 Proposed Development**

The proposed dwelling consists of the erection of a single storey extension to the rear of the dwelling with a total floorspace given as 31.02 square metres.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

The planning authority decided to grant permission subject to 7 no. conditions.

#### **4.2. Planning Authority Reports**

##### **4.2.1. Planning Reports**

The planning report notes that several dwellings on the terrace have rear developments that were constructed under exempted development Regulations. It is noted that the site is zoned 'existing residential', and section 12.5.6 of the Kilkenny County Development Plan, 2014-2020 relates to the design of such extensions. In the first planners report the submitted design was considered unacceptable due to the site coverage and scale, and revisions were requested. The response was considered acceptable, and permission was recommended.

##### **4.2.2. Other Technical Reports**

A screening assessment for AA concluded there would be no significant effect on habitats within Natura 2000 sites and so no NIS was required.

#### **4.3. Prescribed Bodies**

Irish Water – no objection.

#### **4.4. Third Party Observations**

The appellant to this appeal objected to the proposed development for reasons similar to the appeal.

### **5.0 Planning History**

There are no records on file of relevant applications or appeals relating to the site or adjoining sites.

### **6.0 Policy Context**

#### **6.1. Development Plan**

The site is zoned as 'existing residential' in the Kilkenny County Development Plan 2009-2020. Relevant policy is set out in section 12.5.6 of the Plan. The area is also within the coverage of the Graiguenamanagh Local Area Plan.

#### **6.2. Natural Heritage Designations**

The Barrow and Nore SAC site code 002162 is located approximately 200 metres to the east of the site.

### **7.0 The Appeal**

#### **7.1. Grounds of Appeal**

The appellant is the owner/occupier of no. 27, the neighbouring dwelling to the west.

- It is argued that the proposed development represents excessive site coverage.

- It is noted that section 12.7.1 of the CDP recommends a minimum of 60-75 sq. m. private open space per house, it is submitted that the proposed development is deficient in this regard.
- It is noted that section 12.4.3 of the CDB sets a requirement for adequate storage for 3-wheeled bins, - it is submitted that the PA gave no consideration of this.
- It is argued that there is inadequate provision for fire safety access – section 12.11.3 of the CDP is noted with regard to Building Regulations.
- It is argued that there was insufficient consideration given to surface water disposal and the possible impacts on flooding and SUDS.
- It is argued with regard to section 12.5.6 of the CDP that the proposed development would interfere with sunlight and daylight to the appellant's property.

## 7.2. Planning Authority Response

The planning authority state that they have no further comments to make on the appeal.

## 7.3. Observations

None on file.

## 7.4. Applicants Response

- It is submitted that the site coverage is 62% which is within CDP standards. It is stated that the revised development leads to a rear garden of 27 square metres, which, it is stated, is consistent with development plan requirements.
- It is noted that it is consistent with the development plan zoning.
- It is submitted that there is sufficient room available for bin storage.
- With regard to fire safety, it is submitted that it is compliant with all relevant building standards and regulations.

- It is noted that the drainage arrangements were revised following the FI request – all drainage will go to the storm sewerage system.
- It is submitted that the rear garden faces south and that a single storey extension will not interfere with daylight.
- It is stated that the applicant is willing to accept a condition to alter the cladding (currently proposed – cedar) to address any concerns the appellant has about external appearance.
- A letter attached from a public health nurse – the extension is required for the sister of the applicant who has mobility issues – the letter states that the proposed development will assist the living quality of the applicant and family (the response also outlines the family situation in some detail).

## 8.0 **Assessment**

Having inspected the site and reviewed the file documentation, I consider that the appeal can be addressed under the following general headings:

- **Principle of development**
- **Pattern of development**
- **Site development standards**
- **Amenity**
- **Design issues**
- **Drainage and flooding**
- **Appropriate Assessment**
- **Other issues**

### 8.1. **Principle of development**

The site is within an existing urban area zoned 'existing residential' in the LAP. The proposed development is to allow an improvement for the living space and conditions of a partially disabled resident. I would consider that the overall principle of an extension of an existing dwelling in this area is in accordance with development plan policy, subject to normal planning considerations and the site standards set out in the plan.

I would note that the stated purpose of the proposed development – and I have no reason to doubt that this is the case – is that it is required for a relative of the applicant who is no longer fully mobile, and so more ground floor space is required. There are no specific policies in this regard, but I would consider that it would be a general principle to facilitate where possible such social needs within existing developments.

## 8.2. Pattern of development.

The terrace of houses is somewhat unusual in that the rear gardens face onto a cul-de-sac suburban link road, and so can be considered to some extent dual aspect. The rear of the houses face south over gently dropping levels and so give a very good standard of daylight and general amenity. A number of dwellings have extensions and sheds to the rear, most of which appear to have been built under exemptions under the Regulations. As the rear of the dwellings are clearly visible from the public road I would consider that any developments should address this in visual terms. The dwellings are in general quite small so I consider it reasonable to extend to the rear as personal requirements change – I particularly note the difficult access to the front (steps are required to access the front doors), so having regard to the disability of one of the occupants, I consider that a single storey extension on this scale is reasonable, and that access from the house to the rear gate is important for this reason.

## 8.3. Site development standards

Standards for such developments are set out in Chapter 12 of the CDP. With regard to domestic extensions section 12.5.6 sets out general principles:

### **12.5.6 Domestic Extension**

The principal requirement for any proposed domestic extension is that the design should have regard to the need for light and privacy of adjoining properties. The form and design of the existing building should be followed and the extension should integrate fully with the existing building by using similar detailing and window proportions. Where an existing dwelling is being remodeled and extended, the proposed extension will be considered on its own merits. A high standard of modern design and materials will be encouraged in this instance.



The proposed development represents a site coverage of under 70% - section 12.9.2 sets out requirements:

#### **12.9.2 Site Coverage**

The purpose of site coverage control is to prevent over-development, to avoid overshadowing and to protect rights to light of adjoining properties. The maximum normal site coverage for uses in all areas is 65%. In urban areas, site coverage may be allowed to increase up to 85% or up to the existing site coverage. In some cases, a higher percentage may be allowed, subject to the proper planning and sustainable development of the site.

The residual rear garden is however quite small. It appears that in recognition of the needs of the applicant the planning authority applied a standard for apartments rather than for dwellings (the former is 15-20 sq. metres, the latter is 60-75 sq metres for new-build).

While I would be concerned at such a small area of private space, both for amenity purposes and the practical matter of bin storage, I consider that it is acceptable in this context. In coming to this conclusion, I've had regard to the overall design, the size and layout of the building, the needs of the occupants, the southerly orientation of the dwelling (which should ensure that even a small garden has a high level of amenity and usability), and the plentiful supply of informal open space close to the dwelling. I also note the good accessibility from Brandondale for collection services. I therefore conclude that the proposed extension, as revised following the original application, is acceptable and is in accordance with general standards and requirements.

With regard to fire safety, I am satisfied that the design as submitted is capable of compliance with fire and other regulations and building standards.

#### **8.4. Design issues**

The applicant has suggested that if the Board considers that the design has visual implications, there would be a willingness to accept a condition such that the cladding be changed. The proposed design is contemporary in style and timber clad – I would consider this to be acceptable in the local context so I do not recommend that such a condition is necessary.

### **8.5. Amenity**

The rear gardens are narrow (about 5 metres wide) so there is significant potential for extensions to the rear to impact on adjoining neighbours direct and ambient sunlight. A number of buildings in the rear of the houses, most notably a free standing building to the east of the appeal site, have the potential for overshadowing. I note that the gardens slope slightly to the south, and have a southerly aspect, so have a very good level of amenity in this regard. The proposed structure is around 3 metres in height, with a flat roof. The side walls would be at least a metre above the height of the existing boundary timber fences, so would have an impact, but I would consider that this impact would be limited to early morning sunlight, and would generally be well within the bounds of acceptability for such an urban context.

### **8.6. Drainage and Flooding**

Storm water from the roof is to be piped to the local storm water sewer, and there are no indications on file that there is an issue with capacity. I note that Graiguenamanagh has had flooding issues in the past, although so far as I am aware this has been upriver of the site. None of the available sources indicate that the site is prone to flooding. I note that most of the rear gardens of the houses already have hardstanding, so I consider that the net increase in run-off will be negligible. I therefore do not consider that a SUDS condition or similar is required and that the proposed works would have no significant implications for local flood control or drainage.

### **8.7. Appropriate Assessment**

The appeal site is within 200 metres of the Barrow and Nore SAC, an extensive riverine system with conservation objectives relating to a range of waterside habitats and vertebrates and invertebrates dependent on good water quality. The planning authority screened the proposal and considered that there would be no adverse impacts. Having regard to the nature of the development and in particular its small scale within an existing residential curtilage, I would concur with this conclusion -

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 2162, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### **8.8. Other issues**

I do not consider that the proposed development has any implications for traffic, parking, public health, archaeology, or other relevant planning issues. The planning authority did not consider that the proposed development requires a development contribution.

#### **9.0 Recommendation**

I recommend that subject to the conditions set out in the schedule below, the proposed development should be granted planning permission for the following reasons and considerations.

#### **10.0 Reasons and Considerations**

Having regard to the location and design of the proposed extension, the 'existing residential' zoning of the site, and the site standards set out in the Kilkenny County Development Plan 2014-2020, it is considered that subject to the conditions set out below the proposed development would not seriously injure the amenities of the area, would not represent a flood hazard, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 take place within the curtilage of the house, 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 extended dwelling.

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. 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.

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Philip Davis  
Planning Inspector

1<sup>st</sup> February 2018