



An
Bord
Pleanála

Inspector's Report ABP-300482-17

Development	Extensions and alterations to existing Bungalow.
Location	Green Road, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/1140
Applicant(s)	Fiona Lyons
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Fiona Lyons
Observer(s)	John Reddy
Date of Site Inspection	14 th February 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located to the south-west of Newbridge town, Co. Kildare. It is located on Green Road which runs south from the Main Street/Edward Street to the Curragh. It is c.500m south of the M7 in the transition area between the urban town of Newbridge and the Curragh plains. It is located on the northern side of Green Road, part of a row of one-off type dwellings. An entrance to the Newbridge Educate Together and a Gaelscoil school is on the southern side of the road immediately opposite the entrance to the dwelling. Agricultural fields lie to the west of the schools. The site is within the 50kph zone of Newbridge town.
- 1.2. The appeal site is stated as being 0.3Ha with two entrances onto Green Road. One entrance leads to an existing bungalow, the other provides access to land to the rear of the dwelling which is stated as being used for bloodstock.
- 1.3. The two entrances are fenced off from each other and completely separate. A wooden fence with hedging forms the boundary to the front of the dwelling. A concrete block wall with pillars and a wooden gate serve as access to the land to the rear. The observer lives in the vicinity. The other dwellings in the vicinity are a mix of large bungalows and two storey dwellings. A dwelling with a mansard roof lies to the east of the school entrance. There is no distinct design or pattern to the various dwellings.
- 1.4. The site is located just outside Newbridge Town Boundary. The southern boundary of the Local Area Plan is for the most part formed by the M7 motorway.
- 1.5. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is for alterations to the existing bungalow and an extension to the west to form an L shaped dwelling. The existing dwelling is noted as being 121sq.m, and the proposed extension is stated as being 181sq.m.
- 2.2. The works to the existing dwelling include the raising of the dwelling floor to provide additional insulation and an amended roof pitch and gabling. Modifications to the front of the dwelling are proposed including new windows, relocation of the main entrance hall and front door, modifications to the rear of the dwelling and external

finishes. An extension to the west of the dwelling will incorporate a storey and a half. The new extension is stated as being 7.8m high with obscured glazed ensuite bathroom windows at first floor on the western elevation. Dimensions on the drawings indicate that there is 10.494m between the nearest western façade of the extension and the adjoining neighbour's shed and 10.444m between the new extension and the garage to the rear of the neighbour's site.

- 2.3. Materials proposed include a stone finish on the new gable to the front as well as a plaster finish and a slate roof.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason. It states:

- 1. The proposed extension, by reason of its form, height, scale, extent, and massing, materially contravenes Policy provision 17.4.8 – Extension to Dwellings, of the Kildare Development Plan 2017 – 2023, which seeks to ensure new extensions to existing dwellings are sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties. The resultant house design would be contrary to the provisions of the Plan, would seriously injure the visual amenities of the area, would represent an undesirable precedent for further such development, and would therefore be contrary to the proper planning and sustainable development of the area.*

A note was appended stating that “*The Transportation Department have expressed concern regarding the provision of two entrances at the subject site. The applicant is advised to consider the provision of a simple entrance to serve the proposed site and existing entrance in any further application*”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- The recent planning history associated with the site is noted as well as its location on a relatively visible approach to the Curragh, and it is considered that the extension adversely distorts the scale and mass of the structure and adjoining properties in the immediate streetscape.
- Considers the front elevation as proposed presents a variation in roof profiles and is considered to represent in effect, a replacement dwelling house, which is out of scale in the immediate streetscape.
- The new build element is noted as being 181sq.m with the existing unit being 121sq.m, but is considered to represent an overscaled and unsympathetic extension to the existing dwelling house.
- Recommends refusal of permission

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

3.2.2. Other Technical Reports

- **Environment:** No objections subject to conditions.
- **Area Engineer:** No objections subject to conditions.
- **Water Services:** No objections subject to conditions.
- **Transport:** Requests Further Information.

3.3. Prescribed Bodies

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

3.4. Third Party Observations

There was one submission from the appeal observer. Issues raised are similar to the observation which are addressed in section 6.4 below.

4.0 Planning History

- **Reg. Ref. 16/11:** Permission was refused in March 2016 for the demolition of the existing bungalow and replacement with a contemporary style single storey and part two storey dwelling. Two reasons for refusal were given, including the development

by reason of inappropriate design, bulk and scale materially contravenes policy RH18 of the Plan and would be seriously injurious to the visual amenities of the area, and the replacement dwelling is located in unzoned lands and does not comply with RH18 regarding documentary evidence of the most recent date of occupation and compliance with local needs.

- **Reg. Ref. 15/300:** Permission was refused in June 2015 to replace the existing single storey dwelling with a new 5 bedroomed two storey style dwelling. Permission was refused for three reasons including reference to the 7 metre setback from the established building line and the established pattern of development of 1.5 storey dwellings, as well as inappropriate design, height, scale and bulk materially contravenes RH18, and the replacement dwelling is located in unzoned lands and does not comply with RH18 in the absence of compliance with local needs.

In the vicinity:

- **Reg. Ref. 06/2047:** Permission granted for retention and completion of a garage immediately to the west of the subject site.
- **Reg. Ref. 02/1160:** Permission granted in December 2012 for a shed to the rear of the existing dwelling to the west of the site.
- **Reg. Ref. 17/436:** Permission granted in August 2017 for the change of use of the existing dwelling to a pre-school and afterschool facility. This dwelling is immediately opposite the subject site adjacent to the entrance to the schools.

5.0 Policy Context

5.1. Kildare County Development Plan 2017 - 2023

- 5.1.1. The site is outside the boundary of the Newbridge Local Area Plan boundary. The County Development Plan policies and objectives apply.

Chapter 3 refers to settlement strategy, Chapter 4 to housing and Chapter 17 refers to Development Management Standards.

- 5.1.2. Chapter 3 notes that Newbridge is a Large Growth Town II. Section 4.11 of Chapter 4 refers to Residential Development in Established Urban Areas - infill, backland, subdivision of sites and corner sites. With respect to extensions to dwellings in urban

areas it notes that “*Domestic extensions are an effective way for homeowners to adapt to changing household needs without having to move house. The design, scale and layout should have regard to the amenities of adjoining properties, particularly as regards overshadowing and privacy*”.

5.1.3. Section 17.4.8 refers to Extensions to Dwellings. It states

“Primarily, the design and layout of extensions should have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy.

The following basic principles shall be applied (summarised)

The extension should be sensitive to the existing dwelling not adversely distort the scale or mass of the structure or adjoining properties complement the area have regard to adjoining properties..... a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged... In rural areas have regard to Chapter 16 Rural Design Guide.... not provide for new overlooking of the private area of an adjacent residence In an existing developed area. not significantly increase overlooking possibilities..... not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house..... The physical extensions to the floor area of a dwelling should not erode its other amenities. In all cases a minimum private rear garden area must be retained.

5.2. **Natural Heritage Designations**

Pollardstown Fen SAC (Site Code 000396) is located c.4km to the north-west.

Mouds Bog SAC (Site Code 002331) is located c.6km to the north. River Barrow and

River Nore SAC (Site Code 002162) is located c.9km to the south-west.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal against the Planning Authority’s decision to refuse permission has been lodged by the applicant. In summary, it states:

- The applicant wishes to modernise her dwelling for her family to live in. The existing house is a typical 1990s bungalow with little or no insulation, oil fired heating and draughty windows.
- It is intended to farm the adjoining lands of c.25 acres which are currently grazed by bloodstock.
- The new extension will create a new architectural style which is in keeping with the adjoining area and design guidance as outlined in Chapter 16 of the Plan. The total floor area will be 300sq.m which is in keeping with many of the recently permitted dwelling houses in the area.
- The overall height will be 7.8m with a new roof over the existing bungalow of 6.5m with separation distances of 12.5m and 18.9m with no overlooking at first floor – all bathrooms have obscure glazing.
- A survey of Green Road identify many 2 storey and dormer dwellings – photos included with appeal.
- Propose to raise the dwelling by 225mm to provide insulation and lift the existing roof to provide for a new ridge height of 6.5m. External walls will be fully retained and upgraded with insulation.
- Do not intend to replicate ‘bungalow bliss’ but to renovate, extend and provide contemporary detailing and finishes.
- The site has the benefit of two accesses. It is proposed to upgrade the existing domestic entrance but happy to accept a condition of planning relating to the development of a single access which will also serve the adjoining farm lands if deemed necessary.
- Conclude that house is a new architectural style, is in keeping with adjoining houses, has adequate separation distances, no overlooking, site is of adequate size, will not devalue adjoining property, has site entrance, addresses previous refusal.
- Drawings and photos of the neighbouring dwellings accompany the appeal documentation.

6.2. Planning Authority Response

The Planning Authority responded stating that the development description as proposed involving extensions and alterations to the existing bungalow was contrary to policy provision 17.4.8 of the County Development Plan.

6.3. Observations

An observation was received from a neighbour. In summary, it states:

- Considers proposal disproportionately large for the respective footprint of the site, continues to lack specific detail and is not in compliance with the Plan.
- Applicant states that they are the full owner of the entire site. Understands that the correct legal owner of a portion of the site is Fina Developments Ltd. - the applicant should have sought consent. Considers that by including a portion of the property not owned by the applicant a larger site is represented. Copy folios attached to appeal. Notes Company is owned by the applicant and her husband and the general principle of the company is construction and not farming.
- Considers incorrect address has been used – it is Green Road, Curragh not Green Road, Newbridge. Should be considered with respect to the amenity that the Curragh represents.
- Notes reference to a ‘pergola’ on the plans but no detail is contained on the drawings. Considers there is a lack of detail submitted with respect to the square behind the front hall, velux windows and pergola.
- Considers design is not sensitive and is materially different to the current structure. It does not complement the area. Has concerns that they may be overlooked.
- Considers that in the main all the dwellings to the east are bungalows and the two storey dwellings to the west are built where the gradient slopes.

7.0 **Assessment**

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:

- Procedural Matters
- Design of extension
- Residential Amenities
- Entrance to the site
- Appropriate Assessment

7.1. **Procedural Matters**

- 7.1.1. The observer considers that the red line includes lands not owned by the applicant but by a company owned by the applicant. I note from the folios provided by the observer that the lands are owned by a company registered at the same address as the applicant in Newbridge. I further note that the applicant considers herself to be the legal owner of the lands as indicated on the Planning Application form.
- 7.1.2. Based on the information on file, I am satisfied that the applicant has legal interest in the land within the red line.
- 7.1.3. The observer considers that the incorrect address has been used and it should be Green Road, Curragh not Green Road, Kildare. The site is just outside the town boundary of Newbridge, and therefore is subject to the policies and objectives of the Kildare County Development Plan 2017 – 2023, and will be assessed for compliance with those policies therein.

7.2. **Design of Extension**

- 7.2.1. The reason for refusal referred to the form, height, scale, massing and extent of the extension. The Planning Authority considered that it materially contravened policy provision 17.4.8 of the County Development Plan. I will address each point within section 17.4.8 below.

- 7.2.2. The existing dwelling is a single storey bungalow of little architectural merit between two other bungalows. The overall area of the dwelling is stated as being 121sq.m. The applicant wishes to upgrade the bungalow to modern standards of insulation and design.
- 7.2.3. With respect to the height, the design includes an extension to the west of 7.8m high. The extension is noted as being a distance of 22.181m from the side façade of the neighbouring dwelling on the drawing submitted with the appeal. The same drawing indicates that the neighbouring dwelling is 7m high. I am satisfied that the extension height of 7.8m at a distance of 22m from the neighbouring dwelling will not appear overbearing, nor will it affect the amount of daylight and sunshine having regard to the fact that the neighbours shed and garage are between the neighbour's dwelling and the proposed extension.
- 7.2.4. With respect to bulk and scale, the overall area of the extension is larger than the existing dwelling, but it is two storeys - its footprint is less than the existing dwelling. The extension is perpendicular to the existing dwelling and results in an L shaped dwelling with an overall width which will read similar to the dwelling to the north-east. Having regard to the size of the plot and the adjacent plots, I am of the view that it will not adversely distort the scale or mass of the structure or adjoining properties, as required by section 17.4.8 of the Plan.
- 7.2.5. Section 17.4.8 of the Plan requires extensions to have regard to adjoining properties. The adjacent properties range from standard single storey bungalows, to two storey dwellings of a variety of designs. The three dwellings to the west (past the immediate neighbouring bungalow) are two storey, using a range of materials from red brick, to tudor style panelling, to render finish and all are on large plots. The dwelling opposite is two storey with a mansard roof design. There is no set design or pattern along this section of Green Road.
- 7.2.6. Section 17.4.8 states that a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged. The extension and modifications to the existing dwelling will introduce a contemporary design. Having regard to the wide variety of designs in this part of Green Road, I consider that a flexible approach should be taken and that the subject proposal complies with the requirements of section 17.4.8 in this respect. Furthermore, trees

and hedgerows on the boundaries are all well established and the dwellings are not easily visible.

7.2.7. Having regard to the size of the plot, other amenities such as remaining rear garden will not be compromised as required by section 17.4.8.

7.2.8. I am satisfied that the design of the extension and modifications to the existing house do not materially contravene the policy provision of section 17.4.8 of the County Development Plan. Having regard to its location amongst a variety of designs and dwelling types, the size of each plot and its contemporary design, I am satisfied that its form, scale, height, extent and massing, as well as the well-established landscaping along the boundaries will not injure the visual amenities of the area and will not represent an undesirable precedent for further such development.

7.3. Residential Amenities

7.3.1. The observer expresses concerns with respect to the lack of detail and in particular to a reference to a pergola which is noted on the drawings, but where no detail has been provided. The observer is concerned with respect to privacy and overlooking. I agree with the observer that no details are provided, and it is unclear what is meant by a pergola in this case.

7.3.2. I am satisfied that should the Board be of a mind to grant, the first condition shall require the applicant to build in accordance with the plans and particulars submitted with the application. As no details of a pergola have been provided on the drawings, nor has permission been sought in the public notices, I consider that a pergola shall not form part of the permission, should the Board consider granting permission.

7.3.3. With respect to the observer's concerns in relation to privacy and overlooking, I am satisfied that there will not be a seriously negative impact on neighbouring residential amenities. There are no bedroom or habitable room windows at first floor along the western boundary of the proposed extension. There are two bathroom windows with obscure glazing. The observer correctly notes an error on the drawings, whereby the first floor plan does not indicate a window on the walk-in-wardrobe room, but a window is shown on the side elevation 'A'. I consider that a condition requiring all three windows to have obscure glazing will ensure that no overlooking can occur.

7.3.4. At ground floor level, there is significant glazing, however, having regard to the distances between the extension and the closest dwelling to the west, and the fact that the neighbour has a large shed and garage on the eastern boundary, I am satisfied that there will not be an adverse impact on the neighbour's privacy. The extension will not provide overlooking of private areas where no such overlooking previously existed, as required by the Plan.

7.3.5. In conclusion, I am satisfied, having regard to the absence of windows in habitable rooms on the western boundary of the extension, the proposed obscure glazing on the bathroom windows, and the separation distances involved, there will not be a seriously negative impact on the residential amenities of the nearest neighbour, nor on other properties in the vicinity.

7.4. Entrance to the site

7.4.1. I note that the Transport Department requested additional information at assessment stage, and a note was appended to the Planning Authority's decision with respect to the entrance to the site. The Transport Department states that section 17.7.4 of the Plan discourages the proliferation of access points onto public roads. The Department request that the applicant submit proposals to provide for a single access point onto the public road with appropriate sightlines.

7.4.2. I consider that this is reasonable and should the Board decide to grant permission, I recommend that a condition requiring the applicant to provide one entrance to serve the dwelling and rear lands is appended.

7.5. Conclusion

In conclusion, while I accept that the extension is large, it will not adversely distort the scale or mass of the structure or adjoining properties. I am satisfied that in this particular location along Green Road, the plots are large and there is a mix of dwelling types and a mixed pattern of development. I am of the opinion that the subject proposal does not materially contravene policy provision 17.4.8 of the Plan.

7.6. **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**

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to:

- (a) the provisions of the Kildare County Development Plan 2017-2023,
- (b) the nature, scale and orientation of the development proposed,
- (c) the size of the overall site, and
- (c) the mixed pattern of development in the area,

it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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, 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. The proposed development shall be amended as follows:

A single access point onto the public road shall serve the dwelling and lands to the rear.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension and modifications to the dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The windows on the western elevation at first floor shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

5. 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.

6. 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.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Ciara Kellett
Inspectorate

22nd February 2018