



An
Bord
Pleanála

Inspector's Report ABP-300960-18

Development	House in side garden.
Location	23 Castlepark Avenue, Dunboyne Road, Maynooth, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	17/1310.
Applicant(s)	Laura Grashorn.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party V. Decision
Appellant(s)	Esther Tippmann and others.
Observer(s)	None.
Date of Site Inspection	22 nd May 2018.
Inspector	Susan McHugh.

1.0 Site Location and Description

- 1.1. The appeal site is located within a relatively new residential estate approx. 0.5 km to the north east of Maynooth Main street with access from the Dunboyne Road. The estate is characterised by semi-detached and detached two storey houses. The residential estate of Lyreen Park is located to the southwest.
- 1.2. The site is located at the end of a row of semi-detached houses along Castlepark Avenue which terminates at a cul de sac. The houses along Castlepark Avenue are orientated towards a linear area of open space which runs parallel to the Dunboyne Road. There is a turning head marked with double yellow lines located along the Avenue to the west of which, is a pedestrian access to the estate from the footpath along the Dunboyne Road. The houses typically include driveways to the front with, parking for two cars, metal railings between properties and side passages to the rear gardens.
- 1.3. The appeal site is in the side garden of the end house along Castlepark Avenue No. 23. This house includes a parking area to the front that extends along the frontage of the house and the side garden.
- 1.4. The appeal site has an area of 0.0759ha. The area to the side is finished in a stone surface while the area to the rear is grassed. The garden is defined to the front and side by a timber fence, to the southeast and northeast by 1.8m high boundary walls.

2.0 Proposed Development

- 2.1. Permission is sought to construct a new two storey dwelling attached to the side house No. 23. The proposal includes living accommodation at ground floor and two bedrooms at first floor. The house is stated as being 93.326sqm. in area, and will have a smaller footprint to the adjoining house but will appear similar at the front. The rear garden would be 55sqm.
- 2.2. The existing house includes gable windows at ground and first floor which it is proposed to block up, in order to accommodate the proposed house. No. 23 will effectively therefore become a mid-terrace house. The rear garden would be 60sqm.

2.3. Car parking is to be provided to the front to accommodate 2 cars for the existing and proposed house (4 in total).

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to grant permission subject to 9 conditions.

Condition No. 4 (iv) requires that at least two independently accessible car parking spaces be provided within the boundaries of the existing and proposed house.

Condition No. 8 requires that the 3 no. windows in the south facing gable elevation, i.e. 2 no. w.c. windows at first floor level and 1 no. window to attic, shall be of obscured glazing.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report (dated 24/01/2018)**

The planners report is the basis for the planning authority decision. It includes:

- Development would not significantly impact the neighbouring properties in terms of overlooking or overshadowing.
- Private amenity open space for the proposed and existing house complies with Development Plan policy.
- Proposed parking arrangements may be constricted, due to the existing open space and associated kerbing at this location but no objections from Transportation and Area Engineer.
- Considers that the proposed development would not detract significantly from the character of the surrounding area.

3.2.2. **Other Technical Reports**

Transportation - No objection subject to conditions.

Environment - No objection subject to conditions.

Area Engineer – No objection subject to conditions.

Water Services - No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water – No objections subject to conditions.

3.4. **Third Party Observations**

3.4.1. Four no. submissions were lodged from the following parties;

- Esther Tippmann, 22 Castlepark Avenue.
- Pauline Cullen, 21 Castlepark Avenue.
- Anne Marie McEvoy, 20 Castlepark Avenue.
- Damian Galligan, 15 Castlepark Avenue.

3.4.2. Issues raised are similar to those raised in the third party grounds of appeal which are summarised in section 6 below.

4.0 **Planning History**

Appeal Site

P.A. Reg. Ref. 16/1223: Permission **granted** 15/03/2017 for construction of part single storey part two storey extension to the rear and side of existing house; including garden shed. One new roof light to rear and associated landscaping works. This permission was not implemented.

5.0 **Policy Context**

5.1. **Kildare County Development Plan 2017-2023**

Chapter 4 of the plan refers to Housing.

SRO 5 *'To facilitate subdivision of larger dwellings on extensive sites in urban areas that are well served by public transport and subject to adherence to the relevant standards set out in Chapter 17 of this Plan.'*

Chapter 15 sets out Urban Design Guidelines.

Section 15.4 of the Development Plan considers consolidation, infill, and brownfield sites. Infill development guiding principles states that *'within these areas proposals shall have regard to the surrounding character, particularly where the proposed development is located on a small plot.'*

Chapter 17 sets out Development Management Standards.

Section 17.4.4 – which states that for terraced / townhouse schemes refuse bins *'should not be situated immediately adjacent to the front door or ground floor window, unless adequately screened alcoves or other such mitigation measures are provided'*.

5.1.1. **Maynooth Local Area Plan 2013-2019**

Map 6 : Land Use Zoning Objectives identified the site as zoning **Objective 'C' 'New Residential'**.

The stated objective of which is *'To provide for new residential areas. The zoning provides for new residential development areas for associated local shopping and other services incidental to a new residential development.'*

Section 7.1.3 Housing Objectives

HPO2: *'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 residential amenity of adjoining properties.'*

5.2. **Natural Heritage Designations**

There are no designated areas in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal against the decision to grant permission by the planning authority has been lodged by Peter Thomson Planning Solutions acting on behalf of the appellants (the neighbours immediately to the northeast of the subject proposal with addresses at No.s 22, 21, 20 and 4 Castlepark Avenue). In summary, it states:

- P.A. Reg. Ref. 16/1223 demonstrates how parking for three cars at the front of the property is achieved, and notes that one of the spaces oversails the front garden of the existing house. The justification for the then proposed extension was the need to provide additional accommodation for the family. It is assumed that the family will not be residing in the existing or proposed house.
- The amendment applications referred to in the planners reports involved reducing the number of semi-detached houses and increasing the number of detached houses.
- Substandard Residential Development – The proposed development does not meet Development Management Standards in respect of private open space, refuse and bicycle storage, car parking or universal access.
- Car Parking - Occupants of the mid terrace house will only park one car at the front and store bins where the second car space should be provided. This will introduce a traffic hazard as a result of the loss of an off street parking space, and detract from the visual amenity of the area. Car parking spaces are insufficient in width, and will inhibit access to the cars and to the entrance to the proposed house. There is only space to comfortably park one car in front of the proposed mid terrace house, parking will then occur on the road at the end of the cul de sac or in the designated turning head which includes double yellow lines.
- Traffic Hazard - Illegal parking at the end of the cul de sac will block access to emergency vehicles and to the existing fire hydrant, or at the turning head will inhibit turning movements and block the view to pedestrians using the main

pedestrian entrance. Condition 4(iv) of the planning permission is unachievable and therefore, unenforceable.

- Relaxation of Parking Standards - The requirements of the Transportation Department to provide less than 2 spaces would not be justified. If a rear service access was to be created to serve the mid terraced house, there would be insufficient space for a wheelchair user.
- Impact on House No. 23 –The residential amenity of the existing semi-detached house which will become a mid-terraced house will be significantly reduced as a result of the loss of front garden space (including parking space), the removal of the existing rear access, reduced garden area and loss of natural light into the gable of the house.
- Impact on House No. 22 - The residential amenity of this house will be significantly eroded as cars parked at the front will have to be parked hard against the common boundary and bins kept and used outside at the front of the property. The shoehorning of an additional house into one corner will erode the character of the area due to the introduction of house types which are out of keeping with other house types.
- Overdevelopment – By virtue of the layout and design of the proposal there is a shortfall of a number of basic minimal standards and amenities for future occupants. The existing house is suited to an extension but not a further house.
- Pedestrian Child Safety – The existing estate layout adopts the ‘Home Zone’ principle. Nothing should be permitted within the estate which would encourage residents to have to park outside the confines of house curtilages, thereby reducing the shared space and creating a hazard for pedestrians and children at play.
- Property Values –The property value of house No. 22 which would become an end of terrace house would be adversely affected.

6.2. Applicant Response

David Mulcahy Planning Consultants on behalf of the applicant responded to the appeal as follows;

- Occupants – Whether the applicants reside in the existing or proposed house is a completely irrelevant consideration.
- Private open space – The existing house is a three-bedroom house with the fourth bedroom in use as an office and as storage. The private open space meets the requirements for a three-bedroom house.
- Refuse and waste management – There is sufficient space for a bin storage area, refer to Drawing No. 611 which indicates storage for three bins located to the south side of the boundary between No. 23 and the proposed dwelling. This leaves sufficient room for a person to access the front door via the two cars when they are both parked together. This is the exact arrangement that the neighbour in No. 22 (one of the appellants) had until very recently. Example given of bin storage at No. 22 which is quite discreet and does not have a material impact on the visual amenity of the street.
- Bicycle Storage – There is no need to have a dedicated storage space for a bike to the front of the house.
- Parking and traffic hazard – Drawing Nos. 610 and 611 indicate off-street perpendicular car parking for 2 no. car park spaces for the mid terrace house and end of terrace house. Condition No. 4 (iv) can be implemented. Consistent with the established pattern of development and the planning authority had no objection to this arrangement. As the proposed house is located at the end of a cul de sac any car parking on the street would not create any traffic hazard. The subject site is 450m (just over a five-minute walk) from the town centre of Maynooth and proximate to bus stops. Consider that a relaxation of car parking standards would be allowable in this instance. Cites examples where the Council have allowed a relaxation of car parking standards previously.

- Universal Access – The bin storage area could be moved to the front of the house in front of the car which accords with Development Plan policy with respect to bin storage.
- Maynooth local area plan – Difficult to understand how the parking of two cars within the front curtilage of the new mid terrace or bins parked at the front could have any material planning impact on the occupants of No. 22. The proposed development will not have a material impact on the established character of the area.
- Overdevelopment – Both on street car parking and bin storage can be provided.
- Pedestrian / child safety – In the event that there was on street car parking due to the location of the at the end of a cul de sac no traffic hazard would arise.
- Property values – House No. 22 will remain unchanged.

6.3. **Planning Authority Response**

The planning authority had no further comment.

6.4. **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 issue arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Infill Development
- Residential Amenities
- Development Management Standards
- Car Parking and Traffic Hazard

7.2. Infill Development

- 7.2.1. The site is zoned 'C' 'New Residential' 'To provide for new residential areas. The zoning provides for new residential development areas for associated local shopping and other services incidental to a new residential development.' A dwelling is acceptable in principle, subject to compliance with the standards as set out in the Plan. I would note that the applicant, planning authority, and appellant have all referred to the site as zone B 'Existing Residential' in error.
- 7.2.2. I am satisfied that the development of a house in the side garden adjoining the gable end of the semi-detached house is acceptable in this location. Castlepark Avenue is a mix of semi-detached and detached designs.
- 7.2.3. In conclusion, I am satisfied that the development of an infill type house in this location is acceptable in principle.

7.3. Residential Amenities

- 7.3.1. The Development Plan provides guidance on the standards for house designs. It is stated that a two-bedroom house must be a minimum of 85sqm. in floor area. The current proposal for a two-bedroom house is 93.326sqm in area which is above the Plan standards.
- 7.3.2. The private open space in the rear garden is stated as being 55sqm which complies with the Development Plan standards for a two-bedroom house. I accept the argument made by the applicant that the existing house is a 3-bedroom and not 4-

bedroom house and that the first floor room in use as a study is too small to be a bedroom. The existing house No. 23 will be left with a garden area of 60sqm in compliance with Development Plan standards for a three-bedroom house.

- 7.3.3. The appellant has concerns with respect to overdevelopment and considers that the site is more suitable for an extension to the existing house as previously permitted under P.A. Reg. Ref.17/1310. I consider that the proposed 2-bedroom house is modest in scale compared to the adjoining house No. 23 which has a floor area of 129 sqm. and that it utilises this side garden to good effect.
- 7.3.4. Concern from the appellants stems largely from the fact that as a result of the proposed development the existing semi-detached house no. 23 will become a mid-terrace house, and the existing semi-detached house no. 22 will now become an end of terrace house. This arrangement it is asserted would be out of character with the pattern of development in the area.
- 7.3.5. I am satisfied that the design, ridge height, fenestration and finishes of the front elevation mirrors that of the adjoining house, and I do not consider that the creation of a short terrace of three houses is significantly out of character with the established pattern of development of this estate.
- 7.3.6. I note that the front elevation of the proposed house is in line with the adjoining house no. 23 while the rear building line is set back from that of the adjoining house by approx.4m at ground floor and 1m at first floor. There are no issues with respect to overlooking, overshadowing or overbearing impacts on the existing house. I note Condition no. 8 in respect of obscure glazing to the side elevation of the proposed house and recommend that a similar condition be attached in the event of a grant of permission.
- 7.3.7. The appellant asserts that No. 23 which will be mid terrace should have a side passageway to allow for access to the rear garden for bin and bicycle storage. In my opinion the issue of refuse and bicycle storage by the appellant is over stated. The applicant has submitted Drawing No. 611 which illustrates storage for three bins located to the south side of the boundary between No. 23 and the proposed dwelling. I also note that the proposed dwelling will include a side passage access to the rear garden. I am satisfied that there is no substantive basis to this ground of appeal,

and that the location of refuse storage and bicycle parking to the front will have no material impact on the residential or visual amenity of the adjoining properties.

7.3.8. In summary, I am satisfied that the subject proposal is acceptable and would not seriously injure the residential amenities of the nearby dwellings.

7.4. Parking and Traffic Hazard

7.4.1. The front driveway will provide for two car parking spaces to comply with Development Plan standards for a two-bedroom house. The existing house No. 23 will similarly have two car parking spaces to the front as is the case at present. The car parking requirement is 2 spaces per house. I consider this acceptable.

7.4.2. The appellant considers that Condition 4 (iv) which requires that at least two independently accessible car parking spaces be provided within the boundaries of each site is not implementable as there will be insufficient space between parked cars to allow access when combined with the bin storage area. Again in my opinion this issue is overstated by the appellant.

7.4.3. The applicant in response to the grounds of appeal has submitted drawings clearly demarcating the appropriate car parking space widths and lengths, which is directly comparable to all the other houses along this row and in the vicinity. There is also provision for an enclosed bin storage area. While I do note that this arrangement may require the removal of two small pockets of landscaping to the front driveway I do not consider that this is a significant issue.

7.4.4. The applicant has called for a relaxation of the parking standards given the proximity of the site to the centre of Maynooth and to a number of bus stops in the vicinity. They also cite another residential development in the area where parking standards were relaxed to allow one space per house. Notwithstanding the case made by the applicant which I consider reasonable, as they have demonstrated that car parking for two cars can be provided I see no merit in relaxing the standards in this instance.

7.4.5. In terms of traffic safety, the appeal site is located at the end of a cul de sac and there is no pedestrian route to adjoining estates at this location. I also note the location of the turning head, which includes double yellow lines, is not suitable for

use as a car parking space. I note the Transportation section of the planning authority had no objection.

- 7.4.6. In summary, I am satisfied that the provision of two car parking spaces to serve the proposed house is reasonable and that the proposed development would not give rise to a traffic hazard.

7.5. Appropriate Assessment

- 7.6. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully services location, 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 permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the location of the site on residential zoned lands in the current Kildare County Development Plan 2017-2023, and to the 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 character or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 3 no. windows in the south facing gable elevation, i.e. 2 no. w.c. windows at first floor level and 1 no. window to attic, shall be of obscured glazing.

Reason: In the interest of residential amenity.

3. Two independently accessible car parking spaces shall be provided within the boundaries of the existing and proposed house.

Reason: In the interest of traffic safety.

4. Details of the materials, colours and textures of all the external finishes to the proposed 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.

5. 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.

6. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays.

Deviation from these times shall 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.

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.

Susan McHugh
Planning Inspectorate

28th May 2018