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Pleanála

## Inspector's Report ABP-301058-18

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<b>Development</b>	Retention of 2 no. 3 bed semi-detached dormer bungalows.
<b>Location</b>	Hartwell Road, Kill, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	17/1385
<b>Applicant(s)</b>	Cavan Developments.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	George Donohue
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> May 2018
<b>Inspector</b>	Caryn Coogan

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## **1.0 Site Location and Description**

1.1. The subject site is within a new housing estate called Kilheale Drive, in Kill village Co. Kildare. The estate is partially complete and occupied, and partially still under construction. The subject site includes two semi-detached dormer bungalows, which are unoccupied, and are included along a line of 6No. similar dormer bungalows. This row of 6No. houses backs onto established houses in Kill village. There are no first floor windows to the rear overlooking existing residential properties and the rear gardens are 7.2 – 11metres in depth. The rear wall is 8metres in height.

## **2.0 Development**

2.1. Retention of 2No. three bed semi-detached dormer bungalows on a site area of 0.056ha, whereby alterations to site layouts and driveways of sites No. 9 and 10 together with a new boundary wall to site of No. 9 and all associated site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Kildare Co. Co. granted retention of the proposed development subject to 4No. standard conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The site location, description of the proposed development, summary of internal reports, summary of objection received, planning history, development plan policies and assessment is indicated in the report.

A re-consideration of the permitted layout required the need to re-orientate the houses on Sites 9 and 10. The new layout is acceptable as the dwellings are on a similar building line with adjacent dwellings

### 3.2.2. Other Technical Reports

No objection to retention of the development from the Area Engineer, Water Services, Transportation and CFO.

### 3.3. Third Party Observations

George Donohue submitted an objection stating:

- The site notices were misleading, there were discrepancies in the drawings, the finished floor levels are inaccurate, impact on neighbouring properties at Glendara.

## 4.0 Planning History

**UD7068** was an enforcement file relating to the subject development whereby two dwellings permitted on the site under P17/1385 were built in the correct location but rotated in a different direction to the permitted scheme.

**07/1474 (Parent Permission)** Permission granted to Cavan Developments for residential developments of 162No. dwellings comprising of 24No. 4 bedroom houses, 18No. 3 bedroom semi-detached dwellings, 69No. terraced dwellings, 14No. three bedroom houses, 3No. three bedroom bungalows, 33No. apartments etc, with a pumping station and a temporary wastewater treatment plant.

## 5.0 Policy Context

### 5.1. Development Plan

Kildare County Development Plan 2017-2023

The site is zoned **Residential** in the Kill Small Town Plan 2017-2023.

KD019-008004

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The planning authority did not take into account the grounds of his objection during the assessment of the case. The application is flawed and yet was granted permission. A summary of the grounds of appeal is as follows:

- His original objection to 17/1385 is currently with the ombudsman regarding non-compliance with previous permissions.
- The question to be answered is 'Is a movement of 3m regarded as been significantly out of compliance'. He considers it is, and it makes application 17/1385 invalid.
- The positioning of House F in relation to his back garden at 75 Glendara has been ongoing. The applicant believes there has unnecessary amount of his time and money has been inflicted upon him by the planning authority and the applicant.
- Included in the appendix of the submission is the third party's original letter of objection to the planning application in January 2018, extracts form the planning application, the decision to grant, and letters to/ from ombudsman.

### 6.2. Planning Authority Response

The planning authority has no further comment to make.

### 6.3 Applicant's Response

The parent permission 07/174 was extended under 12/963 and 17/1008 and is valid up until 21<sup>st</sup> of January 2020.

The grounds of appeal do not contain bone fide grounds of appeal. There are numerous references to non-planning matters. The development complies with the development plan and will not impact on adjoining properties.

## 7.0 Assessment

- 7.1. Most of the issues raised in the appeal relate to enforcement issues and non-compliance with conditions which is beyond the remit of the Board. The Board is restricted to considering the current application for retention only.
- 7.2. I visited the site on the 23<sup>rd</sup> of May 2018, and both dwellings are complete and unoccupied, with the garden areas grassed. There is an 8metre wall to the rear, dividing the dwellings from the appellant's house. There are no windows on first floor level to cause a loss of privacy to the third party appellant's house which backs onto the property. The appellants property is adequately screened from the development. I consider the development, as constructed, will not impact negatively on existing residential amenities.
- 7.3. The revised layout involved the re-orientation of dwellings 9 and 10 from the as permitted drawings under 17/1385, to match the existing streetscape. In my opinion, the existing and revised layout provides for a more consistent layout within the entire estate.
- 7.4. I did note during my inspection that the front building line is not accurately indicated on the site layout drawing as constructed. I measured 5.2metres from the edge of the road, and the site layout drawing indicates 6metres. The front curtilage that states 3.3metres on the same drawing is in fact 2.1m when measured on site. All other measurements indicated on the site layout drawing appear to be accurate, give or take 0.5metres. I do not believe these measurements to be material and they do not impact on the development materially.
- 7.5. Overall, I find the third party's appellant's grounds of appeal, in this instance, to be somewhat unfounded, and the administrative and enforcement issues arising on appeal can only be addressed by the planning authority.

## 8.0 Recommendation

- 8.1. I recommend the planning authority's decision to grant permission for the development be upheld.

## 9.0 Reasons and Considerations

Having regard to the design and layout of the development, the pattern of development on the neighbouring sites, it is considered that subject to compliance with the conditions attached would not injure the amenities of the area or depreciate the value of property in the vicinity, or be contrary to the provisions of the Kildare County Development Plan 2017-2023, and would, subject to the following conditions, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development to be retained 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 submitted on the 8<sup>th</sup> of December 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 interests 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 on the site or within the rear garden area without a prior grant of planning permission.

**REASON:** In the interest of the amenities of the area

3. Apart from the departure authorised by this permission, the development shall remain in accordance with the terms and conditions of the previous permissions relating to the site, namely the parent permission planning registration number 07/1474 as extended by permission granted under 12/963 and 17/1008 and any agreements entered into thereunder.

**REASON:** In the interests of clarity and to ensure proper servicing of the development.

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Caryn Coogan  
Planning Inspector

11/06/2018