



An
Bord
Pleanála

Inspector's Report ABP-301460-18.

Development	Residential extension.
Location	6 The Seven Springs, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	17/800.
Applicant(s)	Gary & Marie Brennan.
Type of Application	Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Multiple Third Party.
Appellant(s)	Liam O'Flaherty Stephanie Powell Audrey & Frank Metcalfe.
Observer(s)	None.
Date of Site Inspection	19/06/2018.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within a suburban residential estate to the west of the town of Newbridge in Co. Kildare. The site is approximately 1.5km to the north of the M7 Motorway and is located within a mature residential estate known as The Seven Springs.
- 1.2. No. 6, The Seven Springs is a detached two story house located within a cul-de-sac and the orientation of the property is just off North – South with the rear garden being north facing. The existing house has a stated floor area of 154.2m² and comprises a four bed roomed house with a single storey projection to the east. The site has a stated area of 0.056ha.

2.0 Proposed Development

- 2.1. Permission is sought for an extension and alterations including, first floor extension to the side including rooflights at the front, roof light to existing roof at front, upgrade of existing windows, alterations to existing window opes, new ground floor window opes, patent render external wall insulation, new single storey flat roof extension to the rear with parapet detail, flat roof storage shed at rear together with all associated site works all at 6 The Seven Springs, Newbridge, Co. Kildare.
- 2.2. The proposed extension will incorporate a first floor extension over the existing single storey element of the house as well as a single storey extension to the rear. The proposed two storey extension will provide for a 5th ensuite bedroom while the single storey extension will provide for a large open plan kitchen / dining / sitting room with a play area. The proposed development will also provide for a single storey storage shed, with internal link, to the north eastern corner of the site. The total floor area of the proposed extension is indicated 70m² plus 12m² shed. The proposed single storey element of the proposed extension is to have a flat roof and will rise to an overall height of approximately 4m including parapet, and the shed rising to approximately 2.7m.

2.3. During the course of the PAs assessment of the proposed development, and following a request for further information, the detail of the extension was amended to incorporate first floor windows on the front elevation. Other alterations to the design stepped the extension further away from the eastern site boundary, incorporating a courtyard, and a shed with an increased floor area and overall height, rising from 2.7m to approximately 4m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed extension subject to 12 conditions including as follows:

- condition 2 which excludes the proposed courtyard
- condition 4 requires that the external finishes match the existing in material and colour including roof, and that the windows shall be sympathetic in style and colour to existing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report acknowledged that the principle of the proposed development was acceptable, but raised a number of concerns in terms of a number of design elements of the proposed extension. Further information was sought. This report also dealt with AA.

Following receipt of the response to the further information request, which amended elements of the proposed extension design, the planning report considered that the revised plans were acceptable, save for the proposed courtyard. It is considered that the creation of the courtyard would result in an 0.85m separation distance between the propose extension and the existing dwelling to the east and that no clear justification has been provided for it. It is recommended that this element be omitted.

The report forms the basis of the Planning Authority decision to grant permission subject to conditions.

3.2.2. Other Technical Reports

Area Engineer: No objection subject to conditions

Water Services: No objection subject to conditions

3.2.3. Third Party submissions

There are 7 submissions noted on the Planning Authority file in relation to the proposed extension. The issues raised are summarised as follows:

- Development will change the uniformity of design of the estate including the proposal for the inclusion of velux windows and the change in style of windows from 'Georgian' to plain.
- The side extension will present a flat roof aspect from the front which is not in keeping with the estate and will be too close to the neighbours house so that neither party will be able to paint or maintain gables.
- There is an understanding with neighbours which affords side access for maintenance which has been honoured since 1989.
- The maintaining of approximately 300mm between properties creates a danger to young children and household pets who may get trapped.
- Uniformity and good planning has ensured the Seven Springs estates success annually as the best estate in Newbridge. The proposal is not in keeping with the outline of other houses.
- The development will be overbearing and will overshadow the adjacent property resulting in further loss of privacy.
- Concerns for the structural integrity of adjacent property should foundations be dug so close.
- The planned heights of the extension and shed are excessive.
- The development would set an undesirable precedent and would negatively impact the value of existing houses.

A number of the above submissions advise no objection in principle to the proposed extension of the house, but require that any extension compliments what already

exists and upholds the principles of access which have been agreed by the residents since the houses were built in 1988/89.

4.0 Planning History

There is no planning history associated with the subject site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Newbridge Local Area Plan 2013-2019 identifies that the subject site is located within lands zoned 'B' Existing residential / infill. It is the stated objective of this zoning 'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to protect for new and improved ancillary services.'

5.1.2. The Kildare County Development Plan 2017-2023 is the relevant policy document pertaining to the subject site. Chapter 17 of the Plan deals with development management standards and Section 17.4.8 deals with extensions to dwellings. This section provides as follows:

17.4.8 Extension to Dwellings

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:

- The extension should be 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 extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties. However, a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged.

- In rural areas, the design of extensions should have regard to the Key Principles set out in Chapter 16 Rural Design Guide.
- The extension should not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities.
- New extensions should 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

The subject site is located within an established suburban residential estate. There are no designated sites located within or in the immediate vicinity of the site. The closest site is approximately 2.4km to the north west, being the Pollardstown Fen SAC, Site Code 000396.

6.0 The Appeal

6.1. Grounds of Appeal

This is a multiple third party appeal.

6.1.1. Mr. Liam O'Flaherty

The appellant is not opposed in principle to the extension but is opposed to the current proposals due to the scale and location of the extension and the lack of consultation. The appeal provides a summary of the proposed development, the site description and location, planning policy and the decision of the Planning Authority. The grounds of appeal are summarised as follows:

- The development will result in overshadowing of adjacent properties by reason of scale, height and orientation.
- The development will impact on the sunlight and daylight enjoyed by the adjacent property and will impact on the residential amenity, contrary to the residential zoning objective.
- No assessment of sunlight and daylight impact was submitted.
- The design does not demonstrate due regard for the amenities of the adjacent property.
- The development would be overbearing and would precipitate a significant visual impact when viewed from within the dwelling.
- The extension of the A line roof and the introduction of two new side windows overlooking the boundary are of concern and would set an undesirable precedent as no other houses have been extended this way.
- The development would be out of character with other houses in the estate.
- It is considered that the design is inappropriate and the proposed layout concentrates a lot of pedestrian traffic / access immediately adjacent to the appellants property with a significant impact on the residential amenity of No. 7 due to additional noise.
- The proximity of the proposed shed to the boundary wall is a concern and will further increase the adverse impact of the proposed development on No. 7. It is further considered that the shed has been designed to allow for habitable use in the longer term.
- Features of the existing estate design have been omitted from the plans which will result in this development being inconsistent with the long-established character of the estate.
- The further information response did not adequately answer issues raised. The scale of the extension has increased from 82m² to 94m², the roof light to the front has been retained and the shed remains connected and has increased in height. The courtyard protrudes beyond the gable of the house.

- Although the plans were changed, no opportunity was afforded to third parties to comment.
- Conditions attached require agreement with the Planning Authority but affect neighbouring property who have had no consultation.
- No agreement has been given to demolish existing wall.
- Windows in No. 6 will overlook the front of No. 7 denying privacy.
- Issues raised in relation to the boiler house and the proposed first floor extension. Issues also raised in relation to lack of detail in respect to services.

It is requested that permission be refused for the proposed extension.

6.1.2. Ms. Stephanie Powell

The grounds of appeal are similar to those raised above and are summarised as follows:

- The scale is completely out of character with all other houses in the estate.
- If permitted the development would set a precedent
- Third parties were not afforded an opportunity to comment on the response to the further information.
- The proposed inclusion of new gable windows, together with the position of No. 6, which lies prominently forward of other houses in the row, the development will result in overlooking, and would be out of character and appearance with all other houses.

6.1.3. Audrey & Frank Metcalfe

Audrey Metcalf were granted leave to appeal from the Board, ABP-301449-18 refers, on the basis that the decision to grant will differ materially from the development as set out in the application for permission by reason of condition number 1 imposed by the PA. The appeal notes no objection in principle to the proposed extension. The grounds of appeal are summarised as follows:

- The as permitted extension will have a significant negative impact on the existing residential amenity of adjacent property.

- The development will have a visual impact and will be twice as high as the existing boundary wall.
- Much of the screen planting will have to be removed to accommodate the extension.
- The development will overshadow.
- The development will devalue property in the vicinity.

A shadow study is submitted with the appeal documents. It is requested that permission be refused for the proposed extension.

6.2. Applicant Response

The first party has submitted 2 responses to the third party appeals. The submissions are summarised as follows:

- Neighbour was consulted prior to the submission of plans.
- There will be no overlooking arising and no loss of privacy for adjacent property.
- The third party has never been denied access to the gable for maintenance. The current proposed separation distance between houses nos 6 and 7 is excessively large for maintenance purposes, and far exceeds the 1m deemed adequate by the local authority.
- There are 12 other houses in The Seven Springs estate with 2 storey extensions as proposed.
- The Local Authority did not voice any concerns with the proposed height of the rear extension and it is to be noted that there is an 8-10m high evergreen tree in the garden of no.17 which has more impact in respect to overshadowing than a proposed 4m high shed.
- The proposed development will result in no change to the domestic use of the domestic space.
- The existing block screen wall which will be demolished is not tied into the gable of No. 7.

- Amendments to the front elevation and the protrusion of the extension beyond the gable have been made in accordance with the requirements of other neighbours who raised concerns. The proposed inclusion of one rooflight over the stairs has been accepted by the local authority and will have no negative visual impact.
- The proposed shed has been deemed acceptable as proposed as it will not obstruct access to the gable of No. 7.
- Shadow study submitted has fully omitted the existing shadowing effect of other existing dwellings, hedges, dense and tall evergreen trees planted in the garden of no. 17 along the boundary of no. 6 and existing shed in no. 17.
- Construction will not interfere with any walls or foundations of boundary walls.
- Some pruning will be necessary to accommodate the shed but only to some of the overhanging tree branches from No. 17.

6.3. Planning Authority Response

Kildare County Council submitted a letter advising no further observations.

6.4. Observations

None.

7.0 Assessment

7.1. Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

- The principle of the development and compliance with policy
- Other Issues
- Appropriate Assessment

7.2. Principle of the development and compliance with policy

7.2.1. The subject site is located within the built up area of the town of Newbridge, and within a long established residential estate. The Board will note that the original design of the proposed extension was amended following a request for further information from the Planning Authority. The development proposes a first floor extension over the existing single storey element of the house as well as a single storey extension to the rear.

7.2.2. The Newbridge Local Area Plan 2013-2019 identifies that the subject site is located within lands zoned 'B' Existing residential / infill. It is the stated objective of this zoning 'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to protect for new and improved ancillary services.' I am generally satisfied that the proposed residential extension is acceptable in principle.

7.2.3. Chapter 17 of the Kildare County Development Plan 2017-2023 deals with development management standards and Section 17.4.8 deals with extensions to dwellings. This section states that '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:

- The extension should be 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 extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties. However, a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Chapter 16 Rural Design Guide.
- The extension should not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.

- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities.
- New extensions should 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.

7.2.4. In terms of the original proposed extension, I would concur with the concerns raised by third parties and the Planning Authority that the proposal would fail to integrate the extension into the existing character of the house and the houses in the wider estate, by reason of design, particularly in terms of the front elevation. While I note that the proposed single storey extension to the rear does not reflect the design of the existing houses, I am generally satisfied that the principle of the proposed modern flat roofed extension is acceptable, subject to compliance with the requirements of Section 17.4.8 of the Plan as provided for above.

7.2.5. The proposed extension proposes a first floor extension over the existing single storey element of the house as well as a single storey extension to the rear. The Board will note that the original design of the proposed extension was amended following a request for further information from the Planning Authority. The third party objectors do not appear to have been notified that a response to the further information had been received and therefore, were not given the opportunity to comment on those amended proposals. This is a concern.

7.2.6. Having considered the original proposal, I would concur with the concerns arising and in particular with regard to visual impacts arising and the potential impacts associated with the maintenance of the existing gable of the neighbouring property. I proposed to consider the proposed extension in terms of the following elements:

- First floor extension to the side including rooflights at the front:
This part of the proposed extension seeks to build over the existing single storey element of the house. It is proposed to construct an en-suite bedroom in this area and in principle, I have no objections. The amended proposal

proposes two windows to the front which will reflect those of the existing house which is acceptable. The amended proposal, however, proposes that the en-suite element of the new first floor bedroom will extend beyond the rear wall of the existing house. The result will involve an extension to the existing roof to the rear.

Should the Board be minded to grant permission in this instance, I consider that this element of the extension should be omitted and that the proposed first floor extension should extend only the width of the existing house and maintain the existing eaves and roof lines. This is due to the fact that all of the houses in this estate maintain a uniformity and if permitted, the development would be out of character with the wider estate. Details of a new window to the rear wall of the proposed first floor extension should be submitted for agreement prior to the commencement of any development on site.

In terms of the proposed roof light to the front of the house, I note that the plans appear to provide for two different size windows. In terms of my assessment above, I consider that the front roof light should also be omitted from the development in order to protect the character of the wider estate.

- Windows:

The proposed development has sought permission to upgrade the existing windows, make alterations to existing window opes and provide new ground floor opes. The proposed upgrade to the windows includes the provision of Alucal triple glazed windows. Concern has been raised that the proposed new windows will not reflect the style and character of the existing ones, again, which add to the overall character of the wider estate. Should the Board be minded to grant permission in this instance, I consider that condition 4 of the PAs grant of permission should be included and that the new windows should reflect the style and colour of the existing windows.

In terms of the alterations to existing window opes, the Board will note that the amended proposal no longer seeks permission to amend the existing window on the eastern gable of the house, other than to include obscure glazing to a new ground floor shower room. I have no objections in this regard.

In terms of the proposed new opes, the Board will note that the amended

proposal does not propose any new additional window openings in the existing house.

- External Insulation:

I have no objections in this regard.

- New single storey flat roof extension to the rear with parapet detail:

The Seven Springs Estate is constructed so that the gable walls of the houses comprise the boundary between these large detached houses. The original proposed extension to No. 6 was to be located within approximately 400mm of the gable of the adjoining house. There were a number of objections raised in this regard by local residents who noted that it has been an unwritten agreement that neighbours allow property owners maintain their homes by providing access when necessary. The proposed development, if permitted, would not provide such access, to the detriment of the neighbouring property. I would agree. In this regard, I would not recommend that the original proposal single storey extension be permitted as proposed.

With regard to the amended proposal, I note that the overall height of the proposed extension will be 4m. This part of the proposed development will be located at a distance of between 2.5 and 2.7m from the gable of the neighbouring house, and will not extend beyond the rear wall of the adjacent property. The extension will be erected immediately to the rear of the existing house and will not project beyond the gable of the existing house. The Board will note that the existing first floor windows of the house are located at 3.51m above ground level. The proposed extension should not exceed this height. Given that the internal floor to ceiling height is indicated at 3.15m, I consider it appropriate that the overall height of the extension be reduced by 275mm, from 3.975m to 3.7m, to ensure no impact on the existing windows serving habitable rooms.

Further to the above, appellants have raised concerns with regard to the inclusion of a window with a window seat, in the proposed dining area of the extension. This window will face directly onto the gable of the adjacent house and will be visible from the front of the neighbouring house. It is submitted that this window will cause overlooking of the existing house. The existing boundary to the front of the houses comprise a hedge and shrubs with a small

gap between No. 7 and the hedge to accommodate a path. The proposed new window will be visible within this gap from the public road. This window will provide light to the dining area of the extension and the area under the proposed en-suite for the first floor bedroom. Should the Board be minded to grant permission in this instance, I recommend that this window be omitted to prevent overlooking and to protect the visual uniformity of the wider estate.

- Flat roof storage shed

The Board will note that the original storage shed proposed comprise a 12m² flat roofed structure with a maximum external height of 2.7m. The amended proposal provides for a 4m high shed with a floor area of 20m². While I have no objection to the floor area proposed, I do have concerns regarding the proposed 4m height given its proposed location within the site. I would agree that if permitted, the proposed shed would have a significant and negative impact on the existing visual and residential amenities of the adjacent properties and while it would not increase overlooking of this property, it would certainly overshadow and be an overbearing feature within the amenity space of the neighbouring properties, to both the east and the north. In addition, the proposed 4m high wall along the northern boundary of the site, beyond the extent of the shed is considered excessive and unnecessary.

In light of the above, and given that I do not consider it appropriate to require a redesign of the shed by way of condition, I recommend that the shed, and the extended 4m high wall along the northern boundary as proposed, be omitted.

- Courtyard:

The amended proposal provides for a courtyard area to the eastern side of the site. This courtyard is proposed along the gable of the adjoining house and it is proposed to maintain a gap of 0.85m between the properties to facilitate maintenance of the adjoining property. I do not consider that this is appropriate and would concur with the Planning Authority that this element should be omitted.

7.3. Other Issues

- 7.3.1. The proposed development will be subject to a development contribution as the floor area proposed exceeds the 40m² exemption. A condition to this effect should be included in any grant of permission.

7.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development 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. It is recommended that planning permission be granted for the proposed extension, subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the current Kildare County Development Plan, 2017-2023 and the Newbridge Area Local Area Plan, 2013-2019, the pattern of existing and permitted development in the vicinity and area and having regard to the information submitted as part of the planning application, together with the information submitted in the appeal, I am satisfied that the proposed development, subject to compliance with conditions, consisting of the construction of an extension to an existing house, generally accords with the policy requirements of the stated Plans as they relate to dwelling extensions. It is further considered that the design, scale and finish of the proposed extension would not seriously injure the residential amenities or architectural character of the area and 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, as amended by plans and particulars submitted to the Planning Authority on the 5th day of March, 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed first floor en-suite shall be accommodated within the depth of the existing house. The roof of the extension shall not oversail the existing rear wall of the house and shall maintain the eaves and lines of the existing roof. The proposed high windows in the oversailing en-suite shall be omitted and details of a new window to the rear wall of the first floor extension shall be submitted for the written agreement of the Planning Authority.
 - (b) The proposed roof light to the front of the house shall be omitted.
 - (c) The overall height of the proposed single storey extension shall be reduced by 275mm, to a maximum of 3.7m in height.
 - (d) The proposed window in the dining area of the ground floor extension shall be omitted.
 - (e) No permission is granted for the proposed courtyard or the proposed shed.

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 visual and residential amenity.

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. 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, shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. The external finishes of the proposed extension, including roof tiles/slates of the proposed first floor extension, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

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

A. Considine

Planning Inspector

25th July, 2018