



An
Bord
Pleanála

Inspector's Report ABP-302384-18

Development	Retention of first-floor level gable feature over the porch on the front elevation of two-storey house.
Location	'Aldersyde', Dublin Road, Naas, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	18/659
Applicant(s)	Marie Johnston
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Marie Johnston
Observer(s)	Patricia O'Donnell
Date of Site Inspection	12 th October 2018
Inspector	Michael Dillon

1.0 Site Location and Description

The site, with a stated area of 0.128ha, is located on the southeast side of the Dublin Road (R445), within suburban Naas, Co. Kildare. There is a two-storey, detached house on the site, with plastered walls and fully hipped, concrete-tile roof. The roadside boundary is a 2m high wall which is capped and dashed. There is a two-storey detached house on the adjoining site to the northeast and a bungalow on the adjoining site to the southwest.

2.0 Proposed Development

Permission sought on 1st June 2018, to retain a first floor projecting extension with gable pediment above the porch at the front of the house.

3.0 Planning Authority Decision

By Order dated 26th July 2018, Kildare County Council issued a Notification of decision to refuse planning permission for one reason as follows-

It is considered that the first floor front elevation projection and pitched roof profile provide for an incongruous and dominant feature from a visual amenity perspective along the front elevation of a dwelling situated in a prominent location along the Dublin Road in Naas. The provision of this feature would contravene materially condition 2 of Plan. Reg. Ref 15/883 which in the interests of visual amenity required the omission of the proposed double height porch detail, and its replacement with a single storey porch in proportion with the overall façade. To permit the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4.0 Planning History

Ref. 10/500081: Permission granted on 7th September 2011, to Faxhill Homes Ltd, for extension to existing house and sub-division of site and a new two-storey house on the site (to the northeast). Development was carried out.

Ref. 15/183: Permission granted on 8th September 2015, to Marie Johnston, for extensions and alterations to existing house to include two-storey extensions to side and rear, modifications to front elevation to provide for new window style and gable feature, new front porch extension, subdivision of existing site, new boundary walls and new shared vehicular access.

Ref. 15/883: Permission granted on 12th January 2016, to Marie Johnston, for alterations to existing two-storey dwelling to include modifications to ground- and first-floor windows to front elevation, replacement front porch structure, new two-storey gable feature to front elevation and new plaster finish. Condition 2 stated-

Prior to commencement of development revised drawings showing the omission of the proposed double height porch detail, and its replacement with a single-storey porch which is in proportion with the overall façade, shall be submitted to the planning authority for its written agreement.

Reason: In the interest of visual amenity.

Ref. 16/499: Retention permission refused on 7th July 2016, to Marie Johnston for gable feature over porch on this house.

Ref. 17/1064: Retention permission refused on 19th November 2017, to Marie Johnston, for gable feature over porch on front elevation and first floor level balcony to rear this house.

Ref. 18/1224: Retention permission sought on 5th October 2018, by Marie Johnston, for retention of railed balcony over flat roof to rear of dwelling. There is no decision to date from Kildare County Council.

5.0 Policy Context

5.1. Development Plan

The relevant parent document is the Kildare County Development Plan 2017-2023. Section 17.4.8 deals with extensions to dwellings. It states, *inter alia*, "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 old Naas Town Development Plan 2011-2017, zoned the site for “Existing / Infill Residential” use. The new County Development Plan replaces the older Naas Town Plan and now covers the Naas Municipal District. A new Local Area Plan will be prepared for Naas, but this process is not yet completed.

The Church of Ireland cemetery to the northeast of the site is a Protected Structure NS19-068 – Cemetery, gates, wall and lodge” – within the old Naas Town Development Plan.

5.2. Natural Heritage Designations

There are no natural heritage designations either within or immediately adjoining the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal from Simon Clear & Associates, agent on behalf of the applicant, Marie Johnston, received by An Bord Pleanála on 21st August 2018, can be summarised in bullet point format as follows-

- It is only from the footpath on the opposite side of the Dublin Road that any architectural impression of the house is to be gained.
- There is nothing in the first-floor finish that is incongruous or dominant from a visual amenity perspective.
- Dwellings lining the Dublin Road display a wide variety of architectural styles, built form and architectural detail. Residential estates are set back behind slip roads.
- The house on site dates to the mid- 20th century. The Council has granted permission for construction of a second house on this sub-divided site. The flat roof of the original house was replaced with a hipped roof. The Council was not satisfied with front pediment detail over a two-storey porch. Subsequent applications have been made to try to solve the difference of opinion in relation to the front feature.

- The applicant commissioned an architectural report in relation to the feature for retention. However, the PA was not willing to change its mind in relation to it.
- The feature is not a porch, and adds no floor area to the building.
- The site is not a prominent one on an entrance road into Naas.
- A central focus feature on a building with such a long façade is not unusual. This adds to verticality. This architectural approach is ubiquitous in Kildare, and is to be seen in other houses flanking the Dublin Road.

6.1.2. The appeal is accompanied by a short Architectural statement from DMOD Architects (dated 17th August 2018)

6.2. **Planning Authority Response**

There was no response received from Kildare County Council.

6.3. **Observations**

There is one observation from Patricia O'Donnell, owner of bungalow immediately to the southwest, on Dublin Road, received by An Bord Pleanála on 14th September 2018, which can be summarised in bullet point format as follows-

- The observer objects to the application to retain the front porch and rear balcony. [However, I note that the application makes no reference to the retention of the rear balcony].
- The applicant has blatantly ignored the conditions of planning permission, and went ahead and constructed the porch feature (notwithstanding that it was specifically omitted by way of condition). The condition was not appealed to An Bord Pleanála.
- This is the fourth application for the retention of this unauthorised development.
- Whilst the application relates to the front porch, the first-floor rear balcony remains unauthorised. The application clearly includes unauthorised

development within the red line boundary of the site. It is not possible to grant planning permission for an extension to an unauthorised development.

- There is no reason why this application should be treated any differently to the previous refusals on the site. To grant permission now would be to contravene condition no. 2 of permission ref. 15/883.
- On 22nd May 2017, an Enforcement Notice was served on the applicant. The applicant has not complied with the Enforcement Notice.
- The observation goes on to refer to the balcony to the rear. [I do not propose to summarise the observation on the basis that the balcony feature is not before the Board for consideration].

6.4. Further Responses

6.4.1. Arising from proximity to a National Monument (the cemetery to the northeast), An Bord Pleanála referred the appeal for comment to the following Prescribed Bodies, requesting comment on or before 16th October 2018-

- The Heritage Council.
- Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht.
- An Taisce.

6.4.2. There was no response received within the appropriate period.

7.0 Assessment

7.1. Layout and Design

7.1.1. The principal issue of this appeal relates to visual amenity. The application before the Board for consideration relates to retention of a first-floor pedimented feature on the front elevation of this detached house. There is a considerable planning history pertaining to alterations to this house – outlined elsewhere in this report. The Planning Authority has consistently refused permission and retention permission for this feature. There is one observation submitted which, whilst referring to the

pedimented feature on the front elevation, also refers to an allegedly unauthorised, first-floor balcony to the rear. This latter feature does not form part of the application to KCC, and the subsequent appeal to the Board.

- 7.1.2. The house does not occupy a prominent position on the approach road to Naas town centre. It is partially hidden behind a 2.0m high wall, and is not readily visible – other than from the opposite side of the road. The house is not a Protected Structure. It is not within an Architectural Conservation Area. It is not mentioned within the National Inventory of Architectural Heritage. The house is set within its own landscaped site. There is a wide variety in architectural style/size and period within houses flanking the Dublin Road. The two-storey house to the northeast is new. There is a 1980's housing estate on the opposite side of Dublin Road. The retention of this architectural feature will not have any impact on the visual amenities of the area.

7.2. **Other Issues**

7.2.1. Financial Contribution

A development of this nature would not attract a requirement to pay a development contribution.

7.2.2. Appropriate Assessment

Having regard to the limited nature of the development for retention, no Appropriate Assessment issues arise and it not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects on an European site.

7.2.3. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

8.0 Recommendation

I recommend that retention permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

9.0 Reasons and Considerations

Having regard to the limited nature of development and the pattern of development in the vicinity, it is considered that the retention of the first-floor pedimented feature on the front elevation of the house would not be detrimental to the visual amenities of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

2. The external finishes of the first-floor pedimented feature on the front elevation shall match those of the main house.

Reason: In the interest of visual amenity.

Michael Dillon,
Planning Inspectorate

24th October 2018