



An
Bord
Pleanála

Inspector's Report ABP-302486-18.

Development	Retention of sub-division of existing two storey detached dwelling into 2no. two storey dwellings, construction of new entrance and boundary wall to front south east boundary, demolition of 2no. shed buildings to rear of dwellings and all ancillary site development works.
Location	107 and 107A Allenview Heights, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	18/759.
Applicant(s)	Tom & Aisling Nolan.
Type of Application	Retention permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Tom & Aisling Nolan.
Observer(s)	None.
Date of Site Inspection	14/11/2018.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within a suburban residential estate in the north western area of the town of Newbridge, Co. Kildare. The Allenview Heights estate comprises a large number of detached residential properties, including single storey and two storey, but without semi-detached within the immediate estate.
- 1.2. The subject site comprises a large two storey house which has been divided into two properties. This sub-division has not impacted the front elevation of the building and it would not be immediately evident that the property comprises essentially, a pair of semi-detached houses. The front boundary wall of the house site appears to have been widened.
- 1.3. The rear garden of the original house has also been sub-divided and the original shed which served the house is now located within the area dedicated to the two-bedroom house. The 'front door' for no 107A is located to the side of the building and the front of the site provides for a small lawn and parking for possibly 3 cars. To the front of the subject site, there are two existing trees between the public footpath and the road.
- 1.4. The total site has a stated area of 0.04031ha.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of sub-division of existing two storey detached dwelling into 2no. two storey dwellings, construction of new entrance and boundary wall to front south east boundary, demolition of 2no. shed buildings to rear of dwellings and all ancillary site development works all at 107 and 107A Allenview Heights, Newbridge, Co. Kildare.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the retention for the following two stated reasons:

1. The proposed development fails to meet the minimum floor area requirements set out in the Kildare County Development Plan 2017-2023 for a two bedroom unit and fails to meet the recommended minimum living room width size of 3.6m for a two bedroom unit and the proposed development fails to meet the storage requirements standard, which would be contrary to the provisions of the Kildare County Development Plan 2017-2023 and would set an undesirable precedent for further developments of this nature within the County. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the character and location of the subject site within an established residential area taken together with the built pattern along this road which comprises of predominantly detached dwellings, the proposed development would contravene materially the zoning objective for the area which seeks, inter-alia, to protect and improve residential amenity and to provide for appropriate infill. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning officers report comprised the basis for the decision of the PA to refuse permission for the retention of the sub-division of the house on the subject site. AA screening is also included as part of the report.

3.2.2. Other Technical Reports:

Transport Department:	No objection
Municipal District Engineer:	No objection subject to conditions.
Water Services:	Recommends conditions

3.2.3. Prescribed Bodies:

Irish Water:	No objection
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3.2.4. Third Party Objections;

There is one third party submission noted on the PAs file. The issues raised are summarised as follows:

- Objects to the cutting down of trees and the proposal to provide a second vehicular entrance which will have the potential to create a parking problem with any additional number of vehicles associated with the dwellings.
- Previous objection submitted and stands.
- There is an existing car parked outside the dwelling for a couple of months as it's off the road. The owners of the dwelling are not currently living in the county let alone the estate.
- It is requested that permission not be granted.

4.0 Planning History

The following is the planning history relating to the subject site:

PA ref: 81/1745: Permission granted to Ron Landy for extension to existing dwelling.

This extension comprised 520sq/ft (48.3m²) and provided for a one bedroomed family flat to accommodate the owners parents. The layout provided for an open plan kitchen / living / dining room at ground floor level, with a double bedroom, dressing area and shower room at first floor. The first floor was accessed via a spiral staircase. The Board will also note that the permitted family flat did not extend the full depth of the house at ground floor level, with the kitchen / utility and WC of the main house retained in the rear section.

PA ref: 16/589: Permission sought for 2 storey rear extension to existing two storey detached dwelling which incorporates a granny flat/ separate unit, refurbishment of existing house and changes to windows/ doors. This application was withdrawn prior to a decision issuing.

ABP ref PL09.247967 (PA ref: 16/1017): Permission sought to subdivide existing detached dwelling into 1No. 3 Bedroom semi-detached dwelling, and 1No.

Two bedroom semi-detached house and all associated site works on the site. The PA refused for reasons including:

1. The proposal fails to meet the category of dwelling envisaged under section 4.8.6 Subdivision of Dwellings within the policies of Kildare County Development Plan 2011-2017.
2. The proposal fails to meet with the minimum floor area requirements as set out in Table 19.3 of the Kildare County Development Plan 2011-2017 and fails to meet the recommended minimum living room width size of 3.6metres for a two bedroom unit.

On appeal, the Board decided to refuse permission for the following stated reasons:

1. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied the public notices and drawings accurately describe the full nature and extent of the development on site. It is considered the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.
2. By reason of the inadequate rear garden space (due to the presence of 2 number sheds), it is considered that the proposed development would be substandard and would seriously injure the residential amenities of future occupants of the two bedroom unit and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.1.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,

- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.1.2. Chapter 5 of the Guidelines deals with cities and larger towns and identifies a number of locations suitable for increased densities, including (d) Inner suburban / infill. Section 5.9(ii) deals with sub-division of dwellings, advising that sub-division should be promoted subject to safeguards regarding internal space standards, private open space and maintenance of the public character of the area. Standards of off-street car parking might be relaxed to encourage the occupation of the dwellings by households owning fewer cars.

5.2. **Development Plan**

5.2.1. The Kildare County Development Plan 2017-2023 is the relevant policy document pertaining to the subject site. Chapter 4 deals with housing and Section 4.11 advises that ‘the subdivision of dwellings will generally only be considered for exceptionally large dwellings on relatively extensive sites in urban areas and subject to compliance with the relevant development management standards set out in Chapter 17’.

5.2.2. Chapter 17 of the Plan deals with development management standards and provides as follows:

- Two bed house should have a minimum floor area of 85m², with 6m² of storage provided and three bed houses 100m² and 9m² respectively.
- Two bed house should have a minimum open space of 55m² and three bed house 60m².
- 2 parking spaces per unit are required.

5.2.3. 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.’

5.3. **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 0.5km to the east, being the Pollardstown Fen SAC, Site Code 000396.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a first party appeal against the decision of the PA to refuse permission. The grounds of appeal are summarised as follows:

- In terms of the planning history, the Boards inspector was supportive of the development.
- The previous permission for a 'family flat' without interconnection with the principle dwelling and without condition requiring the reintegration of the family flat back into the principle dwelling effectively represents a separate dwelling.
- The two bedroomed unit generally has internal rooms sizes in accordance with the recommendations of the Quality Housing for Sustainable Communities guidelines.
- Storage can be provided in a new garden shed which will leave a rear garden private open space of not less than 87m² and the attic can be used for storage.
- The internal width of 3.11m is a legacy of the original permission and the recommended 3.6m width cannot be provided. It would be unreasonable and unsustainable to use the recommended width as a bar to the provision of an additional dwelling.

6.2. **Planning Authority Response**

No further comments

6.3. Observations

None

7.0 Assessment

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:

1. The principle of the development and Planning History
2. Other Issues
3. Appropriate Assessment
4. Environmental Impact Assessment

7.1. Principle of the development and Planning History

7.1.1. The subject site is located within the built up area of the town of Newbridge, and within a long established residential estate of Allenvue Heights. The Board will note that the estate comprises a variety of single and two storey houses which are detached. The development seeks the retention of sub-division of existing two storey detached dwelling into 2no. two storey dwellings, construction of new entrance and boundary wall to front south east boundary, demolition of 2no. shed buildings to rear of dwellings and all ancillary site development works.

7.1.2. The planning history of the site notes that permission was granted in 1981 for an extension to the existing house to provide a family flat for the then owners parents. The permitted development provided for a smaller floor area as currently proposed with a kitchen / dining / living area on the ground floor level with one ensuite bedroom at first floor level. Alterations have been made to this permitted development which now extends the length of the original house and provides for two bedrooms at first floor level. The Board will note the previous decision pertaining to the subject site and indeed, the submissions of the appellant with regard to the status of the 'separate dwelling'.

7.1.3. The provision of a 'family flat' is described as a temporary arrangement to accommodate an immediate family member. I would not agree with the third party

contention that as there was no internal connection provided, or a condition requiring the reintegration of the family flat back into the principle dwelling, 'effectively represents separate dwellings'. I would also note the provisions of the current Kildare development Plan as it relates to Family Flats which advise that 'it is normal procedure to include conditions in any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.' As such, I would agree with the previous inspectors conclusion that no permission has been given in the past for the sub-division of the house on the site.

7.1.4. As such, and in terms of the current application to retain the sub-division of the existing house, I would consider it wholly appropriate to consider the proposal against the requirements of the current policy documents and standards.

7.1.5. The Sustainable Residential Development in Urban areas, Guidelines, in Chapter 5, Section 5.9(ii), of the guidelines deals with sub-division of dwellings, advising that sub-division should be promoted subject to safeguards regarding internal space standards, private open space and maintenance of the public character of the area. Standards of off-street car parking might be relaxed to encourage the occupation of the dwellings by households owning fewer cars.

7.1.6. 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.' Chapter 4 of the Kildare County Development Plan, Table 4.1 provides guidance on appropriate locations for new residential development and provides for the sub-division stating as follows:

Sub-division of sites can be achieved where large houses on relatively extensive sites can accommodate new residential development without a dramatic alteration in the character of the area or a negative impact on existing residential amenities. Sub-division shall be considered subject to safeguards regarding residential amenity, internal space standards, private and public open space, car parking and maintenance of the public character of the area.

7.1.7. In terms of the current proposal, I am generally satisfied that the development as constructed does not give the impression of two houses from the front and therefore, has not had a dramatic alteration in the character of the area. However, the proposals to provide for two separate vehicular entrances to the front, in my opinion will. The property is located within an estate which comprise detached houses and therefore, should the Board be minded to grant permission in this instance, no permission for the construction of new entrance and boundary wall to the front south east boundary, should be granted.

7.1.8. Further to the above, Section 4.11 of the Kildare County Development Plan states that 'the subdivision of dwellings will generally only be considered for exceptionally large dwellings on relatively extensive sites in urban areas and subject to compliance with the relevant development management standards set out in Chapter 17.' There is no indication as to what constitutes 'exceptionally large dwellings or relatively extensive sites', but certainly, I would not consider that the site on which the property sits is extensive, with a total area of 0.04031ha. The existing development on the site provides for a combined floor area of 180.16m², with the principle 3 bed house having a floor area 114.53m² and the 2 bed element, 65.63m².

7.1.9. Chapter 17 of the Kildare County Development Plan 2017-2023 deals with development management standards and Section 17.4.5 deals with dwelling houses, detailing minimum floor areas, storage requirements and private open space requirements. This section provides that:

- Two bed house should have a minimum floor area of 85m², with 6m² of storage provided and three bed houses 100m² and 9m² respectively.
- Two bed house should have a minimum open space of 55m² and three bed house 60m².
- 2 parking spaces per unit are required.

7.1.10. In terms of the above, the proposed sub-division does not comply with the minimum floor area for a two bed house (or indeed a two bed apartment as provided for in the Plan), does not comply with the minimum storage requirements or the open space requirements, even with the removal of the existing sheds to the rear of the site. In providing the two car parking spaces required, I have considered that the proposed construction of a new entrance to the front of the site will have an impact

on the existing character of the area. In addition, applying the Design Standards for Apartments, the size and widths of the bedrooms, living area etc do not comply.

7.1.11. While I would accept that permission was granted in 1981 for the one bedroom family flat, and certainly the qualitative standards at the time were not as robust as current standards, I consider that the proposed retention of the sub-division of the existing house would result in an independent 2 bedroom residential unit which is substandard on a number of levels and would seriously injure the residential amenities of future occupants. I therefore consider that the proposed development would be contrary to the provisions of the Kildare County Development Plan and would be contrary to the proper planning and sustainable development of the area.

7.2. Other Issues

7.2.1. I would note that no information has been provided in relation to the servicing of the site other than to identify the location of the existing connection to services. It appears that there is one connection to the property. In the event that the Board considers permitting the proposed development, the separation of the services would be appropriate.

7.3. Appropriate Assessment

7.3.1. 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 0.5km to the east, being the Pollardstown Fen SAC, Site Code 000396.

7.3.2. Having considered the nature and minimal scale of the proposed development, together with the separation distance between same and any Natura 2000 site, it is appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites.

7.4. Environmental Impact Assessment

7.5. Having regard to the nature and scale of the proposed development, 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 and a screening determination is not required.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reason.

9.0 Reasons and Considerations

1. Notwithstanding the zoning afforded to the subject site, it is considered that the proposed retention of the sub-division of the existing house would result in an independent two bedroom residential unit which is substandard by reason of failing to meet the minimum floor area requirements for a two bedroom house and would provide for inadequate storage and private open space. The development would constitute a substandard form of residential development that would seriously injure the residential amenities of future occupants. The development would, therefore, be contrary to the provisions of the Kildare County Development Plan, 2017-2023 and Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed construction of a new entrance and boundary wall to the front of the site to accommodate the sub-division of the existing house would dramatically alter the existing character of the area which comprises an estate of detached houses. The development therefore, would be contrary to the requirements of the Kildare County Development Plan, 2017-2023 and to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
05/12/2018