



An
Bord
Pleanála

Inspector's Report ABP-303318-18

Development	Construction of extension, garage and gym.
Location	30 Emmet Street , Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	18193
Applicant(s)	Darren Bourke
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Noreen and Charles Murphy.
Observer(s)	None
Date of Site Inspection	21 st of March 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site, No. 30 Emmet Street, is an end of terrace two storey dwelling. Emmet Street is a mature residential estate in central Kilkenny City.
- 1.2. The dwelling, 64sq. an is a two up two down dwelling with no previous extensions. It is positioned at an angle to and on a higher ground level to the neighbouring dwelling along the western site boundary, 2 Fatima Place.
- 1.3. The subject dwelling has a long narrow north facing rear garden which is accessed from a laneway to the rear of the houses. There is an existing shed at the end of the garden which is to be demolished as part of the proposal and replaced by a new detached garage.

2.0 Proposed Development

- 2.1. The proposed development consists of two extensions to the dwelling in total 47.6sq.m..

The first is a small triangular extension to the side of the dwelling consisting of a utility room on the ground floor and at first floor level, a walk-in dressing room for Bedroom No. 2

The second extension is to the rear of the dwelling. At the ground floor it will consist of a kitchen/ dining area, and at first level it will be an ensuite bedroom.

A new detached garage is proposed along the northern site boundary alongside the rear lane access. The garage is two storey structure with a gym first floor level.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted the proposed development subject to 11No. conditions. All of the conditions are standard planning conditions. The site specific condition is as follows:

10. The garage shall be used solely for purposes incidental to the residential enjoyment of the dwelling and not for habitation, keeping of animals or commercial purposes.
11. The windows to the rear of the dressing room proposed at first floor level along with the windows with the bathroom and ensuite at first floor level shall be obscured/ frosted glass.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report No. 1

- Zoning is Existing Residential in the Kilkenny City and Environs Development Plan 2014-2020.
- The front extension is out of character with the terrace, and the utility serves no function off the hallway and would be better located to the rear of the dwelling beside the kitchen area.
- Overlooking from the stairwell is not a major concern as it is not the main part of the dwelling.
- Bathrooms and dressing rooms can have obscure glass in their windows.
- Further Information is recommended to revise the design of the front extension, relocation of a manhole to the rear of the dwelling, a structural engineer report regarding the party wall to the west, no building on the side walls, loss of light to the property to the east, and reduce the ridge height of the garage from 6.128m to 5metres.

Further Information

The further information response was received 5th of November 2018. The revised plans illustrate a pitched roof over the front extension to match existing dwelling. The manhole is to be relocated alongside the western site boundary, revised site map, garage height revised with shower room omitted. It is proposed to build on part of the interwall between 28 and 30 Emmet Street, with a letter of consent from the owner.

Planning Report No. 2

- The revised plans illustrate a pitched roof over the extension, the stonework has been omitted and one window in the hall to match existing windows.
- Manhole relocated , and correct site boundaries are now submitted leaving the wall between the subject site and 2 Fatima Place in tact.
- The windows at the rear have been reduced at first floor level.
- Revised proposals for garage.

3.2.2. Other Technical Reports

Irish Water : Further Information

3.3. Third Party Observations

The owners of 2 Fatima Place (third party appellants) expressed concern regarding:

- Loss of privacy
- Interference with boundary wall
- No. 2 Fatima Place is not included in site plans making it difficult to determine impact

4.0 Planning History

There is no relevant planning history.

5.0 Policy and Context

5.1. Development Plan

Kilkenny City and Environs Development Plan 2014-2020

Site is zoned **Existing Residential** objective is *to protect, provide and improve residential amenities.*

The site is not within a designated Architectural Conservation Area.

The site is not within any Zone of Archaeological Potential.

5.2. Natural Heritage Designations

The site falls a significant distance south of the Breaghagh River, a tributary of the River Nore, and SAC.

5.3. EIA Screening

The proposal does not constitute an EIA project, and the proposal does not fall within any class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations. There is no EIAR or Preliminary examination required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the grounds of appeal:

Photographs 1-3

- The existing gable of 30 Emmet Street has no existing windows. The gable faces onto the gable of No. 2 Fatima Place, which has a window at first floor level on the landing.
- There is a new window proposed on the gable end. There will be a loss of privacy to the bedrooms
- The original design of the dwellings was carefully considered to avoid loss of privacy.
- There is a new stairwell to be installed which will require the removal of the existing fire place and chimney. There is an alternative option to install a roof light, this would protect the privacy of both properties.

Photographs 4-6

- The boundary wall forms part of No. 30 Emmet Street and the utility room of No. 2 Fatima Place, and also carries the roof of the utility room.
- The finished floor level of the utility room is approximately 800mm lower than that of 30 Emmet Street.

- Condition No. 9 states that the wall/ shed shall be removed and the wall made good. These works could cause undue disruption, and their utility cannot be used during the construction period.
- There is no indication how the foundations will be installed without impacting the utility room and garage.

6.2. Applicant Response

There are photographs attached giving three examples around the estate where original gable ends have windows included directly looking onto one another, and there are more examples than the three cited. Obscure glass will be used in the proposed gable window.

The shed at the rear is built on the party wall between the appellants house and subject site. The shed must be removed to facilitate the construction of the extension. There is no intension to remove the party all, and it is acknowledged the wall acts as an interior wall to the appellants shed, and there will be no disruption to their property during the removal of the shed.

6.3. Planning Authority Response

The planning authority had no further comment to make.

7.0 Assessment

- 7.1. The subject site is an end of terrace dwelling in a mature residential estate located within an inner suburb of Kilkenny City The existing two storey dwelling is modest in scale at **68sq.m.** and its internal layout is old fashioned compared to modern day internal room sizes and layouts. It is proposed to construct a two storey extension to the side and rear of the dwelling **47.6sqm.** to provide a utility room, and larger kitchen/ dining area, and a new ensuite bedroom at first floor level, and a walk-in wardrobe for an existing bedroom. Overall, I consider the existing dwelling to be modest in scale, and the proposed extension is modest and in keeping with the scale of the existing dwelling. In principle this is a sustainable form of development.

- 7.2. The subject site zoned under the current development plan for the area, Kilkenny City and Environs Development Plan 2014-2020, as **Existing Residential**. The objective of this zoning is *to protect, provide and improve residential amenities*. Given the scale and design of the existing accommodation in dwelling, I consider the proposed extensions will greatly enhance the living accommodation and amenities associated with the subject dwelling. The modest proposal is in keeping with the zoning objective for the area.
- 7.3. The proposed front elevation, as revised by way of further information submitted 5th of November 2018, is acceptable. The pitch roof, door and window design are in keeping with the existing front elevation. The windows at first floor level along the gable and to the rear, include a window to the dressing room, the landing on the relocated stairwell, two bathroom windows and a bedroom window. A number of these windows occur in the existing rear elevation of the dwelling house and have been relocated to the western elevation which is one of the main issues raised on appeal, by the home owners in the neighbouring dwelling to the west at 2 Fatima Place. The proposed windows along the gable are to be fitted with obscure glass in the bathrooms and dressing room, and the landing window is a normal inclusion on a gable wall.
- 7.4. The dwelling at 30 Emmet Street is positioned at a higher ground level than 2 Fatima Place. In addition, the opposing gables of each dwelling are at an oblique angle to each other. Therefore, this will reduce any perceived loss of privacy associated with the proposed landing window at first floor level. This window will not be directly opposing the existing window in the gable of 2 Fatima Place.
- 7.5. The proposed extensions will not be constructed on the party wall along 2 Fatima Place. However there will be a portion of the development constructed onto a portion of the party wall between 28 and 30 Emmet Street. The written consent of the adjoining land owner has been included with the application documentation.
- 7.6. There is a detached garage proposed to the rear of the property to be accessed from a laneway serving Emmet Street and Fatima Place to the rear. The garage has a ridge height of 5metres with a small gym area on the first floor, and it will replace an existing shed.

7.7. The overall visual impact of the proposed development is minimal. The proposal will provide improved accommodation to a dwelling that was constructed along time ago and has not previously been extended. The impact on the immediate neighbours will be minimal and the proposal should not jeopardize any future proposals for extensions on the neighbouring sites. I noted similar extensions within the estate to the current proposal during my site visit.

7.8. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the fact it is a significant distance from the nearest European site, 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 the planning authority's decision to grant the proposed development be upheld by the Board.

9.0 **Reasons and Considerations**

Having regard to the zoning provisions for the site, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not be out of character with development in the area and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. 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 in accordance with the plans and particulars lodged with the application and as amended by the revised plans submitted to the planning authority on the 05th of November 2018 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 windows at first floor level to the side and rear of the proposed extension associated with the bathrooms and dressing room shall include obscure glass.

Reason: In the interest of residential amenity.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Caryn Coogan
Planning Inspector

29th of March 2019