



An
Bord
Pleanála

Inspector's Report

ABP-304291-19

Development	Permission for existing single storey extensions to side and rear of house and existing timber fence to top of side boundary wall
Location	39 Old Chapel Wood, Caragh, Naas County Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19106
Applicants	Peter & Lara O'Connor
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	First Party v Condition No. 2
Appellants	Peter & Lara O'Connor
Date of Site Inspection	31 st , July 2019
Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1.1. The site of the proposed development which has a stated area of 0.036 hectares is located at No. 39 Old Chapel Wood, Caragh, Naas, Co. Kildare. The site is located near the bottom of a cul-de-sac in a housing estate containing similar two storey detached dwellings.

2.0 Proposed Development

- 2.1.1. The existing dwelling on the site has a stated floor area of 157.7 sq.m. The submitted planning application form indicates that 31.1 sq.m. of the total floor area consists of single storey extensions/additions to the original floor area of the house. These extensions are the subject matter of the current application in respect of which planning permission for retention is now sought.

- 2.1.2. The additions include:

- A single storey extension to the rear of the dwelling incorporating family room accommodation.
- A single storey extension to the side of the dwelling incorporating utility room accommodation. This accommodation connects with a lobby in the original dwelling that links to the kitchen. This accommodation also incorporates a new solid door providing direct access from the remaining section of side passage that served the original dwelling.
- It is also proposed to retain existing timber fencing added to the top of the side boundary wall along a section of the northern boundary to the rear of the dwelling.

2.2. Planning Authority Decision

- 2.2.1. Notification of a decision to grant planning permission for the proposed development, subject to 9 conditions, was issued by the planning authority per Order dated 2nd, April 2019.

- 2.2.2. Condition No. 2 states:

Within 6 months of the date of the final grant of permission, the following amendments shall be submitted to the planning authority for its written acknowledgement, no later than 1 month of that date:

- Replacement of front door of side extension with a window – to match existing windows with regard to finish;
- Reduction in height of wooden fence to a maximum of 2.0 metres – any loss of height can be supplemented by screen planting at this location.

Reason: In the interest of visual and residential amenity.

2.3. Planning Authority Reports

2.3.1. Planning Report

A report from the Senior Executive Planner dated 1st, April 2019 includes:

- The site is covered by Zoning Objective B 'Existing Residential/Infill' in the Caragh Village Plan 2017-2023.
- Para 17.4.8 of the Kildare County Development Plan 2017-2023 provides that 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 with regard to sunlight, daylight and privacy.
- Observation/Objection received by the planning authority noted.
- The extension to the rear of the dwelling is typical of standard rear extensions with external finishes similar to the original dwelling. Its retention is considered to be acceptable.
- The side extension occupies space that formerly served as a side passage to the dwelling. External finishes are predominantly similar to the finishes on the original dwelling on site. The (mono-pitch) roof profile slopes away from the neighbouring dwellings. It is considered that the side extension would not impact on the amenities of the neighbouring dwelling and is generally considered to be acceptable. However, it is considered that the independent front access should be replaced with a window as the addition of separate own door access would not be in keeping with the character of the area and would set an undesirable precedent for similar proposals.
- The wooden fencing that is proposed along a length of 3.7 m of the northern boundary of the rear garden extends 1.2 m above the existing 1.5 m high boundary wall at this location. In general boundaries between dwellings at this location tend to be between 1.8 m and 2m in height. A reduction in the height

of this fence to a (total) height of 2m is recommended. (Any loss of height or potential for overlooking could be overcome by screen planting at this location).

- Planning permission for retention (subject to amendments required by Condition No. 2 recommended)

The planning authority decision reflects the recommendation of the Senior Executive Planner.

2.3.2. Other Technical Reports

Water Services Engineer – Report dated 8th, March 2019 indicates no objection to the proposed development subject to conditions.

Municipal Area Engineer – Report dated 4th, March 2019 indicates no objection to the proposed development subject to conditions.

Iris Water – Report dated 12th, March 2019 indicates no objection subject to conditions.

2.4. Third Party Observations

John Farrelly & Laura Slevin, 38 Old Chapel Wood

2.4.1. Observations from the residents of the adjoining dwelling to the north of the appeal site were received by the planning authority. This consists of a number of grounds of objection to the proposed retention of development. These include:

- Material used in the side extension are not in keeping with the style and standard of the surrounding area. Black steel panelling (rather than render) has been used to the side of the extension. This darkens light to the kitchen of No. 38. The panelling is visually unattractive when viewed from No. 38.
- The height of the side extension together with the use of steel have created a reverberation and tunnel/echo effect in five rooms of No. 38.
- The ventilation of No. 38 is c. 1.5m to 2 m away at the nearest point which further exacerbates noise nuisance suffered from No. 38.
- The front door to the side extension is unacceptably close to the front of No. 38. Use of this door creates additional foot traffic and noise.

- The velux window in the roof of the side extension look directly up at the bathroom and children's shower room of No. 38 causing constant and unnecessary intrusion of the privacy of the Objector's children.
- Light overspill from the side extension creates nuisance for No. 38.
- The increased height in the fence along the shared boundary between No. 39 and No. 38 is unsuitable to a residential area and out of character with boundary treatment elsewhere in the estate.
- The extensions at No. 39 devalue No. 38.

3.0 Policy Context

3.1. Development Plan

3.1.1. The site of the development proposed for retention is located within an area zoned 'Objective B – Existing Residential/Infill' in the Caragh Village Plan 2017-2023. The stated objective of this zoning is '*To protect and improve residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*'.

3.1.2. Paragraph 17.4.8 (Extensions to Dwellings) of the Kildare County Development Plan 2017-2023 stipulates that 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 property, particularly as regards sunlight, daylight and privacy. A number of criteria in relation to the sensitive design of extensions, avoidance of overlooking and overshadowing etc. are set out in Paragraph 17.4.8.

3.2. EIA Screening

Having regard to the nature of the appeal (against condition only) together with 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 and a screening determination is not required.

4.0 The Appeal

4.1. Grounds of Appeal

4.1.1. This is a first party appeal against Condition No. 2 only of the planning authority notification of decision to grant planning permission for the proposed development.

4.1.2. The submitted grounds of appeal include:

- The appeal relates solely to the requirement that the existing door providing front access to the extension to be retained at the side of No. 39 be replaced by a window.
- The door in question is vital to the Appellants in the day-to-day running of their home.
- The door facilitates access for a double buggy which cannot fit through the hall door of the house.
- The Appellants have four children (and are expecting their fifth) ranging in age from nine months upwards. It is anticipated that the door will be needed for the foreseeable future.
- The door is setback in excess of 2m from the front building line of the house and is not visible from the public road/front entrance gate.
- The retention of the door will have no impact on the residential amenities of neighbouring properties. Loss of the door will cause severe inconvenience for the Appellant.

5.0 Assessment

5.1.1. I am satisfied that the development proposed for retention will not seriously injure the residential amenities of the area and is generally acceptable at this location. I consider it appropriate, therefore, that the scope of this assessment is restricted to consideration of Condition No. 2 (the condition under appeal) of the planning authority notification of decision to grant planning permission.

5.1.2. I consider that the key matter for determination arising from the submitted grounds of appeal relates to the requirement that the front door of the extension to be retained to the side of the dwelling be replaced by a window. I consider that the matter of Appropriate Assessment also needs to be briefly addressed.

5.2. Door to front of Side Extension

- 5.2.1. The Reason given by the planning authority for Condition No. 2 attached to their notification of decision to grant planning permission is '*In the interest of visual and residential amenity*'. The report on file from the planning authority Area Planner expressed the opinion that the extension to be retained to the side of appeal site is generally acceptable. However, she further expressed the opinion that the front door access (to the side extension) should be omitted as separate own door access would set an undesirable precedent for similar proposals and would not be in keeping with the character of the area.
- 5.2.2. The submitted grounds of appeal state that the retention of the door is vital to the day-to-day running of the Appellant's home. The Appellants have a number of young children and the door facilitates access to the house for a double buggy. Loss of the door will result in significant inconvenience for the Appellant. The door is setback in excess of 2m from the front building line of the house and is not visible from the entrance gate to the house. The Appellant cites example of similar doors that have been added to houses elsewhere in the estate.
- 5.2.3. On balance, I do not share the opinion of the planning authority Area Planner that the door would not be in keeping with the character of the area. In this regard, I note the examples cited (in the submitted grounds of appeal) of similar doors to the side of other comparable houses in the vicinity of the site. I do not consider that the door in the current instance is out of character with either the original house on the appeal site or the general character and pattern of development in the vicinity of the site. Furthermore, I consider that in the context of housing estates it is not an uncommon practice for house owners to cover side passages of houses to provide protection from rain etc. and to use the space for the storage of bicycles, bins etc. Again, it is not uncommon that doors be added to either end of the covered side passage. In the current instance the space to side of the house on the appeal site was wide enough to be used as a small utility room. It appears that the original house was served by a side door (leading to the kitchen via a lobby) from the previously existing side passage. In my opinion, the movements via the remaining section of side passage into the door serving the utility room would not be substantially different to movements along the previously existing side passage generated in the context of normal domestic use of the property. In these circumstances, I consider that the door proposed for retention would not seriously injure either the residential or visual amenities of the area.

- 5.2.4. I note that the requirement of Condition No. 2 relating to reducing the height of a section of fence (to a maximum height of 2m) along the northern boundary of the site has not been appealed.
- 5.2.5. Accordingly, I consider that Condition No. 2 of the planning authority decision should be amended to remove the requirement that the door in question be replaced by a window and attach the (un-appealed) requirement in relation to the reduction in height of a section of fence.

5.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed together with the nature of the appeal (against a condition only) 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.

6.0 **Recommendation**

- 6.1.1. I recommend that the planning authority be direct to Amend Condition No. 2 and the reason attached thereto of their notification to grant planning permission, as follows:

(2) Within 6 months of the date of the final grant of permission, the following amendment to the development shall be made and photographic evidence of same shall be submitted to the planning authority for its written acknowledgement, no later than 1 month of that date:

- Reduction in height of wooden fence along northern boundary of rear garden of the house to a maximum of 2.0m.

Reason: In the interest of visual and residential amenity.

7.0 **Reasons and Considerations**

It is considered that the door providing access to the front of the extension (containing utility room accommodation) to be retained to the

side of the dwelling will continue in use to provide access for domestic purposes only to an existing dwelling, will not generate movements substantially different to the side passage of the house that existed prior to the completion of the extension and its continued use will not give rise to significant nuisance in the context of an established residential area, would be in keeping with the established character and pattern of development in the vicinity of the site and, therefore, the retention of the door would not seriously injure the residential of visual amenities of the area.

The requirement to reduce the height of the existing fence along a section of the northern boundary to the rear of the house did not form part of the subject matter of this appeal.

Paddy Keogh
Planning Inspector

12th, August 2019