



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304455-19**

### Development

1. Sub-division of the existing site, 2. provision of an additional vehicular access to the front boundary, 3. provision of a new pedestrian access gate in the side boundary wall, 4. construction of a part single & 2 storey, 2 bedroom detached dwelling to the side of the existing dwelling and all associated site development works

### Location

17 Craddockstown Rise, Naas County Kildare

### Planning Authority

Kildare County Council

### Planning Authority Reg. Ref.

181503

### Applicant(s)

Morgan Graham

### Type of Application

Permission

### Planning Authority Decision

Grant with conditions

### Type of Appeal

Third Party

### Appellant(s)

Michele Kelly

**Date of Site Inspection**

12<sup>th</sup> July 2019

**Inspector**

Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The site is located in Craddockstown Rise, Naas, Co. Kildare. The site is within a well-established housing estate c.1km to the south of Naas town centre comprising semi-detached two-storey and single storey dwellings. Craddockstown Rise is immediately north of Ballycane Road (the ring road). Vehicular access to the housing development is off the Craddockstown Road which links the Ballycane Road to the R411 Ballymore Road.
- 1.2. No.17 is one half of a semi-detached pair of dwellings. It has a north-east, south-west aspect and shares the boundary with no.18 to the north-west. The appellant lives in no.21 which is located to the north-east of the site.
- 1.3. The site itself is roughly rectangular in shape of 0.036Ha and is an end plot bounding the estate road to the south-east. The existing dwelling, no.17, is two-storey, pitched roof with a projecting porch and is 102sq.m in area. It has a block and nap plaster finish with red brick at ground floor level with concrete tiles on the roof.
- 1.4. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. It is proposed to develop a detached dwelling in the side garden of no.17 to be identified as no.17A. The existing site is to be sub-divided and an additional vehicular entrance will be provided to cater for two additional cars. The dwelling will not be provided with a side passageway but a new side gate to provide pedestrian access to the rear garden will be inserted into the existing boundary wall.
- 2.2. The dwelling originally proposed was a two bedroom, two storey dwelling of 85.1sq.m in area and 6.335m high which was below the existing height of other dwellings in the vicinity. Following the Further Information request, the height was amended to match the existing dwelling height of 7.425m. The roof was modified to reflect the existing pitched roof with a projecting gable.
- 2.3. Rear private garden amenity space of 56sq.m is proposed for the new dwelling leaving 80sq.m of rear garden space for the existing dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to grant permission subject to 14 standard conditions. Condition no.2 is of relevance to the appeal – it states that the windows and all external finishes should harmonise with that of the existing dwelling and those detailed on the FI drawing.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Site is located in zoning B – 'Existing/Infill Residential' and notes the Naas LAP is in preparation but considers the previous zoning objective which seeks to preserve and expand residential amenity remains pertinent.
- Notes proposed dwelling is irregular in shape, forward of the building line and of reduced height and proportions to that of existing and neighbouring dwellings.
- Considers proposal is an unbalanced design out of character with the form and balance of the neighbouring dwellings. Notes boundary treatment between existing and new is not defined. Recommends Further Information is sought with respect to revised elevations and layout plans to amend the design and in particular the roof line to retain the roof line of the existing dwelling as well as the roof profile.
- Considers floor area standards are met but queries the rear garden area and location of bin storage. Notes District Engineer raised concerns with how it is proposed to construct the dwelling in close proximity to the existing boundary wall and public footpath.
- Three items of Further Information were sought to address the above concerns. The applicant responded addressing the concerns of the Planning Authority including a revised roof profile and height and confirming the rear garden area.

- This response was considered acceptable and the Planner recommends permission is granted subject to conditions.
- The decision was in accordance with the Planner's recommendation.

### 3.2.2. Other Technical Reports

- **Area Engineer:** Further Information requested. Upon receipt no objection subject to conditions.
- **Water Services:** No objection subject to conditions
- **Roads & Transport:** No objection subject to conditions
- **Environment:** No objection subject to conditions

### 3.3. Prescribed Bodies

- **Irish Water:** No objection subject to conditions

### 3.4. Third Party Observations

There were 4 no. third party submissions from nearby neighbours. Concerns raised included parking issues, particularly any increase in on-street parking, design of proposed dwelling in particular the roof, new vehicular entrance and impact on footpath, removal of trees, impact of construction, and potential overshadowing of no.44.

## 4.0 Planning History

There have been applications for domestic extensions in the general area.

## 5.0 Policy Context

### 5.1. Kildare County Development Plan 2017 – 2023

- 5.1.1. Chapter 4 refers to Housing. Section 4.2 states '*The Plan will support consolidation through infill development and the redevelopment of areas that are in need of renewal and the sustainable extension of established urban areas*'.
- 5.1.2. Section 4.11 refers to Residential development in established urban areas - Infill, backland, subdivision of sites and corner sites. It states '*The development of*

*additional new housing, which respects the amenity and character of the existing residential area and is coherent and well designed, can contribute to enhancing the vibrancy and character of an existing area while also contributing to the efficient sustainable use of serviced lands’.*

5.1.3. Chapter 17 refers to Development Management Standards. Minimum floor area for a two-bedroom house is noted as being 85sq.m in Table 17.4. Table 17.5 states that minimum private open area for a two bedroomed house is 55sq.m. Table 17.9 refers to car parking requirements which are 2 spaces per dwelling.

## **5.2. Draft Naas Local Area Plan 2019 – 2023**

5.2.1. The Draft Naas LAP was on display from 18<sup>th</sup> April until 30<sup>th</sup> May. No change to the zoning of the subject area is proposed.

## **5.3. Natural Heritage Designations**

There are a number of Natura 2000 sites within 15 km of the site as follows:

- Red Bog SAC Site Code 000397
- Mouds Bog SAC Site Code 002331
- Ballynafagh Lake SAC Site Code 001387
- Ballynafagh Bog SAC Site Code 000391
- Wicklow Mountains SAC Site Code 002122
- Pollardstown Fen SAC Site Code 0396
- Wicklow Mountains SPA Site Code 004040
- Poulaphuca Reservoir SPA Site Code 4063.

## **5.4. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

An appeal has been lodged by a neighbour in no.21 Craddockstown Rise. In summary it includes:

- There are changes to the conditions written in the Planning Report to those on Final Grant – condition 5 and condition 9 have been omitted in Final Grant. Consider that both omitted conditions are relevant.
- There are a number of conditions which do not take into consideration the amenities and existing visual amenities in the area.
- Condition no.10 – is it not possible for two cars to access site 17a independently? The entrance width of 3.6m and the orientation of the site would not allow for two cars to independently access the site. This would impinge on traffic safety where some roadside parking is being removed to provide the vehicular access.
- Condition no.2 – The revised drawings show a house with a full brick front and brick gable end. This is out of line with the existing houses. A number of photos are attached to demonstrate same. Proposed development has not taken into account the visual aspect as was undertaken in planning applications Reg. Ref. 151169, 06500053, 05500170, 02500133.

### 6.2. Applicant Response

The applicant was provided an opportunity to respond. In summary it includes:

- The proposed dwelling is for the applicant's father.
- It is not for the applicant to comment on the different conditions placed on the Planner's Report and the final decision.
- Two car parking spaces are proposed in accordance with the County Development Plan. Autotrack drawing submitted with the appeal and other drawing showing entrance widened to 4.6m. Agreeable to a condition to increase the width of the entrance to both dwellings.
- Agreeable to a condition to amend the materials for a brick finish at ground floor level and a dry dash/pebble dash finish if Board consider this preferable.

### 6.3. Planning Authority Response

The Planning Authority responded to the third-party appeal. In summary it includes:

- Maintain position that the dwelling can be accommodated on the site, supporting the principle of consolidating growth within the existing residential estate and providing new housing within the defined settlement of Naas.
- Due regard has been given to National Guidelines and relevant policies in the County Development Plan, the submissions, and planning history of the site.
- Notes location of no.21 (appellant's dwelling) with respect to no.17.
- Notes Planning Report was prepared by Assistant Planner and contained 16 conditions. It was subsequently reviewed by the Senior Executive Planner and 3 conditions were deleted when the recommendation to grant was approved and report signed off.
  - The original condition no.5 referred to surface water drainage and this condition was considered to be repeated within condition no.16.
  - The original condition no.9 referred to vehicular entrance and this condition was not considered to be relevant as condition no.11 referenced the site and proposed amendments to same.
  - Condition no.15 referenced the requirement to make a new application to Irish Water for water and wastewater connections. Condition no.14 referenced the same and was therefore considered a duplication.
  - The edited version of the Report as revised by the Senior Executive Planner is displayed on the website.
- Refers to concern raised about access to two car parking spaces of 17a. The application was referred to the Roads & Transport Department and was considered acceptable in principle, subject to at least two independently accessible car parking spaces being provided within the boundaries of each site and this is a requirement of the grant of permission.
- Visual amenities – refers to Condition no.2. Notes as part of response to Further Information Request that applicant amended the proposed use of materials and included a red brick finish to the side south elevation and the front elevation of the property. It is considered that this design is innovative, contemporary and modern with due regard to the suburban context and



pattern of development in the area. Authority will accept the inclusion of a condition requiring the materials to match those of the neighbouring properties.

#### **6.4. Further Responses**

- 6.4.1. The Planning Authority and the appellant were provided an opportunity to comment on the applicant's response to the appeal.
- 6.4.2. The Planning Authority responded reiterating their position that the development can be accommodated on the site.
- 6.4.3. The appellant responded stating that the concerns relating to difference in conditions has not been addressed; concerns with the usability of two car parking spaces has not been demonstrated resulting in two cars parking on the street; enlargement to 4.6m width will not make a difference; and, there is no mention of the finish on the gable end of the house.

#### **7.0 Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Amendments to conditions
- Visual amenities
- Car Parking
- Appropriate Assessment

#### **7.2. Amendments to Conditions**

7.2.1. The appellant expresses concern with the fact that the conditions in the Planning Report that is on the website do not match the conditions that were submitted to her in a letter and notes changes were made in handwriting on the Planner's Report. It is noted that there were 16 conditions in the Planner's Report and that condition no's. 5, and 9 have been crossed out leaving 14 conditions.

- 7.2.2. Condition no.5 refers to drainage and condition no.9 refers to works on the vehicular access. The appellant considers both conditions to be relevant. The Planning Authority in response state that the report was prepared by the Assistant Planner and revised by a Senior Executive Planner whereby it was considered that there was duplication in conditions.
- 7.2.3. As part of the appeal the Planning Authority have sent copies of the material relating to the file to the Board. Two Planner's Reports were submitted with the material, as well as the Notification of a Decision to grant permission. The Planner's Report includes hand written modifications to the Report as signed by the Senior Executive Planner. These modifications/amendments are reflected in the Notification that was issued to the applicant and all parties.
- 7.2.4. In the first instance, the Planner makes a recommendation and the Planning Authority makes the decision on whether to grant permission or not. That decision in this case, included 14 conditions. The conditions reflected those in the Planner's Report with the mark-up of the Senior Planner whereby 3 conditions were omitted, and a Development Contribution condition was added in.
- 7.2.5. Reviewing the Planner's Report, I concur with the Planning Authority that the original recommended condition no.5 is a duplication of original recommended condition no.16 and final condition no.13. With respect to original condition no.9, it is stated that this was a duplication of condition no.11 and final condition no.9. While these two conditions are not identical, I am satisfied that the proper planning and sustainable development of the area with respect to the construction of vehicular entrance is addressed in final condition no.9 as well as conditions no's. 7, 8 and 10.
- 7.2.6. In conclusion, I am satisfied that the amendments made to the Planner's Report by the Senior Executive Planner ahead of the Planning Authority's decision are appropriate and avoids duplication of conditions.

### **7.3. Visual Amenities**

- 7.3.1. The appellant considers that the materials proposed for the dwelling are not in keeping with the other dwellings. Reference is made to condition no.2 which seeks to ensure that the external finishes harmonise with the existing dwelling.
- 7.3.2. The plans submitted at Further Information indicate that the front and side gable wall (facing the road) incorporate a selected colour brick. From my site visit I can confirm that the existing dwellings in the vicinity are a mix of pebble dash and red brick.

7.3.3. The Planning Authority consider that the proposed finish is an innovative and contemporary finish. I am satisfied that the brick finish as proposed will be very much in keeping with the surrounding dwellings and yet will also add some variety to the cul-de-sac. I am satisfied that the finish proposed is acceptable.

#### **7.4. Car Parking**

7.4.1. The appellant is not satisfied that the car parking arrangement as proposed will work or that both spaces are usable. The applicant submitted Autotrack drawings of how the cars would enter and exit the driveway with the response to the appeal. While there could be some difficulties with the 'first' car into driveway getting out without the other car moving, I am satisfied that this is the case in a lot of households. This does not mean that second cars will automatically park on the street. Regardless I am satisfied that on-street parking in this particular development would not give rise to impacts on visual amenities or traffic safety issues.

7.4.2. I do not accept that there will be a loss of on-street parking as a result of the new vehicular access. The proposed new access is near a bend and it is unlikely that it would be used for parking.

7.4.3. To conclude, I am satisfied that the proposed parking arrangement is adequate and in accordance with the Development Plan standards.

#### **7.5. Appropriate Assessment**

Having regard to the nature and scale of development proposed 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**

I recommend that permission should be granted for the proposed development subject to conditions

### **9.0 Reasons and Considerations**

Having regard to the location of the site on residentially zoned lands in the current Kildare County Development Plan 2017-2023, to the nature, scale and design of the

proposed development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not endanger public safety by reason of a traffic hazard. 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 be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 19th day of March 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual 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. 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 without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new and existing dwelling.

5. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The width of the vehicular entrances shall be a maximum width of 3.6m.

**Reason:** In the interest of visual amenity and pedestrian safety.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. 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.

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Ciara Kellett  
Senior Planning Inspector

15<sup>th</sup> July 2019