



An
Bord
Pleanála

Inspector's Report

ABP-305761-19

Development	Change of house type design, of granted planning permission Ref. No 16/483 to 1.5 storey dwelling and all associated site works
Location	Cormickstown, Maynooth, Co.Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19913
Applicant(s)	Donal Houlihan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Donal Houlihan
Observer(s)	None
Date of Site Inspection	17 th December 2019
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area c.3 km south-west of Maynooth town centre and south of the M4 motorway in the townland of Cormickstown. It is located on the southside of the rural L5042 road which is accessed from the R408 Newtown Road. The L5042 road has very few dwellings with the main buildings in the area being agricultural in nature. The Lyreen River runs to the west of the site and an overhead 220kV powerline runs in a north-south direction to the east of the site.
- 1.2. The site itself is roughly rectangular in shape and is c.2.04Ha in area. It is relatively flat and is bounded by hedgerows and trees. A farm gate breaks up the boundary with the L5042 road.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. Permission is sought for a change of house design from that permitted by Kildare County Council under Reg. Ref. 16/483.
- 2.2. Permission for the aforementioned development was granted in September 2016 for a detached single storey dwelling along with a detached garage and 3 no. stables for domestic use, muck store and effluent tanks and associated works.
- 2.3. It is proposed to seek a change to the house design from a single storey to a one and a half storey dwelling with a ridge height of 6.8m and a floor area of 274.4sq.m. A two-block layout is proposed with a glazed flat-roofed double height hall connecting both blocks. Gable ends of both blocks will face towards the road frontage, set back 43.66m from the site boundary. Living areas are downstairs with bedrooms on the first floor. The external finishes proposed are a white render finish to the walls complemented by a natural stone and elements of hardwood timber, standing seam zinc surrounding the dormer windows with a blue/black natural slate to the pitched roof. The design of the stables remains unchanged, as well as the locations proposed for the wastewater treatment systems.
- 2.4. A number of documents accompanied the planning application as well as the standard drawings and forms. A Planning Report and a Design Statement have been

submitted which include rendered images of the dwelling, as well as a landscape drawing.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason:

It is considered the proposed change of house type, by reason of design, scale and bulk, would result in a visually obtrusive, incongruous and excessively prominent addition to the landscape in this rural area. Further, having regard to the pattern of development in the immediate area which consists predominantly of modest bungalows with simple proportions and form, the proposed dwelling, by itself and by precedent for large scale one-off residential developments, would be at variance with the established character and pattern of development in this rural area. As such the proposed development would injure the visual amenities of the area, would be contrary to the design principles contained in Chapter 16 of the Kildare County Development Plan 2017 – 2023 and policy RH9(i) which seeks to ensure that the design of a dwelling takes into account its physical surroundings and character of the area. The proposed development would therefore seriously injure the visual amenities of the area, depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report prepared by the Assistant Planner recommends permission is granted, however this is overturned by the Senior Executive Planner for the reason above. The initial Planning Report includes:

- Considers the applicant complies with Local Need Criteria as assessed under permission Reg. Ref. 16/483.

- Refers to Planning History and notes that the permitted development for a 4-bedroom, single storey dwelling 307sq.m in area, is still live and expires on 31st October 2021.
- Refers to proposed design and notes that the site is relatively flat and largely screened with mature hedgerows and trees on the south and east boundaries.
- Considers the revised proposal being 6.8m in height, would not represent an excessive visual impact.
- Recommends permission is granted.
- The Senior Executive Planner visited the site, reviewed the planning history and notes the 1m increase in ridge height from the permitted dwelling, as well as the increase in scale and re-orientation of the dwelling and considers that the design failed to take into account the concerns previously expressed by the planning authority that led to a refusal of permission for Reg. Ref. 13/918.
- Notes pattern of development in this rural area and considers this could constitute a precedent for similar large-scale one-off dwellings.
- Considers dwelling will be visible from a wide area in all directions due to sparsity of hedgerows and flat topography.
- Recommends refusal of permission.

The decision is in accordance with the Senior Executive Planner's recommendation.

3.2.2. Other Technical Reports

- **Water Services:** No objections subject to conditions
- **Environmental Health:** No objections subject to conditions
- **Roads and Transportation:** No objections subject to conditions

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

None

4.0 Planning History

There have been a number of planning applications on the subject site. In summary:

- **Reg. Ref. 16/483:** Permission was granted in November 2016 for the development of a single storey dwelling (307sq.m) along with a domestic garage and three stables for domestic use to the rear of the garage (75.5sq.m).
- **Reg. Ref. 14/1011:** An application for the development of a two-storey dwelling was withdrawn.
- **Reg. Ref. 13/918:** Permission for development of a two-storey dwelling was refused permission in March 2014 for one reason including non-conformity with rural design guidelines and visual impact.

5.0 Policy Context

5.1. Kildare County Development Plan 2017 - 2023

5.1.1. Chapter 4 refers to Housing, Chapter 10 to Rural Development and Chapter 16 to Rural Design.

Map V1-4.4 of chapter 4 indicates that Maynooth and its environs is located in 'Rural Housing Policy Zone 1'.

5.1.2. **Policy RH9** seeks to '*Ensure that, notwithstanding compliance with the local need criteria, applicants comply with all other normal siting and design considerations (Refer to Chapter 16 for further guidance) including the following (inter alia):*

- (i) *The location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings and the natural and cultural heritage of the area and respect the character of the area. Development shall have regard to Chapter 16 Rural Design Guidelines (and any subsequent changes to these guidelines) and Chapter 17 Development Management Standards.*

5.1.3. Chapter 16 refers to Rural Design. It addresses site analysis and layout, appropriate house design, scale, form and proportion etc.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities 2005

The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety, and the conservation of sensitive areas.

5.3. Natural Heritage Designations

- 5.3.1. The Rye Water Valley Carton SAC (Site Code 001398) is located c.4km to the north-east of the site.

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

A First Party appeal against the decision of the Planning Authority has been lodged by a Consultant on behalf of the applicant. In summary it includes:

- States applicant obtained planning permission for a single storey development and this application seeks a change of house design – all other technical details and local needs remain the same as that permitted.
- Local needs were accepted in respect of the previous application and it is not proposed to revisit the matter.

- Consider the decision of the Planning Authority is unreasonable having regard to the fact that the dwelling is located on a local road where there is very little residential development and where there are other two storey dwellings.
- The decision fails to take into account the pattern of development in the area which is not predominantly single storey.
- Disagree that design is contrary to the principles contained in Chapter 16 of the Plan and of policy RH9(i).
- Proposed development assessed against previous applications – concur with decision of Planning Authority that those dwellings appeared excessive in scale.
- Consider the Planning Authority did not have an issue with a two-storey house but rather had serious issues with the poor design.
- Consider it possible to achieve a large dwelling without it appearing excessive in scale.
- Reference is made to the layout of the permitted dwelling and limitations therein.
- It is considered that the proposed new layout is arranged in a manner which reflects traditional farm complexes and the design is a reinterpretation of the vernacular style. The proposed dwelling alongside the stables creates a modern-day cluster which respects its setting, context and tradition.
- Although a new site layout is proposed certain elements have been retained including the entrance, wastewater treatment, stables and boundaries and the house is in a similar position to the permitted dwelling but making best use of the site's orientation.
- The Design Statement submitted confirms the development has been designed to accord with the principles set out in the Kildare 'Rural Design Guidelines'.
- Details that nearest dwelling is 100m away and is a bungalow. Further north c.800m there is a newly constructed two-storey dwelling of similar proportions

and style. There is a cul-de-sac to the north with a small number of dwellings that are all two-storey as well as a two-storey farm complex.

- A site inspection will show that the majority of recently constructed dwellings are two-storey or one and a half storey. The modest bungalows as described by the Planning Authority are all dated back to the 1970's and 80's and are not of a design to be aspiring to.
- Of opinion that the proposal would not have any significant impact on the visual amenity of the area and would not set a precedent.
- Satisfied that location of dwelling would blend in with the topography of the site due to the orientation of the building. The trees and hedgerows are being retained and there are no scenic views in the vicinity.
- Concludes that the proposal accords with the Development Plan and would not detract from visual amenities and would not depreciate the value of property.

6.2. Planning Authority Response

The Planning Authority responded stating that they have no further observations and request the Board to uphold their decision to refuse permission.

7.0 Assessment

7.1. Introduction

- 7.1.1. As noted above under Section 4 there is some planning history associated with this site. Of relevance is the recent grant of permission Reg. Ref. 16/483 for a single storey dwelling. That permission was granted in November 2016 and is live until 31st October 2021. In that permission the Council assessed the applicant in terms of their Local Needs Policy and considered that the applicant complies with their policies. In addition, the Council considered that the principle of a dwelling on this site is acceptable.

Thus, I do not intend to revisit these issues further and consider that the applicant's local needs have been assessed by virtue of the existing grant of permission on the site.

- 7.1.2. 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:

- Design of dwelling and visual amenities
- Appropriate Assessment

7.2. Design of Dwelling and Visual Amenities

- 7.2.1. The key issue for this appeal is the design of the dwelling and its impact on the visual amenities of the area. The Planning Authority refused permission for the change of house type expressing significant concerns with the design, scale, and bulk and considered that it would result in a visually obtrusive, incongruous and excessively prominent addition to the landscape.
- 7.2.2. A Design Statement accompanied the application and there are photomontages included within this document. The design is contemporary and includes a modern palette of materials. The Design Statement includes images of other dwellings as well as highlighting the nearby farm.
- 7.2.3. I have visited the site and environs and note that despite its proximity to Maynooth, residential dwellings are sparse along the road and the Planning Authority have successfully limited urban generated development in this particular area. There is a farm and associated buildings adjacent to the junction with the Newtown Road and there is a bungalow in the field just north-west of the site. Another dwelling which appears to be single storey (although not very visible from the road) lies further north. A new two storey dwelling lies to the north, but this is accessed from another laneway and not from the L5042 road. Thus, I do not agree with the applicant that there are many examples of two storey dwellings in the vicinity, albeit there are examples within 0.8km – 1.5km.

- 7.2.4. The proposal seeks to replace a permitted single storey dwelling with a contemporary two storey dwelling. Although the revised proposal overall is smaller in area, I have concerns with the increase in height and the 'block/modern' design having regard to the lack of screening provided by hedgerows and trees currently. The permitted dwelling (Reg. Ref. 16/483) has a ridge height of 5.657m, compared to the proposed dwelling height of 6.738m. The Planning Authority considered the permitted single storey proposal acceptable having a simple form with contemporary finishes.
- 7.2.5. The site is flat and can be seen from a wide area. As previously noted, there are relatively few dwellings along this road, and I have concerns that to permit a two-storey dwelling would be to set a precedent on this road for visually prominent dwellings. While I accept that a landscaping plan has been submitted, this will take time to become established and, in the meantime, I am of the opinion that the dwelling would be visually obtrusive, incongruous and excessively prominent. Furthermore, the garage and stable block have a large footprint and will add to the visual impact of the revised dwelling proposal.
- 7.2.6. Thus, while I consider the design to be of a high standard, having regard to its location, the pattern of development in the immediate area, the flat topography and the lack of screening, I am of the opinion that the proposed development would injure the visual amenities of this area, would be contrary to the design principles contained in Chapter 16 of the Kildare County Development Plan 2017 – 2023 and policy RH9(i) which seeks to ensure that the design of a dwelling takes into account its physical surroundings and character of the area and furthermore would set a precedent in the area for two storey dwellings.

7.3. **Appropriate Assessment**

- 7.3.1. 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

- 8.1.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

It is considered that the proposed change of house type to a two-storey house, by reason of its location, scale, and height, would be visually obtrusive, incongruous and excessively prominent in this relatively flat and open rural area which is characterised by single storey dwellings, and would set a precedent for large scale one-off residential developments. As such the proposed development would injure the visual amenities of the area, would be contrary to the design principles contained in Chapter 16 of the Kildare County Development Plan 2017 – 2023 and policy RH9(i), which seeks to ensure that the design of a dwelling takes into account its physical surroundings and character of the area. The proposed house would, therefore, be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Senior Planning Inspector

19th December 2019