



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305903-19

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<b>Development</b>	Construction of a single storey extension to the northeast side of an existing house.
<b>Location</b>	6 Arconagh , Newbridge Road , Naas.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	19593
<b>Applicant(s)</b>	Enda Scott
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Doreen O'Sullivan and Kevin Cleary
<b>Observer(s)</b>	none
<b>Date of Site Inspection</b>	3 <sup>rd</sup> January, 2020
<b>Inspector</b>	Stephen Kay

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Nass in an existing residential development accessed off the R445 Newbridge Road. The site comprises one of 13 in a cul de sac of two storey detached houses at Arconagh.
- 1.2. The existing two storey dwelling on the site has a stated floor area of 179 sq. metres and the site is large being located at the end of the cul de sac and having a plot that widens out to the rear. The stated area of the site is 0.0745 ha. The house on the site has previously been extended to the rear and southern side of the floorplan.
- 1.3. The boundary to the adjoining properties at No.7 to the south and No.5 to the north east comprises block boundary wall with a capping. In the case of the house to the north at No.5, the footprint of the dwelling is set back from the boundary with the appeal site by a minimum of c.40 metres and this separation widens out further back in the site with the separation at the position of the rear building line being c.7 metres.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new single storey rear extension to be located to the rear and north side of the original floorplan. The extension design incorporates a flat roof with two separate roof parapet height, with that located to the side of the existing house having a lower height than the bulk of the section to the rear of the rear building line of No.6.
- 2.2. The section to the side of the existing house is proposed to have a roof height of c.2.85 metres above ground level and c.2.65 above finished floor level (FFL). The height of this section of the extension would be c.950mm above the height of the existing boundary wall with No.5. In the case of the higher section of the proposed extension, the corresponding figures are approximately 3.5 metres height above ground level, 3.3 metres above FFL and 1.55 metres above the height of the boundary wall.

- 2.3. The extension is proposed to extend right up to the existing boundary wall with No.5 over a distance of c.12.5 metres. To the front, the extension is proposed to be set back by c.3 metres from the existing front building line of No.6 and to the rear, the development would extend c.6.75 metres beyond the original rear building line of the house. The stated floor area of the proposed extension is 48 sq. metres and the floor plans indicate that the proposed accommodation would be used as a play room and a living room.
- 2.4. The finish proposed to the extension is dash to match the existing elevations of the house. Details of the materials of the roof and parapet area are not indicated.

### **3.0 Planning Authority Decision**

#### **3.1. Further Information**

Prior to the issuing of A Notification of Decision, the Planning Authority requested further information on the following issues:

- Proposals as to how the proposed extension would be constructed and maintained given the proximity to the site boundary and measures to protect the integrity of the party wall.
- Submission of a roof plan demonstrating how the roof will be drained within the confines of the site.
- Comments on third party submission received.

In response to the request for further information the first party submitted the following information:

- That the existing boundary wall is proposed to be underpinned as part of the development (drawing showing detail submitted).
- That the exposed section of the new extension where it faces No.5 would be finished with a concrete brick to eliminate the need for maintenance.

- That the parapet side to the extension will mean that there will not be water going into third party lands and the materials for the fascia and soffit are proposed to be aluminium or coated metal that would avoid the need for maintenance.
- A drawing showing the roof falls and drainage is submitted.
- Stated that the issue of surface water and poor site drainage was addressed by the Board inspector in the case Ref. PL73.237518. the first party would be happy to construct a soakaway in line with BRE requirements.
- That the proposed development if constructed would have a plot ratio of 30 percent well below the standards set out in 17.2.3 of the plan.
- That the house on the appeal site is located to the south west of the property at No.5 and the sun does not pass the rear of the existing structure until 7pm or later and by that time is low in the sky and mainly blocked by the boundary trees and wall. The impact of the proposed development is stated to be very minor. Shading diagrams from four times of the year are submitted.

### 3.2. **Decision**

The planning authority issued a Notification of Decision to Grant Permission subject to 9 no. conditions, the most significant of which can be summarised as follows:

Condition No.3 requires external finishes to be consistent with the details received by the Planning Authority on 24<sup>th</sup> September, 2019.

Condition No.4 requires that all surface water be collected and disposed of to soakaways or a surface water system designed in accordance with BRE365.

### 3.3. **Planning Authority Reports**

#### 3.3.1. Planning Reports

The initial report of the Planning Officer notes the submissions received and raises issues with regard to the impact of the proposed development on the boundary wall and the implications of the development for the maintenance of the extension.

Stated that consideration may be given to a set back from the party boundary with

No.5. Second report subsequent to the submission of further information recommends a grant of permission that is consistent with the notification of decision which issued.

### 3.3.2. Other Technical Reports

Roads – No objection subject to conditions.

Area Engineer – No objection subject to conditions.

Water Services – No objection subject to conditions.

### 3.4. Prescribed Bodies

Irish Water – No objection.

### 3.5. Third Party Observations

Observation received from the resident of the adjoining house to the east at No.5. Issues raised in this submission can be summarised as follows:

- Concern relating to high water table in the area and the capacity of the site to accommodate surface water.
- Design not in compliance with 17.4.8 of the development plan.
- Potential for overshadowing and loss of amenity.
- Concern regarding the impact on the boundary wall given the proximity of the development to the boundary.

## 4.0 Planning History

The report of the Planning Officer does not reference any planning history relating to the site.

The following planning history case is referenced by the first party in the response to further information submitted to the Planning Authority.

- Kildare Co. Co. Ref. 10/500011; An Bord Pleanala Ref. PL73.237518 - Permission granted by the Planning Authority and decision upheld on appeal for the retention of a garage constructed to the rear of No.2 Arconagh.

## 5.0 Policy Context

### 5.1. Development Plan

The development plan is the *Naas Town Plan, 2011-2017*. The appeal site is located on lands that are zoned B – Existing Residential / Infill under the provisions of this plan.

Development management standards are set out in section 17 of the *Kildare County Development Plan, 2017-2023*. Section 17.4.8 of the plan relates to extensions and sets out a number of principles to be adhered to including that new extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight to these properties.

### 5.2. Natural Heritage Designations

The site is not located in or close to any European site.

### 5.3. EIA Screening

Having regard to the scale of the development and the separation of the site from any sensitive environmental receptors, 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

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the development (extension) is located unacceptably and unreasonably close to the boundary wall of No.5 Arconagh. It would result in the overshadowing of the adjoining property at No.5 and be contrary to 17.4.8 of the development plan.
- There is no reference to the impact of the proposed development on daylight.
- That the water table in the area has been harmed by recent developments and this development will further exacerbate these issues.
- That the proposal is not consistent with the principles set out in 17.4.8 of the development plan including the requirement to have regard to the surrounding area and amenities of surrounding properties.
- That the proposed development is likely to weaken and to destabilise the existing boundary wall.

### 6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That there is no evidence to suggest that there is an issue with the water table in the area of the site.
- That there are a number of other houses in the estate that have large extensions.
- That the extension is single storey and would comply with the recommendations of the BRE guidance. The extension is significantly separated from the house on the appellant's site and would not impact on the windows to the main living spaces.

- That the issue of possible damage to the boundary wall has been addressed during the application with the further information request and response of the first party.
- It is also noted that the applicants have a shed located very close to the shared boundary with the appeal site.

### 6.3. **Planning Authority Response**

Response received stating that when making the decision all relevant policies, the planning history of the site, reports and third party submissions were taken into consideration. The Planning Authority has no further comments to make on the specific issues raised in the appeal and request that its decision would be upheld by the Board.

## 7.0 **Assessment**

7.1. The following issues are considered of relevance in the assessment of this appeal:

- Principle of Development and Development Plan Policy
- Impact on Visual and Residential Amenity
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development and Development Plan Policy**

7.2.1. The appeal site is located on lands that are zoned B – Existing Residential / Infill under the provisions of the *Naas Town Development Plan, 2011-2017*. The Draft Naas LAP, 2019-2025 was not adopted by the elected members and so has not come into effect as at the date of this assessment. The stated objective for this zone is '*To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*'.



7.2.2. Residential is a 'Permitted In Principle' use on lands that are zoned Objective B and the principle of an extension to an existing dwelling is therefore considered to be compatible with the land use zoning objective for the site.

### 7.3. **Impact on Visual and Residential Amenity**

7.3.1. The scale of the proposed extension is such that it would project c.950mm above the height of the existing boundary wall with No.5 Ardconagh with the exception of a short section of the boundary where the higher roof height would be c.1.55 metres above the height of the boundary wall. Given these heights, the location of the proposed extension where it adjoins the boundary being largely to the side of the houses at Nos. 5 and 6 and the separation from the appellants house and absence of any clear views towards the extension from within the appellants dwelling, I do not consider that the scale or design of the proposed extension would have an adverse impact on visual amenity of adjoining properties. Similarly, the nature of the proposed extension is such that it would be set back from the existing front building line of the house at No6 and would not have a significant impact on the appearance of the dwelling from the public road.

7.3.2. While the scale of the proposed extension taken in conjunction with existing development on the site is significant, the appeal site is large and such that a substantial area of private amenity space would remain available to the dwelling on the appeal site. I estimate that the extent of this private amenity space retained would be c.350 sq. metres and therefore significantly above the minimum level required.

7.3.3. The appellants contend that the proposed development would have an adverse impact on residential amenity by virtue of overshadowing and loss of daylight and sunlight. In terms of the shadowing impact of the proposed development, it should be noted that while the proposed extension is located to the south west of the appellants house, potential shadowing would not impact on the windows to habitable rooms in the appellant's house given the orientation of windows and the separation distances between the extension and the appellants house. Issues relating to loss of daylight to habitable rooms in the appellants house do not therefore in my opinion arise.

- 7.3.4. The separation distance between the proposed extension and the appellant's house varies between c.5 metres at the eastern end of the extension to c.8 metres at the western end and is such that in my opinion there is no potential issues of loss of amenity by virtue of overlooking or overshadowing arising. The proposed extension may result in some slight reduction in the level of sunlight available to the western side of the garden to the appellants property however given the height and design of the proposed extension, such a loss of sunlight is not considered likely to be significant. From an inspection of the site and the submitted drawings it is considered that the design would ensure that the minimum standard for sunlight of gardens and open spaces set out in paragraph 3.3.7 of the BRE Guidelines on Site Layout Planning for Daylight and Sunlight , which is that at least half of the amenity area would receive at least two hours of sunlight on 21<sup>st</sup> March, would be met.
- 7.3.5. In view of the above assessment regarding potential overlooking, overshadowing (including loss of daylight) and visual impact, it is my opinion that the proposed extension is consistent with the design principles set out in section 17.4.8 of the *Kildare County Development Plan, 2017-2023* and with the zoning objective for the site which is the protection and improvement of existing residential amenity.

#### 7.4. **Other Issues**

- 7.4.1. The third party appellants make reference to previous permitted developments in the general area giving rise to issues regarding the water table and contend that the proposed development would make these issues worse. The exact nature of the issues related to the water table are not set out in the appeal submission, however it is presumed that the contention relates to additional development and reduction in soft landscaped areas leading to more intensive surface water runoff and a lack of capacity for the accommodation of this runoff. The disposal of surface water is proposed to be to ground as part of the proposed development with a new soakaway indicated as being constructed at the western corner of the garden.
- 7.4.2. On this issue, I note that the Water Services Section of the council have no objection to the proposed construction of a new surface water soakaway, and that there is specific reference in the report from this section that the council is not aware of any issue regarding flooding in this area. My observations at the time of inspection of the

appeal site would support this statement and the site appeared to be dry and not subject to any obvious surface water issues. The reports on file from Irish Water and the council's Area Engineer also both indicate no objection to the proposed development. Having regard to these factors, I do not consider that the grounds of appeal relating to surface water issues or flooding can be substantiated and it is considered appropriate that permission would be granted subject to a condition requiring the construction of a new soakaway on site.

- 7.4.3. I note the reference in the third party appeal to the potential for the proposed extension to impact negatively on the structural integrity of the boundary wall between Nos. 5 and 6. As highlighted by the first party, this issue was raised by way of further information and a response to the issue submitted by the applicants to the planning authority. This response includes a drawing indicating how a stepped foundation would be used in the construction of the proposed extension and therefore how the foundation of the existing boundary wall would not be impacted as a result of any development. The details submitted by the first party in this regard are noted and are in my opinion acceptable and such as to ensure that the party boundary wall would be protected in any development.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

## 9.0 Reasons and Considerations

Having regard to the residential zoning objective and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. 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 24<sup>th</sup> day of September, 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. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of the proposed soakaway shall be submitted for the agreement of the planning authority prior to the commencement of development.

**Reason:** In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

6. Details of the external finishes of the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

7. The developer shall pay to the planning authority a financial contribution of €400 (four hundred euro) 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. The application of any indexation required by this condition 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.

**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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Stephen Kay  
Planning Inspector

11<sup>th</sup> February, 2020