



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306523-20

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<b>Development</b>	Two-storey extension to the rear
<b>Location</b>	No. 4 Mapleview, Parcnagowan, Outrath Road, Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	19/843
<b>Applicant</b>	Bríd Fogarty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellants</b>	Laura Fennelly & Ferdia Hayes
<b>Date of Site Inspection</b>	28.04.2020
<b>Inspector</b>	Anthony Kelly

## **1.0 Site Location and Description**

- 1.1. The site is in a cul-de-sac in a residential development in the southern area of Kilkenny city.
- 1.2. The site is occupied by a two-storey semi-detached house externally finished in brick, render and dash and is typical of the area. There is an open boundary with car parking within the curtilage of the site to the front of the house. There is a garden area to the rear of the house with timber fencing to both side boundaries.

## **2.0 Proposed Development**

- 2.1. The proposed development is for a two-storey extension to the rear of the existing house.
- 2.2. The floor area of the existing house is stated as 97.4sqm and it has a height of approx. 7.8 metres. The proposed floor area is stated as 29.8sqm with a height of approx. 6.135 metres.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority decided to grant permission subject to 7 no. conditions of a standard nature, including surface water disposal, construction practices and external finishes.

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

- 3.2.1. The Planning Officer's report was the basis for the planning authority decision. The report considers, having regard to the Kilkenny City and Environs Development Plan 2014-2020, the 'Existing Residential' zoning objective and the extension design that the development, subject to conditions, does not seriously injure the residential or visual amenities of the area, does not present any traffic or public safety hazards and

is therefore in accordance with the proper planning and sustainable development of the area.

### 3.2.2. **Other Technical Reports**

None received.

### 3.3. **Prescribed Bodies**

**Irish Water** – No objection subject to conditions.

### 3.4. **Third Party Observations**

- 3.4.1. One submission was received from Laura Fennelly & Ferdia Hayes, 5 Maple View. The issues raised are covered by the grounds of appeal.

## 4.0 **Planning History**

None.

## 5.0 **Policy Context**

### 5.1. **Kilkenny City & Environs Development Plan 2014-2020**

- 5.1.1. The site is in an area zoned 'Existing Residential'. The zoning objective is to protect, provide and improve residential amenities.
- 5.1.2. Section 11.8.4 (Domestic Extensions) is relevant to the application.

### 5.2. **Natural Heritage Designations**

- 5.2.1. The closest heritage area is River Barrow and River Nore SAC approx. 1.2km to the north east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal have been submitted by Laura Fennelly & Ferdia Hayes, 5 Maple View; the adjacent semi-detached property to the south. The main points made can be summarised as follows:

- Chapter 11.71 of the development plan states that private open space should be capable of visual light, receive some sunshine and encourage plant growth.
- When the extension is built will the property have 60sqm of open space as required by the Development Plan?
- Chapter 11.8.4 – Domestic Extension states the design should have regard to the need for light and privacy of adjoining property.

### 6.2. Applicant's Response

None received.

### 6.3. Planning Authority Response

The planning authority has no further comment to make.

## 7.0 Assessment

The main issues 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:

- Private Open Space Provision
- Impact on Adjacent Residential Amenity
- Appropriate Assessment

## **7.1. Private Open Space Provision**

- 7.1.1. The grounds of appeal refer to Section 11.7.1 (Private Open Space) of the Kilkenny City & Environs Development Plan 2014-2020 which refers to usability and amenity of private open space and minimum areas required.
- 7.1.2. Table 11.5 (Private Open Space Requirements for houses) of the Plan states a four-bed house should have a minimum 60sqm to the rear of the building line. While the private open space area to be provided is not cited on the proposed site layout plan, I estimate the area to be approx. 52sqm. While less than the private open space area in the Plan, I consider these areas to be more relevant to new development as opposed to extensions of existing development. The proposed extension does not result in an overdevelopment of this site and an adequate, usable private open space area is retained to the rear of the house.
- 7.1.3. I consider the private open space area of approx. 52sqm to be retained to be adequate and will not adversely affect the residential amenity of occupants.

## **7.2. Impact on Adjacent Residential Amenity**

- 7.2.1. The grounds of appeal refer to Section 11.8.4 (Domestic Extension) of the Kilkenny City & Environs Development Plan 2014-2020. This section requires, inter alia, that the design should have regard to the need for light and privacy of adjoining properties.
- 7.2.2. The proposed extension is 4.5 metres in length, 29.8sqm in floor area and has a height of approx. 6.135 metres which is significantly less than the approx. 7.8 metres height of the existing house. It is relatively modest in scale and proposes external finishes to match the existing house. The first-floor element is set away from the southern site boundary with No. 5 and a passage is retained along the northern boundary.
- 7.2.3. There are no first-floor side elevation windows proposed. To the rear the first-floor window to Bedroom 4 is 9.425 metres from the rear boundary. This window overlooks the circulation space and car parking area of Oakwood Court. Therefore, no overlooking of private open space would occur. The development would have negligible impact on the residential amenity of No. 5 in terms of shadowing as the site is to the north of No. 5. No. 3, to the north of the site, has a single-storey extension to the rear, adjacent to the site and of a similar length to that proposed. Having regard to

the relatively limited scale of the proposed extension I do not consider that it will result in any undue adverse impact on the amenity of the property to the north. I do not consider the proposed extension comprises an overbearing development.

- 7.2.4. Having regard to the foregoing I do not consider the proposed development will have an undue adverse impact on the residential amenity of adjoining properties.

### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway to any 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**

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Kilkenny City & Environs Development Plan 2014-2020 and the nature and scale of the proposed development within the urban area of Kilkenny city it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the impact on adjacent residential amenity and the amenity of occupiers of the house. 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, 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 external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

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

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

4. Prior to commencement of development, the applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1500 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.

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Anthony Kelly

Planning Inspector

14.05.2020