



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306868-20

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<b>Development</b>	Demolish an existing integrated single storey garage and construct a storey and a half extension to the side of existing bungalow, alterations to existing layout and elevations, replacing of existing vehicular access with new access gates and wall and all ancillary site works.
<b>Location</b>	'Coilte' , Sallins Road , Naas
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	19/1113
<b>Applicant(s)</b>	Neil and Niamh Farragher
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Sean and Colette Ryan
<b>Observer(s)</b>	None

**Date of Site Inspection**

20<sup>th</sup> May 2020

**Inspector**

Elaine Power

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Sallins Road (R407), approx. 1km north of Naas town centre. Sallins Road is a heavily trafficked route into and out of the town. The site forms one of 10 no. detached houses which front directly onto Sallins Road. Each of the 10 no. houses vary in style and size. The site is bound to the north and south by single storey detached dwellings and to the rear (east) by an area of open space and car parking associated with the 'Monread' residential estate.
- 1.2. The appeal site has a stated area of 0.11ha. It currently accommodates a traditional single storey house with a gross floor area of 116sqm with an integrated garage. The house has a pitched roof with a maximum height of 5.8m. It is generally located in the centre of the site and is set back approx. 19m from the front boundary with Sallins Road. The front boundary comprises a rendered wall with hedging. The side and rear boundaries of the site comprise a mix of mature trees and vegetation and a fence in a state of disrepair. There is a significant level of planting within the site which provides screening from the adjoining sites and the public road.
- 1.3. There is an existing vehicular access to the site from Sallins Road. The existing house is connected to the public water mains and public sewer.

## 2.0 Proposed Development

- 2.1. It is proposed to demolish the garage and utility room with a gross floor area of 21sqm and construct a one and a half extension to the side (north) of the existing dwelling. the proposed extension would accommodate an open plan kitchen / living / dining room and a utility room at ground floor level with a study / bedroom with en-suite at first floor level. It is also proposed to alter the internal layout of the existing house to provide 4 no. bedrooms and a bathroom and minor alterations to the elevations of the existing house.
- 2.2. The proposed extension has a gross floor area of 95sqm. It is a contemporary design approach with a gable fronted pitched roof with a maximum height of 7.4m. The extension is connected to the existing dwelling by a zinc roof which is approx. 5.4m in

height. The proposed extension is located approx. 1m from the northern boundary of the site.

2.3. It is also proposed to widen the existing 3m wide vehicular access to 4.4m and provide a new splayed entrance.

2.4. ***Response to further information lodged 24th January 2020***

To address concerns raised regarding the potential negative impact on existing mature trees, the proposed development was relocated a minimum of 1.8m from the northern boundary of the site. The response included a Tree Development Report. The proposed revision resulted in minor internal alterations to the proposed extension. The revised drawings also omitted a first-floor window on the northern (side) elevation which served the stairs and landing area.

Details of the proposed external materials were provided and include white sand cement finish and a natural indigenous stone finish. A response to the third party's submission was also provided.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was granted subject to 11 no. standard conditions.

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

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

The initial Area Planners report raised concerns regarding the proposed development and recommended that further information be sought regarding the following: -

- Having regard to the limited separation distance from the northern site boundary, clarity is required regarding potential tree / limb removal required to facilitate the development.
- A revised layout indicating root protection zones or in the event of tree removal, the number and location of trees to be removed.

- A site section showing the finished boundary treatments.
- Clarify if a first-floor level window on the northern elevation to serve the stairs is proposed or not, there is a discrepancy between drawings submitted.
- Details of the proposed external finishes.
- Comment on the concerns raised in the third-party appeal.

Following receipt of further information, the Area Planner considered that all concerns had been fully addressed and recommended that permission be granted subject to conditions.

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

**Water Services:** No objection subject to conditions.

**Municipal District Engineer:** No objection subject to conditions

**Roads, Transportation and Public Safety Department:** No objection subject to conditions

### 3.3. **Prescribed Bodies**

**Irish Water:** No objection

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

A third-party objection was received from Sean and Colette Ryan, whose property adjoins the appeal site to the north. The concerns raised are similar to those in the third-party appeal.

## 4.0 **Planning History**

None

## 5.0 Policy Context

### 5.1. Naas Town Plan 2011-2017

The appeal site is located in an area zoned B – Existing Residential / Infill under the provisions of this plan, with the associated land use objective to *protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*. The primary aim of this zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered appropriate to the area.

Section 13.3.6 - Extension to Dwellings of the plan sets out guiding principles for residential extensions and states that the design and layout should have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy.

### 5.2. Kildare County Development Plan 2017 - 2023

Section 4.11: Extensions to Dwellings states that *'domestic extensions are an effective way for homeowners to adapt to changing household needs without having to move house. The design, scale and layout should have regard to the amenities of adjoining properties, particularly as regards overshadowing and privacy'*.

Chapter 17: Development Management Standards is considered relevant, in particular section 17.4.8 Extension to Dwellings which states that *'primarily, 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 as regards sunlight, daylight and privacy'*.

**SRO 3** Facilitate the extension of existing dwellings in accordance with the standards set out in Chapter 17 of this Plan.

### 5.3. Natural Heritage Designations

There are no designated areas within the immediate vicinity of the site.

## 5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal was received from Sean and Colette Ryan, whose house is located to the north of the appeal site. The concerns raised are summarised below: -

- The applicants tree survey is deficient. The appellants have submitted a letter from an Arborist which states that the survey submitted by the applicants is not in accordance with best practice guidance (BS5837:2012).
- The proposed development would result in the loss of trees along the northern boundary with the appellants site which would visually expose the appellants site.
- A comprehensive landscaping plan is required to address the long-term screening of the site.
- The extension is too close to the appellants site and would result in undue overlooking and loss of privacy.
- Due to the height and proximity of the proposed extension to the northern boundary it would have a negative impact on the existing residential amenities of the appellant.
- There is a 13m distance between opposing windows, once the trees have died this would result in undue overlooking.

- No details of the proposed northern boundary treatment have been submitted. This information was requested by way of further information by the planning authority.

## 6.2. Applicant Response

The applicant's response is summarised below: -

- An updated Arboricultural Development Report is submitted which details measure that will be taken. It notes that the extension would be relocated an additional meter away from the boundary to protect the existing trees and to ensure privacy is retained for the adjoining dwelling.
- Overlooking generally relates to first floor windows. The development includes high-level windows to serve the living areas. This would not result in any overlooking. Their function is to allow natural light in the open plan area. All ground floor windows are a minimum of 14.75m from the appellants dwellings and the boundary is heavily screened.
- The height and scale of the extension is in keeping with the character of the street. A photographic survey was submitted with the response to further information issued by the planning authority.

## 6.3. Planning Authority Response

The planning authority maintains that the proposed development would not negatively impact on neighbouring residential amenity subject to conditions set out in the decision issued by Kildare County Council.

## 7.0 Assessment

- 7.1. As indicated the appeal refers to the development as submitted with the Planning Authority, on the 24<sup>th</sup> January 2020, by way of further information. In response to the appeal the applicant submitted a revised Arboricultural Development Report and stated that the extension would be relocated an additional meter away from the northern boundary to ensure it would not impact on the existing trees and residential amenity of the appellant. The Arboricultural Development Report includes 3 no.



drawings which are not to scale. These drawings indicate the location and category of trees on site in relation to the proposed extension. No architectural drawings of a revised layout for the extension has been submitted and, in my view, the applicant is referring to the siting of the extension as submitted by way of further information and it is not intended to relocate the extension an additional meter away from the northern boundary. The following assessment, therefore, focuses on the proposal submitted to the planning authority on the 24<sup>th</sup> January 2020, by way of further information, with reference to the original scheme, where appropriate.

7.2. The main issues relate to residential amenity and landscaping. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Residential Amenity
- Landscaping
- Appropriate Assessment

### 7.3. ***Residential Amenity***

7.3.1. Concerns were raised that due to the height, and the proximity of the proposed extension to the northern boundary, it would have a negative impact on the existing residential amenities of the appellants site.

7.3.2. The appeal site forms one of 10 no. detached houses which front directly onto Sallins Road. Each house along this section of Sallins Road varies in style and size. The existing house and the house located to the south of the appeal site have a similar front building line and are generally located in the centre portion of the site. The appellants house is located to the north of the appeal site. The front building line of the house is located approx. 42m from the public road and approx. 18m from the rear building line of the applicant's house. During a site visit on the 20<sup>th</sup> May 2020 it was noted that a section of the northern boundary has been removed and the appellants house is highly visible from the rear garden of the appeal site.

7.3.3. It is proposed to demolish an existing integrated garage and utility room, (gross floor area of 21sqm) and construct a one and a half extension to the side (north) of the

existing dwelling. The existing dwelling is a traditional style single storey dwelling with a pitched roof with a maximum height of approx. 5.9m. The proposed extension has a contemporary design approach. It is a maximum of approx. 6.4m in width by approx. 13.3m in length and has a maximum height of 7.4m with a front pitched roof. The extension would have a rendered finish and would be connected to the existing house by a zinc roof with a maximum height of approx. 5.4m. The proposed extension would accommodate an open plan kitchen / living / dining room and a utility room at ground floor level with a study / bedroom with en-suite at first floor level. The works include the renovation of the original house to provide 4 no. bedrooms and a bathroom. It is also proposed to provide a natural stone finish to sections of the front elevation of the existing house.

- 7.3.4. The extension is located a minimum of approx. 1.8m from the northern boundary of the site, with the appellants property. There are no first-floor level windows on the northern elevation. It is proposed to provide 3 no. rooflights. In this regard 2 no. rooflights to serve the ground floor living space and 1 no. window to serve an en-suite. There are no rear opposing windows.
- 7.3.5. Notwithstanding the location of mature trees along the northern boundary, it is my view that having regard to the scale, design and layout of the proposed extension and the separation distance from the adjoining house to the north, it would not result in a negative impact on the existing residential amenities in terms of overlooking, overshadowing or overbearing impact.
- 7.3.6. In addition, having regard the suburban character of the area, the pattern of development, and the contemporary design of the extension, it is my opinion that the proposed house would not be out of character with the surrounding area. However, in the interest of visual amenity it is recommended that a condition be attached that all external materials be agreed with the planning authority and that no reconstituted stone be used on the front elevation of the dwelling.

#### 7.4. ***Landscaping***

- 7.4.1. Concerns have been raised in the appeal that the proposed development would result in the loss of mature trees along the northern boundary of the site which would visually expose the appellants site.

- 7.4.2. The Arboricultural Report found that the trees which generally comprise the northern boundary are low value Leylandii and lawson cypress. It notes that these trees have been significantly reduced in the past both in height and due to north facing laterals. This has significantly affected their structural condition. Having regard to the fast growth rate and weak wood properties of both these species regular maintenance is required to ensure they are in structurally good condition. These trees have a diameter of less than 1.5m and should have no impact on the proposed works.
- 7.4.3. The trees located along the eastern (rear) boundary are predominantly mature Monterey cypress. This group of trees require remedial work to improve structural integrity and safety and it is noted that some trees are dead and require removal.
- 7.4.4. There are 3 no. category C trees located along the northern boundary and 1 no. category B located along the western (front) boundary. It is considered that the category B tree provides moderate landscape value to the site and surrounding area. There are no proposals to remove any trees on site and it is plausible to retain the category C and B trees.
- 7.4.5. Having regard to the information submitted in the Arboriculturist report, it is my view that the proposed development, as submitted by way of further information, which is located a minimum of 1.8m from the northern boundary would not have a negative impact on any trees within the site.
- 7.4.6. It is noted that the appellants request that a condition be attached to any grant of permission that a comprehensive landscaping scheme be submitted for the site. In my view, having regard to the limited size and residential nature of the site and to the site's location within an urban area, a landscaping condition is not warranted in this instance.

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

Having regard to the nature and small scale of the proposed development and the distance from the nearest 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

It is recommended that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, the existing pattern of development and the nature and small scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. 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 further plans and particulars submitted on the 24<sup>th</sup> January 2020, 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 extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No reconstituted stone shall be used on the front elevation.

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

3. The formation of the vehicular access to the site shall be constructed in accordance with the requirements of the planning authority.

**Reason:** In the interest of orderly development and traffic safety

4. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

5. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

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

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 amenities of property in the vicinity.

7. 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 noise management measures and off-site disposal of construction/demolition waste.

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

8. 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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Elaine Power  
Planning Inspector

27<sup>th</sup> May 2020