



An
Bord
Pleanála

Inspector's Report

ABP-307325-20

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| Development | Construction of a two-storey side extension and a single-storey rear extension and all ancillary site works. |
| Location | 21 Willow View, Primrose Gate, Celbridge, Co. Kildare |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 19/982 |
| Applicant(s) | Darren Naughton |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party v. Grant |
| Appellant(s) | Shane O'Brien and AnnMaire Chapman |
| Observer(s) | None |
| Date of Site Inspection | 17 th September 2020 |
| Inspector | Elaine Power |

1.0 Site Location and Description

- 1.1. The appeal site is located on Willow View in the Primrose Gate residential housing estate, approx. 1km south east of Celbridge Village. The housing estate comprises a variety of two-storey, detached, semi-detached and terrace houses and 3-storey apartment blocks. There is also a variety of ground floor commercial units located at the entrance to the estate at Shinkeen Road.
- 1.2. The appeal site has a stated area of 0.024ha. It accommodates an end of terrace house with a gross floor area of 106sqm. The house has a driveway to the front and private open space to the rear. There is an existing shed / garden room located in the rear garden. The site is bound to the north, south and west by 2-storey houses and to the east by the internal estate road. There is an area of public open space located opposite the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 2-storey side extension and a single storey rear extension. The proposed extension has a gross floor area of 57sqm. It would accommodate a ground floor kitchen extension, utility room, wc and storage. At first floor level the extension would accommodate a new bedroom and bathroom. The side extension would sit at the boundary with no. 24 Willow Green to the north and the rear extension would sit at the boundary with no. 19 Willow View to the south. It is proposed to provide direct access to the storage area via double doors on the front elevation. The external finished of the proposed extension would match the existing.
- 2.2. ***Response to Further Information lodged 3rd December 2019.***

In response to a request for further information the width of the ground floor of the 2-storey side extension was reduced by 0.9m, to provide a side access to the rear garden. The depth of the single storey rear extension was increased by 1.7m. The revisions result in minor internal alterations and the replacement of the proposed double doors on the front elevation with a window. The revised design did not result in any alterations to the first-floor level.

Revised public notices were published on the 13th December 2019.

2.3. ***Response to Clarification of Further Information lodged 2nd March 2020***

In response to the clarification of further information a shadow analysis study was submitted. The response did not result in any alterations to the proposed development.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 10 no. standard conditions

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The initial planners report raised some concerns regarding the proposed development and recommended that the further information be sought regarding the scale of the development, the omission of a side access and the impact on the character of the area. The Transportation Departments recommendation that 2 no car parking spaces be retained for the dwelling were noted, however, it was considered that as the proposed works related to an existing dwelling the development plan standards do not apply in this instance.

Following receipt of further information, the area planner raised concerns regarding the potential for undue overshadowing caused by the revised design of the extension and recommended that clarification of further information be sought.

Following receipt of clarification 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.

Area Engineer: No objection.

Transportation Department: Recommended that further information be sought regarding the provision of 2 no. car parking spaces to serve the existing dwelling.

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

A third-party submission was received to the revised design and layout, as advertised on the 13th December 2019, from Shane O'Brien and AnnMaire Chapman, whose property adjoins the appeal site to the north. The concerns raised in the submission are similar to those in the third-party appeal.

4.0 Planning History

Appeal Site

None

Adjoining Sites

Reg. Ref. 13/330: Permission was granted in 2013 for the construction of a single storey side extension to no. 24. Willow Green, which adjoins the appeal site to the north.

5.0 Policy Context

5.1. Celbridge Local Area Plan 2017 – 2023

The appeal site is zoned 'B' – Existing Residential / Infill with the associated lands use objective '*to protect and enhance the amenity of established residential communities and promote sustainable intensification*'.

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 sites 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 Shane O’Brien and AnnMaire Chapman, whose property adjoins the appeal site to the north. The applicants have stated that there is no objection in principle to an appropriately scaled residential extension on the

site. The concerns raised regarding the proposed development are summarised below: -

- The proposed development extends to the shared boundary with the appellants. It is excessive in width and would constitute the overdevelopment of a restricted site.
- There is an existing playroom located in the rear garden of the appeal site. The proposed development would result in insufficient rear private open space to serve the proposed 4-bedroomed house.
- The estate has been designed with a variety of house sizes and styles which permits owners to upsize or downsize and stay in the locality. The overdevelopment of existing plots would destroy the original design concept of the estate. The extension combined with the adjoining extension would significantly alter the character of the area.
- The proposed development is not in accordance with the zoning objective as it would not protect and enhance the existing residential amenities.
- The proposed development is located to the south of the appellants property and would result in significant overshadowing. The shadow analysis is inaccurate as it fails to assess the impact on a rooflight. It also indicates that 2 no. windows would receive no sunlight at certain times of the year.
- The site is highly visible from an area of public open space and on the main access through the estate. The proposed development would detract from the existing visual amenities of the area.
- No side elevation has been submitted. It would appear that a blank gable wall would be provided directly opposite the appellants property. This would seriously detract from the existing residential and visual amenities of the appellants property.
- Concerns are also raised regarding the use of obscure glazing on the front elevation of the house and the negative visual impact from the proposed design.
- The proposed building line projects beyond the existing building line of the appellants property. This would create a visually obtrusive feature on the street.

- The extension would impact on car parking area provided in the front garden of the appeal site. The development plan requires that 2 no. car parking spaces be provided per residential unit. This concern was raised by the Transportation Department. The lack of car parking proposed would result in parking on the internal access road. Overflow car parking would endanger public safety by reason of a traffic hazard.
- Construction vehicles would also be forced to park on the public road, which could cause a traffic hazard and endanger public safety.
- Section 17.4.5 of the development plan requires a 2.5m distance to be provided between semi-detached and detached houses. This development is not in accordance with this standard. No consent has been given to the applicant to construct the extension on the shared boundary wall. It is unclear how the development could be constructed without access from the appellants.

6.2. Applicant Response

The applicant submitted a detailed response to the concerns raised in the appeal and included a Shadow Analysis. The response is summarised below: -

- There is a precedent for similar types of development within the estate and the surrounding area.
- The proposed development is in accordance with development plan standards and guidance.
- The extension is sensitive and subsidiary to the main dwelling house. The design blends with the front elevation and maintains the established bulk and density. Having regard to the context of the site, this is considered the appropriate design solution.
- There is existing overlooking of adjoining properties from the first floor rear window. The proposed development would not result in any additional overlooking of adjoining properties and would reduce the potential for overlooking from certain angles.
- There is no significant decrease in access to daylight or sunlight, as outlined in the shadow analysis submitted.

- It is acknowledged that the proposed development would reduce the level of rear private open space to below 60sqm, which is the standard set out in the development plan. However, it is considered that the design and layout of the proposed extension would allow for sufficient residential amenity for the occupants.
- The car parking arrangements for the existing dwelling would not be altered by the proposed development. It is also noted that car parking standards are maximum standards and that the development plan does allow for some flexibility with regard to the number and location of spaces.

6.3. **Planning Authority Response**

No further comments

7.0 **Assessment**

7.1. As indicated the appeal refers to the development as submitted to the Planning Authority, on the 13th December 2019 by way of further information and on the 2nd March 2020 by way of clarification of further information. The following assessment, therefore, focuses on that proposal. The main issues relate to the design and layout, residential amenity, traffic and construction practices. 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:

- Design and Layout
- Residential Amenity
- Traffic and Parking
- Construction Practices
- Appropriate Assessment

7.2. ***Design and Layout***

7.2.1. The proposed development comprises the construction of a 2-storey side extension and a single storey rear extension with a gross floor area of approx. 59sqm. The side

extension is approx. 2.1m in width at ground floor level and approx.3.1m at first floor level. The first-floor level sits at the party boundary with no. 24 Willow Green, which is the appellants property. It is noted from drawing no. A01 submitted by way of further information that the proposed gable wall of the first-floor extension appears to overhang the adjoining property by 0.5m.

- 7.2.2. The ground floor side extension accommodates a new wc and utility / storage area. It is proposed to provide a new obscure glazed window on the ground floor level to serve the wc. The first-floor side extension would allow for internal alterations and would accommodate a new bedroom and bathroom with associated circulation spaces. The side extension would continue the building line of the existing house. The proposed pitched roof with a maximum height of approx. 8m would match the existing. It is noted that there are no windows on the first-floor side elevation, which adjoins the appellants property.
- 7.2.3. The single storey rear extension has a maximum width of approx. 8m and extends beyond the existing rear building line by approx. 1.7m. The proposed rear extension would accommodate an open plan kitchen / living / dining room. The rear extension has a mono pitched roof with a maximum height of approx. 3.5m. It sits at the party boundary with no. 19 Willow View and approx.0.9m from the boundary with no. 24. Willow Green.
- 7.2.4. Concerns have been raised in the appeal that the proposed development would result in overdevelopment of the site and would have a negative impact on the existing character of the area.
- 7.2.5. The proposed extension would sit at the boundary with the gable end (side) of the appellant's house. It is noted that there is an existing single storey side extension to the appellant's house. There are a variety of house types, sizes and designs within the Primrose Gate residential estate. The appeal site accommodates a traditional designed house with a pitched roof and render and brick elements to the front façade. While the appellants house is a contemporary design house with a part flat and part mono pitched roof.
- 7.2.6. Having regard to the variety of house types within the estate, which include obscured windows on the ground floor front elevation, the residential nature of the development,

and to the design and layout of the proposed extension it is my view that it would not detract from the character of the dwelling and would not seriously injure the visual amenities of the area. However, it is recommended that if permission is being contemplated that a condition be attached that all works are carried out within the site boundary and do not overhang the adjoining property.

7.3. Residential Amenity

- 7.3.1. Concerns were raised that the proposed development would result in undue overlooking, overshadowing and have an overbearing impact on the adjoining property
- 7.3.2. There are no windows proposed on the side elevation of the extension. A new window is proposed on the first-floor rear elevation. However, this window would be obscure as it serves a bathroom. Having regard to the design and layout of the proposed extension it is my view that it would not result in overlooking of adjoining properties.
- 7.3.3. In response to concerns regarding overshadowing, a Shadow Analysis Study was submitted by way of clarification of further information. To clarify any concerns raised an addendum to this study has been submitted in response to the appeal. From the information submitted, it would appear that the proposed development would result in some additional overshadowing of the appellants property. However, having regard to the limited height and scale of the development and the orientation of the site, it is my view that the proposed development would not result in undue overshadowing of the adjoining property and is considered acceptable in this instance.
- 7.3.4. Concerns were also raised that due to the bulk and scale of the development at it would have a negative impact on the visual amenities of the appellants. The proposed first floor extension would sit at the boundary with the appellants property. The proposed gable wall has a length of 9.5m and a height of approx. 5.7m (excluding the pitched roof). As noted above there are no windows on this elevation. Having regard to the limited size and scale and the residential nature of the extension it is my view that it would not result in an overbearing impact on the adjoining property.
- 7.3.5. Concerns were also raised that the proposed development would result in over development of the site and would have a negative impact on the provision of open space for the occupants of the house. There is an existing shed / garden room in the

rear garden which has not been indicated on drawings submitted. The shed is located in the north west corner of the garden. While it is noted that the proposed extension would reduce the level of rear private open space it is my view that due to the orientation of the site and the proximity of the site to an area of public open space, the proposed extension would not negatively impact on the existing residential amenities for the residents.

7.3.6. In conclusion, having regard to the limited size and scale of the extension, it is my view that it would not have an adverse impact on the existing residential amenities in terms of overlooking, overshadowing or overbearing impact. It is also considered that the proposed development is in accordance with Policy SRO 3 of the development plan to facilitate the extension of existing dwellings.

7.4. *Traffic and Parking*

7.4.1. Concerns were raised in the appeal that the proposed development impinge on the area currently available for off-street car parking. It was considered that this would result in overspill car parking onto the internal access road, which would endanger public safety by reason of a traffic hazard.

7.4.2. Table 17.9 of the development plan sets out car parking standards for a variety of uses. In this regard, 2no. car parking spaces per residential unit are recommended. There is an existing driveway located the side of the dwelling, which is approx. 8m in depth. The proposed extension would continue the existing building line of the dwelling and would reduce the dept of the driveway to approx. 4m. The appeal site is an end of terrace and it is noted that the mid-terrace dwellings have driveways of similar depths of approx. 4m. There is a 2m wide footpath and a 2m wide grass verge provided outside the appeal site. The carriageway of the road is approx. 6m with no car parking restrictions. Having regard to the residential nature of the area and the availability of unrestricted car parking on the surrounding road network it is my view that the proposed development would not result in a traffic hazard or endanger public safety by reason of a traffic hazard.

7.4.3. It is also noted that concerns were raised that construction traffic would result in a traffic hazard. Having regard to the temporary nature of the construction phase and the limited size and scale of the proposed development it is my view that these

vehicular movements would be managed in a safe and efficient manner. It is also considered that the onus is on the applicants and their contractors, to ensure that the construction phase is undertaken in accordance with guidelines and obligations under separate codes, and I further note that the granting of permission would not relieve the applicants of their responsibilities in this regard

7.5. Construction Practices

- 7.5.1. Concerns were raised in the appeal that the proposed development which is located on the party boundary could not be constructed without the appellants consent or access to their property.
- 7.5.2. From the information submitted it would appear that all works would be carried out within the site boundary. It is considered that the onus is on the applicants and their contractors, to ensure that the construction phase is undertaken in a safe manner, in accordance with their obligations under separate codes, and I further note that the granting of permission would not relieve the applicants of their responsibilities in this regard. It should be noted that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.
- 7.5.3. In conclusion, I consider that the disputes between the parties in relation to matters of construction methods and resultant health and safety risks that may or may not arise are ultimately matters that would be dealt with more appropriately outside of the planning appeal process.

7.6. Appropriate Assessment

Having regard to the nature and small scale of the proposed development within a serviced urban area 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

I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective, the nature and limited scale of the development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not adversely affect the residential or visual 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 3rd December 2019 and the 2nd March 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.

Reason: In the interest of visual amenity.

3. The proposed development shall not encroach on or overhang any third-party property.

Reason: In the interest of clarity.

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.

Elaine Power
Planning Inspector

22nd September 2020