



An
Bord
Pleanála

Inspector's Report

ABP-308349-20

Development	First floor extension to rear with attic storage space over.
Location	Number 4, The Park, Newtown Manor. Kill Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	20/331
Applicant(s)	Lee Phelan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Grant
Appellant(s)	Gerard & Joanne Nolan
Observer(s)	None
Date of Site Inspection	9th December 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The subject site is located within the Newtown Manor residential development, approximately one-kilometre south-west of Main Street, Kill. The appeal site comprises a two-storey semi-detached dwelling with a single storey flat roofed return to the rear and an enclosed side passageway along the western gable of the dwelling. There are semi-detached dwellings to the east and west of the site, an apartment block to the south (rear) and a large centrally located area of public open space to the north of the site, on the opposite side of the internal service road. The rear private amenity space comprises a patio area and a grassed area.
- 1.2. The subject site has a stated area of 218 square metres (sq. m.). Levels on site fall gradually from north to south and from east to west.
- 1.3. Access to the site is from an internal service road to the north of the site, within the 50 kilometre per hour speed control zone.

2.0 Proposed Development

- 2.1. Permission is sought for the development of a first-floor extension and would provide an additional bedroom and an extension to a master bedroom and for attic storage space at second floor level.
- 2.2. The extensions would be constructed to the rear of the house, be south facing, and would be located approximately one metre from the side (western) boundary at its nearest point with number 5, The Park, and along the party boundary to the east with number 3, The Park. The documentation submitted states that the attic conversion would be used as storage space. Fenestration detail and external finishes would be consistent with those of the existing dwelling.
- 2.3. Further information was submitted in relation to: Justifying the need for the attic extension and the type glazing to be used within the attic gable window; A shadow analysis outlining impacts upon neighbouring residential properties; The planning

status of the existing rear extension and a response to the content of the third-party submission.

3.0 Planning Authority Decision

3.1. Decision

A decision to grant planning permission was issued by Kildare County Council subject to eleven conditions. The pertinent conditions are summarised as follows:

Condition number 1: Development to be completed in accordance with the plans and particular as submitted to the Planning Authority on the 30th day of March 2020 and as amended by further information on the 14th day of August 2020.

Condition number 2: External finishes shall match those of the existing dwelling.

Condition number 4: Omit attic window on the rear elevation.

Condition number 5: The attic space shall be used for storage purposes only.

Condition number 11; Construction working hours.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The Planning Officer's reports noted that the development was acceptable in principle given that the overall increase in floor area is modest (approximately 34 square metres sq. m.). Although the new extensions would be located at upper floor levels where the opportunity for overlooking of neighbouring properties would potentially increase, he has included a condition within his recommendation to omit the attic window from the rear elevation. He recommended that planning permission be granted subject to eleven conditions as synopsis in Section 3.1 above.

3.2.2. *Other Technical Reports*

- Water Services: No objection, subject to conditions.
- Fire Officer: No objection, subject to conditions.
- Environment Section: No objection, subject to conditions.

- Area Engineer: No objection, subject to conditions.

3.2.3. Prescribed Bodies

- Irish Water: No objection, subject to conditions.

3.3. Third Party Observations

One submission was received from neighbours, who reside in the property immediately east of the appeal site, within number 3, The Park. The issues raised in the submission are similar to those set out within the appeal submission.

4.0 Planning History

Subject Site

Planning Authority reference number 10/1199, in 2010 the current applicant was granted planning permission for a first-floor rear extension and the conversion of the attic area as non- habitable space.

These works have not been constructed and this permission has since expired.

5.0 Policy Context

5.1. Kildare County Development Plan, 2017

5.1.1. Alterations to Existing Dwellings

The design and layout of extensions to houses are required to have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing.

5.1.2. Section 17.4.8 of the Plan sets out the principles in relation to extensions and alterations to dwellings. Extensions should:

- The extension should be sensitive to the existing dwelling in its form, scale and appearance should not adversely distort the scale or mass of the structure or adjoining properties.

- An extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties. However, a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged.
- The extension should not provide for new overlooking of the private area of an adjacent residence, where no such overlooking previously existed.
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- The physical extensions to the floor area of a dwelling should not erode its other amenities.
- In all cases a minimum private rear garden area must be retained.

Sections 17.2.4 and 17.2.5 of the Plan pertain to overlooking and overshadowing.

5.2. **Kill Small Town Plan 2017**

Within Volume 2 of the Development Plan is the Kill Small Town Plan. The subject site is zoned B 'Existing Residential/Infill where the objective is: To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.

5.3. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third-party appeal was received from the adjoining neighbour to the east. The issues raised are summarised as follows:

- The second-floor attic window on the south elevation would overlook their rear garden space and result in a loss of their privacy.
- The design of the extension would lead to a substantial loss of daylight, sunlight and overshadowing of their dining room and kitchen space.
- The proximity and scale of the extension will negatively affect the visual amenity of their rear garden space and house.
- The extension would be out of character in this area.

6.2. **First Party response to appeal submission**

The first party has issued a response to the appeal submission as follows:

- Planning permission was previously granted for a similar two-storey extension to the rear. This permission was not constructed and the planning permission subsequently expired.
- A single storey rear extension was constructed a number of years ago, as provided for under the provisions of planning exemptions.
- The issues of loss of daylight, sunlight and overshadowing were addressed during the course of the planning application, as a shadow analysis study was submitted to the Planning Authority as part of the additional information response.
- The attic dormer window has been omitted by the Planning Authority as per condition number four of their decision.
- Any stepping back of the extension, as suggested by the appellants would render the extension unviable as the building regulation standards would not be achievable under that scenario.
- They invite the Board to endorse the decision of the Planning Authority.

6.3. **Planning Authority Response.**

The Planning Authority stated that they had no further comment to make in relation to the appeal.

7.0 Assessment

7.1. General Comment

The principle of extending a house at number 4, The Park, Newtown Manor is not at issue in this instance, rather its design and layout and potential to impact upon the amenities of neighbouring properties. The following are therefore considered to be the principal planning issues that arise from the appeal and observer submissions:

- Principle of Development
- Layout and Design
- Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

The site is zoned B-residential as per the Kill Small Town Plan. Therefore, the principle of an extension would be acceptable subject to an appropriate design and layout being presented that that the residential amenity of neighbouring properties is respected. These matters will be addressed in detail below.

7.3. Layout & Design

- 7.3.1. The above ground floor extensions to the rear would have a floor area of approximately 34 sq. m. The first-floor extension would be constructed over an existing flat roofed kitchen/living/dining room area and would comprise an extended master bedroom and an additional bedroom. Two windows on the rear (southern) elevation are proposed, one for each of the bedroom spaces. At second floor level a non-habitable storage space is proposed within the attic area. This would be served by a rear (south) facing window and two rooflights and would require the removal of an existing dormer window from within the rear roof slope. The extension would have a hipped roof consistent with the roof styles in the area. The ridge height of the extension would not breach the ridge height of the dwelling on site.

- 7.3.2. Guidance for domestic extensions is set out within Section 17.4.8 of the Development Plan. This guidance recommends that extensions be sensitive to the existing dwelling in terms of scale and form and should not adversely distort the scale or mass of the structure or adjoining properties, and that extensions should complement the area in which it is located. The proposed first floor bedroom extension is considered to respect the mass, form and scale of the dwelling on the appeal site and that of the neighbouring dwellings. The second-floor attic extension, by virtue of its height could potentially adversely impact upon the neighbouring properties. However, as per the documentation submitted, the converted attic space would be used as a storage space, and therefore, not a space that would be used on a frequent basis. Therefore, it would be considered acceptable, subject to the removal of the south facing window, from which potential overlooking could arise. From the elevation drawings submitted, it is noted that there are two rooflights proposed within the rear roof slope, and it is considered that these would provide adequate illumination for the attic storage space.
- 7.3.3. The proposed extensions would comprise a modest scale and height in the context of the existing development in the area. On balance, it is considered that the extensions would not adversely distort the scale or mass of properties in this area and would be considered to accord with the provisions of the Development Plan and with the proper planning and sustainable development of the area.

7.4. Residential Amenity

- 7.4.1. The Planning Authority and the observers' who reside in the residential property immediately east of the appeal site have raised a number of issues in relation to impacting upon their amenities by virtue of overlooking from the second-floor window and overshadowing of the neighbouring properties.
- 7.4.2. Having reviewed the documentation submitted, it is noted that the first party submitted a shadow analysis for the months of July and September. The appellants submitted additional shadow analysis for the months of March and June. It is apparent from the shadow analyses submitted, that the existing development results in some overshadowing of the adjoining property to the east over a brief time period in the evening time. Similarly, the proposed development would result in some overshadowing of the single storey kitchen/dining area to the rear of number 3 at

4pm in March, June, July and September and this shadowing would increase by 6pm during these months. However, the shadowing does not extend over their private rear amenity space.

- 7.4.3. The Planning Authority acknowledge that an increase in overshadowing of the adjoining residential property will occur, albeit the increase would be modest and would not impact upon the private amenity/garden space. I also referenced the: Site layout planning for daylight and sunlight: a guide to good practice (BR 209), BRE Handbook, September 2011 on overshadowing assessment, where it sets out that the following: The availability of sunlight should be checked for all open spaces where it will be required. This would normally include gardens (usually the main back garden of a house). I acknowledge, that an increase in overshadowing within the bounds of number 3, The Park would arise from the proposed development. However, it is also acknowledged that a certain level of overshadowing arises from the existing development on site. I consider that the increase in overshadowing is not so significant to warrant a refusal of planning permission. The design proposed, with its hipped roof and having regard to the orientation of the development would not have a significant adverse impact upon the residential amenities of the neighbouring properties to the east by reason of overshadowing and loss of light.
- 7.4.4. It is noted that the appellants are proposing to insert a window in the southern (rear) gable at second floor level to illuminate the attic space. A certain level of overlooking would arise from the proposed extended first floor bedrooms, however the extent of overlooking would not greatly exceed the level of overlooking from the existing rear south facing master bedroom window. Given the second floor space is to be used as non-habitable storage space, I do not consider it necessary to illuminate this space with a conventional gable window and the Board should consider conditioning this window out in the event that a grant of permission is being recommended. I also note that the attic space is to be illuminated by means of two rooflights as per the elevation plans submitted.
- 7.4.5. On balance, it is considered that the development, by reason of the design, scale and height would not seriously injure the residential amenities of property in the area (subject to the removal of the second-floor gable window) and would therefore, be consistent with the underlying land use zoning objective of the site with the proper planning and sustainable development of the area.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, 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 planning permission be granted.

9.0 **Reasons and Considerations**

9.1. Having regard to the design, scale and height of the development, the existing building on site and the pattern of development within the area, it is considered that the development would not adversely impact on the residential amenities of neighbouring properties by reason of adverse overlooking or overshadowing. The development proposals are in accordance with the underlying land use zoning objective pertaining to the site and with the policies and objectives of the current Kildare County Development Plan in relation to extensions and alterations. The development is therefore, in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 30th day of March 2020 as amended by the further plans and particulars submitted to the Planning Authority on the 14th day of August 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 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 and to ensure a proper standard of development.

- 3 Construction and demolition waste shall be managed in accordance with a construction traffic, 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.

- 4 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.

Noise levels during construction shall not exceed 65 dB (A), Leq. 30 minutes and the peak noise shall not exceed 75dB (A), when measured at any point off site.

Reason: In order to safeguard the amenities of property in the vicinity.

- 5 Prior to the commencement of development, precise details of the external finishes of the proposed extension shall be agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

- 6 The converted attic space shall be used for storage purposes only and shall not be used for human habitation, or any other purpose with the benefit of planning permission. as non-habitable

Reason: In order to safeguard the amenities of property in the vicinity and in the interest of proper planning and sustainable development.

- 7 The second-floor attic gable window on the southern (rear) elevation shall be omitted.

Reason: To prevent overlooking of adjoining residential property.

Fergal O'Bric
Planning Inspector

7th January 2021