



An
Bord
Pleanála

Inspector's Report

ABP-308521-20

Development	Retention of rear modulated single storey structure and its incorporation with main house
Location	21 Castle Village Crescent, Celbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	20942
Applicant(s)	Karup Balagangadharen
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Karup Balagangadharen
Observer(s)	None
Date of Site Inspection	17/12/2020
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is 21 Castle Village Crescent in Celbridge. This is a semidetached single storey dwelling located midway along a short cul de sac of similar dwellings.
- 1.2. The dwelling originally included a front and rear garden area and parking space, within a total area of 0.0288Ha. However, there has been a single story detached unit erected in the rear garden area that is the subject of this appeal (18.3sq.m.). There is an old allocated along the rear boundary of the site.
- 1.3. The orientation of the dwelling is east.

2.0 Proposed Development

- 2.1. The development consists of the retention of rear modulated single storey structure as a laundry and drying room and the incorporation with the main house with a new single storey extension as a link form the house.,

3.0 Planning Authority Decision

3.1. Decision

Kildare Co.Co. refused the development for the retention and proposed works because it would give rise to a substandard form of development by reason of the inadequate configuration and provision of private open space associated with dwellinghouse. The proposal will contravene the development management standards set out within Section 17.4.8 Section 17.4.5 and Table 17.5 of the Kildare County Development Plan 2017-2023 would result in overdevelopment of the application site, would result in an undesirable precedent for similar inappropriate development.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The planning application is in response to an enforcement file (UD7333).Table 17.5 of the Kildare County Development Plan requires 55sq.m. of dedicated to the rea for

a two bedroomed dwelling. There is a narrow strip to the rear and side of the structure, inappropriately sized and configured., the use contravenes 17.5 and 17.4.5. The development is overdevelopment of the rear garden and is an undesirable precedent.

REFUSAL recommended.

3.2.2. **Other Technical Reports**

Water Services: No objection.

Irish Water : No objection

3.3. **Prescribed Bodies**

There were none.

3.4. **Third Party Observations**

The neighbour at No. 22 made a submission citing the following concerns:

- The structure had been rented out to tenants between May-October 2019
- The tenants were noisy
- Parking, overlooking
- Structure dominates the garden
- Garden is overdevelopment

4.0 **Planning History**

Planning Reference 19/1418

Permission for retention of the single storey prefabricated shed type structure currently used as a home office/ gym with WC facilities was refused for two reasons, similar to the current refusal.

5.0 Policy Context

5.1. Development Plan

17.4.8 Extension to Dwellings

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. The following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties.
- The 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.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Chapter 16 Rural Design Guide.
- 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.

Minimum private open space requirements:

Table 17.5

Minimum Private Open Space Requirements for
Dwelling Houses

Unit Type (House) Floor Area

One Bedroom 48m²

Two Bedroom 55 m2

Three Bedroom 60 m2

Four Bedroom or more 75m2

Celbridge Local Area Plan 2017-2023

The site and are is zoned B – Existing Residential/ Infill.

Natural Heritage Designations

The subject site is within a built up part of Celbridge and there are no Natura 2000 sites within 10km.

EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

It appears the Council's main concern is the lack of garden space to the rear of the property. There is 46sq.m. of open space to the side of the dwelling and 18sq.m. to the rear. There are numerous houses within the area that have minimal garden space to the rear (it is accepted that not all have gone for planning permission) .

There are 3No. cases whereby permissions have been granted one was in 2007 and the other in 2017:-

- 6 Castle Village Lawns: 98/1975, a shed has been erected on space remains
- 1 Castle Village Crescent , 07/238, the only space remaining is the driveway.
- 10 Castle Village Avenue, 17/909, which included a side and rear extension being 40sq.m. resulting in less open space than 21 Castle village Crescent.

The structure for retention will be plastered to match the existing house and could be similar to any other extension in the area.

The structure for retention does not overlook any garden hence does not impact on the existing privacy.

There is no overshadowing caused by the structure.

The applicant's wife who is a nurse has had to self-isolate in the structure on 2 occasions.

The applicants are prepared to demolish the old shed on the site to create additional space.

6.2 **Planning Authority Response**

The Board is asked to uphold the planning authority's decision to refuse permission for the development.

7.0 **Assessment**

7.1 ***Compliance with Development Plan***

The subject site is zoned **B- Existing residential/ Infill**, in the current Celbridge Local Area Plan 2017-2023. The planning authority refused the development for one reason stating the configuration and quantum of private open space area to the rear of the dwelling was unacceptable and contrary to the development plan management standards (sections 17.4.8 and 17.4.5 and Table 17.5) of the Kildare County development Plan 2017-2023.

Section 17.4 8 relates to *Extensions to Dwellings*. It is proposed to create a link between the existing dwelling and the single storey modular structure which is located in the back garden of the house. The structure has been used as a gym and includes a WC, and according to the appeal file it will be converted to a laundry room. The applicant applied for and was refused planning permission for retention of the single storey structure under planning reference **19/1418** because it was considered to be a haphazard and piecemeal form of development, and a substandard form of development. The current application/ appeal has arisen on foot of enforcement proceedings initiated under reference **UD7333**.

It is clear from section 17.4.8 of the development plan, that the physical extension 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. The minimum rear garden area for a two-bedroom dwelling is 55sq.m. (Table 17.5 of the Kildare County development Plan 2017).

It is submitted on appeal the quantum of 55sq.m. is provided by the residual area to the rear of 18sq.m. and the access strip alongside the dwelling of 46sq.m.

Regardless of the quantum, the open space cannot function as open space due to the positioning, access and layout of the modular unit on the site which is effectively blocking off the remaining open space area at the rear, and it will be further isolated from the dwelling when a link is created between the main dwelling and the modular unit. It is proposed under the current proposal, to create an access from the dining room of the dwelling onto the small open space area. The area is located along the northern boundary of the site. Given the height of buildings and walls surrounding this enclosed space, the level of sunlight and amenity value of the remaining open space area will be minuscule. The development represents an inappropriate scale and layout on a restricted residential curtilage, that will ultimately undermine the residential amenities associated with dwelling on site and lead to an undesirable precedent, and an unsatisfactory for of residential amenities associated with the dwelling for its current and future occupants.

I do not consider the extension to be sensitive to the existing dwelling in its form, scale, layout and appearance, and it would not comply with the criteria of section 17.4.8 of the County Development plan.

7.2 *Appropriate Assessment*

Having regard to the nature and scale of the proposed development, nature of the receiving environment and distances to the nearest European sites, I am satisfied that 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

- 8.1. I recommend the planning authority's decision to refuse planning permission for the development be upheld for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the limited size of the site and the scale and layout of development, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future and existing occupants of the house and result in overdevelopment of the site by reason of inadequate provision of good quality open space and be contrary to Section 17.4.58 of the Kildare County Development Plan 2017-2023 regarding criteria for Domestic Extensions. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

22/12/2020