



An
Bord
Pleanála

Inspector's Report

ABP-309190-21

Development

Protected structure, the demolition of the non-original single-storey garage extension to the side, and the construction of the following: a new 42m² single-storey rear extension containing extended living area, circulation, and a new side entrance; a new attached 145m² two storey extension.

Location

The Old Gasworks , Canal Bank ,
Naas, Co.Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

201225

Applicant(s)

Aaron and Graine MacHale

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Aaron and Grainne MacHale

Observer(s)

None

Date of Site Inspection

12th October, 2021.

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located to the north east of the town centre of Naas on the eastern bank of the Grand Canal. The site is accessed from what was originally the canal towpath and the site access is located c.650 metres to the north of the canal harbour.
- 1.2. The development on site comprises what was the former gasworks plant which originally had a dwelling associated with it and which has now been converted and extended to provide residential accommodation. In addition to the house, the site also accommodates an outbuilding and a chimney.
- 1.3. The house as existing on the site comprises the former gasworks managers house on the northern end of the site and this has been connected to a smaller two storey original stone outhouse building to the south by a recent (c.20 years old) single storey extension that connects the two original buildings. The existing internal layout comprises bedroom accommodation in the original house with living accommodation in the modern extension and the stone building at the south. There is a non original single storey lean two garage structure located at the southern end of the house and the living accommodation is orientated to front onto the canal.
- 1.4. At the southern end of the house, access is available via gates to a yard area. This in turn accesses an open grassed garden area to the south and to the north, via a gateway, access is available to a rear courtyard area. The chimney connected with the original gasworks use of the site is located in the southern wall of this courtyard area.
- 1.5. The house on the site is included on the record of protected structures for County Kildare and it is also included in the National Inventory of Architectural Heritage. The description contained in the NIAH describes the house on the site as a detached single bay two storey gable fronted former gas works managers house dating from 1965 with single bay two storey recessed lower end bay to the south and three bay two storey side elevation to the north. The building was extensively redeveloped and extended in 1998.
- 1.6. The existing house on the site is connected to the public water supply and drainage networks.

1.7. The stated area of the existing residential accommodation on the site is 292 sq. metres (inclusive of the garage) and the stated area of the site is 0.3945 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing non original lean to garage structure at the southern end of the building (floor area 50 sq. metres) and the removal of the non original rear wall to the living accommodation and projecting bay element I this elevation and for the refurbishment of the original living accommodation and stone former outbuilding and removal of non original elements to the former outbuilding in the form of the staircase, rooflights and toilet facilities.
- 2.2. Permission is sought for the for the construction of a new single storey extension to the rear (east) of the living accommodation containing extended living accommodation and new entrance and circulation space with a floor area of 42 sq. metres.
- 2.3. Permission is also sought for a new two storey extension to be attached to the former outbuilding and which would have a total floor area of 145 sq. metres. This new two storey extension is proposed to contain new bedroom accommodation at first floor level with additional living accommodation at ground floor and also to accommodate a new staircase. New rooflights to be added to the former outbuilding and to the living accommodation. The width of this extension would extend c.12 metres to the south beyond the existing main part of the house and the ridge height would be within c.150mm of that of the original manager's house.
- 2.4. The stated floor area of the development on site to be retained is 242 sq. metres with demolition of 50 sq. metres. The total floor area of the proposed new build elements is 187 sq. metres, and the total floor area of the house post redevelopment is proposed to be 429 sq. metres.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to refuse Permission for 2 no. reasons which can be summarised as follows:

1. That the siting, configuration, and general massing of the proposed development would be such that it would dominate and obscure views of the protected structure and its attendant structures including the former gas works outbuilding and chimney stack. The form and layout of development would also elongate the north – south axis of the structure and detract from the original clustered courtyard format on the site. The proposed development would therefore materially contravene Policies PS2 and PS3 of the *Kildare County Development Plan. 2017-2023* relating to the protection of the curtilage and special character of protected structures and would seriously injure the amenities of the subject property and other properties in the vicinity.
2. That the proposed development proposed development which materially alters and obscures the view of the protected structure (NS19-107) and associated outbuildings would have a negative effect on the character and setting of the lands zoned Objective M – future park / greenbelt in the vicinity of the site which seeks to protect the canal environs from inappropriate development such that the proposed development would materially contravene the land use zoning objective for the site and be contrary to the proper planning and sustainable development of the area.

It is noted that both reasons for refusal cited by the Planning authority in the Notification of Decision to Refuse Permission issued make reference to material contravention of the development plan. The provisions of s.37(2)(b) of the Act are therefore applicable.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer notes the relevant development plan policy and internal reports received, including the recommendation for refusal of permission received from the Conservation Officer. The report notes the permission granted under Ref. 97/500129 and notes that it would appear that this development has not been completed as per the approved drawings. The principle of demolition of the garages and of extension to the existing house is considered to be acceptable, as are the proposed extensions to the rear of the structure which would mainly impact on 1990s construction. Concern is expressed regarding the length of the proposed extension and the height relative to the existing building and the lack of examination of alternative locations (notably to the rear) for the additional floorspace. The impact of the proposed layout on the original courtyard layout is also noted. Refusal of permission consistent with the Notification of Decision which issued is recommended.

3.2.2. Other Technical Reports

District Engineer – No objection subject to conditions.

Roads Transportation and Public Safety – No objection.

Conservation Officer – Refusal of permission recommended.

Water Services – No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water – No objection.

3.4. Third Party Observations

None Received.

4.0 Planning History

Kildare County Council Ref. Ref. 97/500129 – Permission granted for the extension of the existing two storey managers house on the site which is a protected structure. The permitted extension comprised the construction of a single storey element connecting the former managers house to the two storey outbuilding (which has been completed) and the construction of a two storey element at the southern end of the outbuilding to a design that is very similar to the original house. This latter part of the development has not been completed on site and the existing lean to double garage is located where this part of the development was proposed.

5.0 Policy Context

5.1. Development Plan

Naas Town Development Plan, 2011-2017

The statutory plan for the area in effect at the time of the decision being made by the Planning Authority was the *Naas Town Development Plan, 2011-2017*. Under this plan the appeal site is zoned Objective M – Future Park / Green Belt under the provisions of this plan. The stated objective for this zoning is *‘to protect the setting, character and environmental quality of areas of high natural greenbelt beauty and safeguard their environmental and ecological amenities.’*

The site is not located within an identified flood risk zone.

In terms of visual amenity, the plan identifies view for protection along the canal from the bridges that are located approximately 400 metres to the north and 300 metres to the south of the site. These are illustrated on Figure 11.4 of the plan.

The existing structure on the site is included on the Record of Protected Structures for County Kildare – Ref. NS19-107.

Policy ATH 3 seeks to encourage the rehabilitation and reuse of older structures.

Policy ATH5 seeks to encourage the sensitive alteration / extension of protected structures so that they are in keeping with the character of the building and adjoining buildings.

Policy PS2 seeks the protection of the curtilage of protected structures or proposed protected structures and to refuse permission for inappropriate development that would adversely impact on the special character of the structure.

Policy PS3 requires that works to protected structures will not obscure views of principal elevations of protected structures.

Naas Local Area Plan, 2021-2027

The council is currently preparing a local area plan for Naas and this plan was the subject of public consultation regarding material amendments in August, 2021. The appeal site is located on lands that are zoned strategic open space G1-G3 under the provisions of the *Draft Naas LAP, 2021-2027*.

5.2. Architectural Heritage Protection – Guidelines for Planning Authorities

The second part of the Guidelines relate specifically to conservation techniques and the recommended approach to development management. Paragraphs 6.8.1 to 6.8.3 of the Guidelines relate to extensions to protected structures. Paragraph 6.8.2 states that:

‘If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that the design of the protected structure.’

With regard to materials and design, paragraph 6.8.3 states that:

‘Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable.Extensions should complement the

original structure in terms of scale, materials and detailed design while reflecting the values of the present time.'

5.3. National Inventory of Architectural Heritage

The structure is included on the National Inventory of Architectural Heritage which gives the following appraisal of the site:

'This group of structures, the remains of Naas Gas Works is of considerable social and historical interest, representing a small scale industrial complex that was in operation until the mid-twentieth century generating coal gas for use by the local community. The former manager's house has been much renovated and extended, leading to the loss of most of the original fabric and much of the original form. The attached outbuilding (originally detached and now connected by a wing) retains some of its original character, however, with the exception of openings that contain unsympathetic modern replacement fenestration. Of significance is the chimney to the east of the site that retains its original plan and profile, and which is of technical interest – set adjacent to the canal, the chimney forms an attractive feature in the on the flat landscape.'

5.4. Natural Heritage Designations

The site is not located in or close to an European sites. The closest such site to the appeal site are as follows:

- Mouds Bog SAC (site code 002331) is located c. 8km to the west of the site at the closest point.
- Pollardstown Fen (site code 000396) is located c. 12km to the west of the appeal site at the closest point.
- Poulaphouca Reservoir SPA (site code 004063) is located c.11km to the south east of the appeal site at the closest point.

5.5. EIA Screening

The proposed development involves the extension of an existing property that is in residential use and no net additional residential units are proposed. The proposed development is not therefore considered to be of a class for the purposes of Environmental Impact Assessment. There is therefore no requirement for environmental impact assessment or screening for environmental impact assessment to be undertaken.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party appeal received by the Board:

- That the layout of the original gasworks site has been significantly altered over the last 20 years and several of the ancillary outbuildings have been demolished. Those that remain are the managers office, the rubble stone outhouse, and the chimney.
- The reference to the original cluster courtyard in the reason for refusal is noted. This was defined by the manager's office and buildings immediately to the south and east. It is submitted that this arrangement arose from operational requirements as an industrial complex and not from any formal design or layout. The original enclosing buildings to the east of the managers office and indicated on the site plan have now been demolished.
- It is not considered that the development can detract from the original cluster courtyard on site as it no longer exists.
- That the visual impact when viewed from the canal towpath is mitigated by existing planting (when viewed from the south) and by the degree of set back of the building line proposed.

- That the proposed development is consistent with the Architectural Heritage Protection Guidelines as it relates to extension to protected structures in that the extension is a two storey extension to an existing structure and would be sub ordinate in scale to the two storey managers office. The extension would replace a single storey lean to structure.
- That the scale height and features of the proposed extension complements the existing stone rubble building and does not obstruct or detract from the original protected structures or the original gas works complex.
- That the building line of the proposed extension would be stepped back from that of the original stone rubble building, minimising the impact on the protected structures along the canal bank.
- That the proposed development would be an adaptive reuse of the existing building.
- That the development would have a minimal impact on the protected structure and visual amenities of the canal bank and would, it is submitted, have a very minimal impact on the green belt.

6.2. Planning Authority Response

The following is a summary of the main issues raised in the response to the first party grounds of appeal received from the planning authority:

- That the planning authority note the case made in the appeal that the original clustered courtyard arrangement on the site is as a result of organisational requirements rather than a specific requirement for a courtyard itself. The Planning Authority still maintain that the clustered courtyard layout is an important element of the industrial heritage and character of the site and that the proposed development would detract from this feature.
- The statement in the appeal that the decision to refuse permission did not take into account all aspects of the proposal or the current site is strongly refuted. The Planning Officer visited the site and consulted with the conservation officer before issuing a recommendation.

- The Planning Authority agrees that the new extension would present as a new addition in the streetscape and considers this aspect of the design approach to be appropriate.
- Notwithstanding this, it is considered that the layout and design of the proposed extension detracts from the protected structure and from the setting of the Grand Canal amenity area and does not complement the existing structure.

7.0 Assessment

7.1. The following are considered to be the main issues relevant to the assessment of this appeal:

- Principle of Development
- Conservation and Impact on Protected Structure
- Landscape and Visual Impacts
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The appeal site is located on lands that are zoned Objective M – Future Park / Green Belt under the provisions of the *Naas Town Development Plan, 2011-2017* which remains in effect until the adoption of the Naas LAP, 2021-2027. The stated objective of the zone is *'To protect the setting, character and environmental quality of areas of high natural Greenbelt beauty and safeguard their environmental and ecological amenities.'*

7.2.2. The stated purpose of this zoning is to retain and develop a greenbelt / future park to protect the Canal Environs from inappropriate development and to provide a visual and environmental amenity of importance. It is also stated that the Council will not permit development that would detract from the visual amenity of this area, however existing uses in open space areas will continue to be permitted and *'reasonable development proposals in relation to these uses will be considered on their merits.'*

7.2.3. The established use of the site is as a residential dwelling and the development the subject of the current appeal is for the extension to this residential property. In accordance with the stated purpose of the zoning objective, I consider that the principle of an extension to the existing house is open for consideration and would require to be considered on its merits having regard to the stated purpose of the zone as providing a visual and environmental amenity of importance. Detailed consideration of the landscape and visual impact of the proposed development is provided at section 7.4 of this assessment below.

7.3. Conservation and Impact on Protected Structure

7.3.1. Reason for refusal No.1 cited by the Planning Authority relates to the impact of the proposed development on the protected structure on site and specifically on views of the protected structure and on the built form. Specifically, it is considered that the proposed development would result in a loss of views of the structure, would dominate the existing structure, would result in a loss of the original courtyard form, and would elongate the north – south axis of the structure.

7.3.2. One of the central concerns expressed in the reports of the Conservation Officer / Advisor and the Planning Officer relates to the potential loss of the original cluster courtyard layout that would arise on foot of the proposed development. The original layout of the site would have comprised the managers house and stone building fronting the canal with a number of outbuildings to the rear (since demolished) and the chimney enclosed within a walled courtyard to the rear. The proposed extension of the north – south axis of the buildings on the site would result in some loss of this focus of built form on the site, however I would in part agree with the submission of the first party on this issue that the courtyard format has to some extent been lost with the demolition of structures that would have been located to the east of the managers house. Notwithstanding these demolitions, I consider that the enclosed courtyard feel does however remain to the east of the existing buildings with this area having a distinct character with the presence of the chimney. I do not therefore agree with the first party assessment that the original cluster courtyard on site no longer exists. Whether the layout of the site in this area is planned or arose from operational requirements as an industrial complex as contended by the first party,

the focus of the proposed development is away from the original clustered layout on the site and results in a significant extension of the north – south extent of development on the site which in my opinion has significant implications for the character and setting of the protected structure on site.

- 7.3.3. I consider that the main impact of the form of development proposed is the extension of the north – south extent of development and the visibility of this development when viewed from the canal. The extension proposed is of a significant scale having a length to the south beyond the original two storey stone outbuilding of c. 12 metres which would be a more than 50 percent increase in the existing building frontage. The proposed overall height is also significant with the ridge height of the extension only being c.150mm below that of the original manager's house and being c.450mm higher than the adjoining stone outbuilding which is an original building on the site. The landscape and visual impact of the proposed development is considered in more detail in the following section (7.4), however the form of development proposed would be visible from the canal with the extension being viewed in immediate proximity to the existing structures. The scale and massing of the proposed extension is, in my opinion significant and such that it would have potentially significant negative impacts on the character and setting of the structure.
- 7.3.4. The first party appeal contends that the proposed development is consistent with the Architectural Heritage Protection Guidelines as the extension would be sub ordinate in scale to the two storey managers office and would replace a single storey lean to structure. It is also submitted by the first party that the scale height and features of the proposed extension complements the existing stone rubble building and does not obstruct or detract from the original protected structures or the original gas works complex. The relevant sections of the Guidelines relating to extensions to protected structures are paragraphs 6.8.1 to 6.8.3 and these promote the concepts that important features are not obscured, damaged, or destroyed and that the principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions with the extension complementing the existing structure in terms of scale design and materials

- 7.3.5. In the case of the proposed development, notwithstanding the proposed setting back of the extension from the existing building line fronting the canal, the height, scale, and visual prominence of the proposed extension is in my opinion such that it would visually dominate the remaining original parts of the façade such that it would adversely affect the principal canal side elevation of the structure.
- 7.3.6. It should be noted that the open view from the south that is referenced in the report of the conservation officer is accompanied by a record photograph taken from the NIAH that illustrates clear views of the site from the south on the canal towpath. As can be seen from the photographs attached with this report, the current situation in this area is very different with significant screen planting along the boundary between the site and the canal towpath to the south of the house such that no clear views of the existing structures on the site are available from the south. I do not therefore agree with the assessment of the Planning Authority that the proposed development would obscure views of attendant structures such as the chimney, albeit that this situation could change in the future were this boundary vegetation to be removed. I do however consider that the scale bulk and visual prominence of the proposed extension and the degree to which it would elongate the main facade fronting the canal is such that it would visually dominate the existing protected structure on the site such as to have an overall negative impact on the character and setting of the structure. The proposed development would therefore in my opinion be contrary to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities, specifically Paragraph 6.8.2 and 6.8.3 relating to extensions, and be contrary to Policies PS2 and PS3 of the *Kildare County Development Plan, 2017-2023* regarding the protection of the curtilage and special character of protected structures and that works would not obscure the principal elevations of protected structures.
- 7.3.7. I note and generally agree with the assessment contained in the report of the Conservation Officer / Advisor on the appeal file and specifically the fact that there would appear to be alternative options available for the extension of the existing structure that would have significantly reduced impact on the existing main elevation of the structure to the canal and which would provide for additional accommodation within the courtyard area to the rear of the existing building. I also note and agree with the conclusions in this report regarding the general acceptability of the proposed

extension to the rear (east facing) side of the single storey modern living accommodation.

- 7.3.8. In the event that the Board do not agree with the above assessment and are considering a grant of permission, it should be noted that Reason for Refusal No.1 cited in the Notification of Decision issued by the Planning Authority makes reference to material contravention of the development plan and specifically Policies PS2 and PS3 of the Kildare County Development Plan, 2017-2023. The following is an assessment of the proposed development in the context of the criteria set out at S.37(2)(b) of the Act:

Whether the proposed development is of strategic or national importance,

The proposed development relates to an extension to an existing residential property and is therefore not of a scale or nature that would be of strategic or national importance.

Are there any conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned,

I do not consider that there are any clear conflicting objectives in the Kildare County Development Plan, 2017-2023 relating to the form of development proposed comprising an extension to a protected structure. No such potential conflicting objectives have been highlighted in the first party appeal submitted.

Should permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, or other policy / guidance

I do not consider that there are any clear policies or objectives contained in the regional planning guidelines (Regional Spatial and Economic Strategy for the Eastern and Midlands Region) which would indicate that development of the form proposed should be granted. An assessment of the proposed development in the context of the s.28 guideline document *Architectural Heritage Protection Guidelines for Planning Authorities* is set out in the sections above. As concluded in these

sections I do not consider that the scale and form of the proposed extension is consistent with the advice contained in these guidelines relating to extensions to protected structures.

Should permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

I am not aware of and have not been able to identify any permission granted in the area of the appeal site since the making of the current development plan that would clearly conflict with the recommended decision in this appeal. No such examples have been cited by the first party in the appeal submission received by the Board.

7.4. Landscape and Visual Impacts

- 7.4.1. Reason for Refusal No. 2 cited by the Planning Authority relates to the impact of the proposed development on the character and setting of the lands zoned Objective M – future park / greenbelt in the vicinity of the site and that the proposed development, which would materially alter and obscure the view of the protected structure on the site, would materially contravene the land use zoning objective for the site and be contrary to the proper planning and sustainable development of the area.
- 7.4.2. In terms of visual amenity, the plan identifies **views for protection** along the canal from the bridges that are located approximately 400 metres to the north and 300 metres to the south of the site. These are illustrated on Figure 11.4 of the plan. The separation between these view points and the appeal site together with the existing screening afforded to the site by boundary vegetation is such that the existing development is not clearly visible from either of these locations and the proposed development would not have any material impact on these views.
- 7.4.3. As set out above, the visual impact when viewed from the near canal towpath is currently mitigated by existing planting (when viewed from the south) and by the setting back of the building line proposed, albeit that this screening is partially dependant on planting bounding the towpath on southern part of the appeal site and similar planting on third party lands to the north. In addition, when viewed at a closer

range to the site, the proposed extension would be visible from locations in close proximity to the site, and particularly from the far (western) bank where clearer views of the site are available. As discussed in the sections above, the scale of the proposed extension is such that it would represent a significant element in the landscape and would have the effect of making the bulk and massing of the existing house significantly more prominent in the local environment.

- 7.4.4. The stated objective of land use zoning Objective M is '*To protect the setting, character and environmental quality of areas of high natural Greenbelt beauty and safeguard their environmental and ecological amenities.*' The stated purpose of this zoning is to retain and develop a greenbelt/future park to protect the Canal Environs from inappropriate development and to provide a visual and environmental amenity of importance. It is also stated that the Council will not permit development that would detract from the visual amenity of this area, however existing uses in open space areas will continue to be permitted.
- 7.4.5. In my opinion, the scale and bulk of the proposed development and the impact that it would have in terms of elongating the elevation fronting the canal is such that it would have a significant negative impact on the character and environmental quality of the canal and environs in the location of the site. As discussed above, the proposed development would not in my opinion have a significant negative impact on wider views of the protected structure or on views of structures in the curtilage of the site as specifically referenced in the reason for refusal given by the Planning Authority, however the siting scale and design of the proposed extension and the degree to which it would dominate the original structures on site and extend the existing built frontage to the canal would in my opinion be such as to have a significant negative impact on the setting of the lands zoned Objective M – future park / greenbelt in the vicinity of the site. I therefore agree with reason for Refusal No.2 as cited by the Planning Authority in the Notification of Decision that the proposed development would be contrary to the zoning objective for the site.

7.4.6. In the event that the Board do not agree with the above assessment and are considering a grant of permission, it should be noted that Reason for Refusal No.2 cited in the Notification of Decision issued by the Planning Authority makes reference to material contravention of the Objective M land use zoning objective. The following is an assessment of the proposed development in the context of the criteria set out at S.37(2)(b) of the Act:

Whether the proposed development is of strategic or national importance,

7.4.7. The proposed development relates to an extension to an existing residential property and is therefore not of a scale or nature that would be of strategic or national importance.

Are there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned,

7.4.8. I do not consider that there are any clear conflicting objectives in the Kildare County Development Plan relating to the form of development proposed comprising an extension to a protected structure. No such potential conflicting objectives have been highlighted in the first party appeal submitted.

Should permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28,

7.4.9. There are no clear policies or objectives contained in the regional planning guidelines (Regional Spatial and Economic Strategy for the Eastern and Midlands Region) which would indicate that development of the form proposed should be granted. An assessment of the proposed development in the context of the s.28 guideline document Architectural Heritage Protection Guidelines for Planning Authorities is set out in the sections above. As set out in these sections I do not consider that the scale and form of the proposed extension is consistent with the advice contained in these guidelines relating to extensions to protected structures.

Should permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.4.10. I am not aware of and have not been able to identify any permission granted in the area of the appeal site since the making of the current development plan that would clearly conflict with the recommended decision in this appeal. No examples of similar form of development along the canal within the area zoned Objective M have been cited by the first party in the appeal submission received by the Board.

7.4.11. While I consider that the siting scale and design of the proposed extension and the degree to which it would dominate the original structures on site and extend the existing built frontage to the canal would be such as to have a significant negative impact on the setting of the lands zoned Objective M – future park / greenbelt in the vicinity of the site it is in my opinion a subjective determination and the degree to which the proposed development could be considered to materially contravene the zoning is open to debate. The planning authority’s reason for refusal states that the proposed development materially contravenes the Objective M – future park / greenbelt zoning objective for the site. This objective refers to the general form of development permissible on lands so zoned and I note that extensions to existing structures are not specifically excluded on lands so zoned. Having regard to the nature of the proposed development I do not consider that the objective is sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice and am not therefore of the view that the Board should consider itself constrained by Section 37(2) of the Planning and Development Act.

7.5. Other Issues

7.5.1. The existing development on site is connected to the public water supply and foul drainage systems and it is proposed that these connections would remain. It is noted that there is a submission on file from Irish Water which states that there is no objection to the proposed development.

- 7.5.2. The site is not located within an identified **flood risk** zone. In any event the site is already developed for residential use and the proposed development relates to an extension of this established use.
- 7.5.3. Access to the site would remain from the existing canal towpath. As the existing house on the site has access via the towpath no new access would be created, and limited intensification of the existing access would arise.
- 7.5.4. The proposed extension would result in the addition of a new master bedroom at first floor level in the proposed extension and would result in the house being extended from the existing 4 no. bedrooms to 5 no. bedrooms. The layout of the site is such that there is very significant extent of private amenity space available and significantly in excess of the standard specified in Chapter 17 of the development plan.

7.6. **Appropriate Assessment**

- 7.6.1. The site is not located in or close to an European sites. The closest such site to the appeal site are as follows:
- Mouds Bog SAC (site code 002331) is located c. 8km to the west of the site at the closest point.
 - Pollardstown Fen (site code 000396) is located c. 12km to the west of the appeal site at the closest point.
 - Poulaphouca Reservoir SPA (site code 004063) is located c.11km to the south east of the appeal site at the closest point.
- 7.6.2. There are no clear pathways between the appeal site and the above listed European sites. In addition, the existing house on the site is connected to the public water supply and foul drainage networks and it is proposed that these connections would remain. As per the submission on file from Irish Water, adequate capacity is available to cater for the proposed development and given the form and scale of development proposed no significant effects on any European sites are likely to arise on foot of this potential pathway.

- 7.6.3. Having regard to the above, the proposed development is not likely to have significant effects on any of the above listed European sites in light of their conservation objectives.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the scale, siting and massing of the proposed development and specifically the proposed two storey extension at the southern end of the existing house, to the scale of this development relative to the existing buildings on the site and to the protected structure status of these buildings, it is considered that the proposed development would visually dominate the existing protected structure on the site, would detract from the original courtyard form of development on the site and would have a significant negative impact on the character and setting of a protected structure. The proposed development would therefore be contrary to Policies PS2 and PS3 of the Kildare County Development Plan, 2017-2023 relating to the prevention of inappropriate development that would adversely affect the character of a protected structure and that works to protected structures will not obscure views of principal elevations of protected structures and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located on the site of a protected structure at a visually prominent and sensitive location on the canal with a zoning of Objective M 'Future Park / Greenbelt' under the provisions of the Naas Town Plan, 2011-2017 (as extended) and where the stated objective is '*to protect the setting, character and environmental quality of areas of high natural greenbelt beauty and safeguard their environmental and ecological amenities.*' The design, scale and siting of the proposed development would be such as to result in a visually prominent and obtrusive form of development on a visually sensitive site that would have a negative impact on the character and setting of the lands zoned Objective M – future park / greenbelt in the vicinity of the site such that the proposed development would contravene the land use zoning objective for the site and be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Planning Inspector

2nd November, 2021