



An
Bord
Pleanála

Inspector's Report

ABP-309239-21

Development	Demolition of existing single storey return to rear of dwelling and construction of a two-storey extension to rear.
Location	Number 18, Cill Dara Close. Celbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	20/1109
Applicant(s)	Simon Rand & Nicola Ward
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Grant
Appellant(s)	Patrick & Sarah Kerr
Observer(s)	None
Date of Site Inspection	1st April 2021
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The subject site is located within the Cill Dara Close residential development, which is located north-west of Celbridge town. The appeal site comprises a semi-detached dormer dwelling with a single storey pitch roofed return to the rear, a side passageway along the western gable of the dwelling. There are similar designed dwellings to the east, west and south of the site within the Cill Dara Close development. To the north and north-east are terraced and semi-detached residential properties that front onto the Maynooth Road, the R405.
- 1.2. The subject site has a stated area of 385 square metres (sq. m.).
- 1.3. Access to the site is from an internal service road to the south of the site, which in turn is accessed off the Maynooth Road, within the 50 kilometre per hour speed control zone.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of a single storey kitchen return with a floor area of approximately 10 sq. m and the construction of a two-storey flat roofed rear extension, comprising a kitchen, dining, and living area at ground floor level, a master bedroom at first floor level, comprising a total floor area of approximately 57 sq. m. Two windows are to be incorporated within the rear elevation at first floor level.
- 2.2. The extensions would be constructed to the rear of the house and would be located approximately 1.65 metres from the side (western) boundary at its nearest point with number 19, Cill Dara Close and 11.5 metres from the rear (northern) boundary at its nearest point.
- 2.3. Further information was submitted in relation to: The submission of a revised Site Plan illustrating the separation distance between the proposed first floor windows within the application site and the first-floor windows at Number 39A, Maynooth Road, to the north-east of the site 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 seven 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 28th day of September 2020 and as amended by further information received by the Planning Authority on the 1st day of December 2020.

Condition number 2: External finishes.

Condition number 6: 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 the additional floor area is modest (approximately 43 sq. m.). The Case Planner considered that the design and visual impact of the development was acceptable and that the proposals would not detract from the visual or residential amenities of the area. An Appropriate Assessment screening exercise was conducted and concluded that due to the modest scale and extent of the proposals, it is not considered that the proposals would adversely impact upon the conservation objectives of the Natura 2000 network.

3.2.2. Other Technical Reports

- Water Services: No objection, subject to conditions.
- Water Services Section: No objection, subject to conditions.
- Municipal District Engineer: No objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

One submission was received from neighbours, who reside in the property to the rear (north-east) of the appeal site, at number 39A, Maynooth Road. The issues raised in the observation are similar to those set out within the appeal submission.

4.0 Planning History

Subject Site

I am not aware of any planning history pertaining to the appeal site.

5.0 Policy Context

5.1. Kildare County Development Plan, 2017-2023

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.

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. **Celbridge Local Area Plan 2017-2023**

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 neighbours to the north-east of the appeal site, Patrick and Sarah Kerr. The issues raised are summarised as follows:

- They have no objection in principle to the development, and they welcome the careful, considered, and appropriate extension of the existing dwelling within the appeal site.
- The design is not in keeping with the existing and adjoining dwellings and would be incongruous with the existing and adjoining dwellings and particularly the attached dwelling (at number 17, Cill Dara Close). The first-floor master bedroom with large fenestration features, will increase the extent of overlooking onto the appellants property
- Concerns expressed regarding the design, scale and extent of the master bedroom extension which would be very visible from the appellants property.

- The design should be amended to provide a well-proportioned and suitably tall master bedroom with no material reduction in size.
- Reference is made to a design permitted at number 12, Cill Dara Close, which would respect the original design concept and quality of accommodation in a more appropriate and sympathetic manner.
- Section 17.4.8 of the Kildare County Development Plan sets out that 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. It also sets out that extensions should be sensitive to the existing dwelling in form, scale, and appearance, not adversely distort the scale or mass of the structure or adjoining properties, complement the area, and have regard to adjoining properties. It also states that extensions should not provide for new overlooking of the private area of an adjacent residence, where no such overlooking previously existed.
- The proposals conflict with much of what is set out within Section 17.4.8 of the Development Plan, particularly regarding design and overlooking, regardless of separation distances.
- There is also the issue of perceived overlooking, as there is currently no first-floor fenestration within the rear elevation at first floor level.
- The suggested changes to the design of the extension, as set out by the appellants would result in a well-designed proposal, respect the amenity of neighbouring properties and be in accordance with the proper planning and sustainable development of the area. A more appropriate design must be considered.

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

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

- The design has been tailored specifically to meet the needs of the applicant's family, without adversely impacting upon the neighbour's amenity.
- The overall additional floor area would comprise 43.3 sq. m, and result in a total floor area of approximately 159 sq. m. provides for three first floor

bedrooms and allow a bedroom each for their son and daughter, they presently share a bedroom.

- The applicants were conscious of minimising any adverse impact upon their immediate neighbours, (within number 17 and 19, Cill Dara Close) and no fenestration is proposed within the gable walls at first floor level. The master bedroom window proposed at first floor level, is the only available space within the rear elevation, to achieve a window opening. This bedroom window would be 29.5 metres distant from the opposing first floor window at number 39A, Maynooth Road, and 11.5 metres from the applicant's rear boundary wall. Another high-level window, to illuminate the stairwell is proposed within the rear elevation. This feature would be located 34.5 metres from the opposing first floor window at number 39A, Maynooth Road.
- There is no mention of perceived overlooking with the Kildare Development Plan and is not a definitive standard that the Planning Authority can apply.
- The appellants have recently developed a cabin type structure with a ridge height of 2.65 metres adjacent to the party boundary wall.
- This cabin structure is constructed along the full width of the appellants rear garden space and goes some way to alleviating the appellants' perception of overlooking, given that its height exceeds that of the party boundary wall.
- The form, scale and massing of the proposed extension has been carefully considered and would not breach the existing ridge line of the dwelling.
- The first-floor level of the proposed extension would be constructed within the roof zone of the house, and is set back to provide a visual distinction, this distinction is reinforced by a change in colour of the render to a darker colour at first floor level. These design features contribute to ensuring the proposed extension would not adversely distort the scale or mass of the dwelling on the appeal site or neighbouring dwellings.
- The Development Plan specifically provides for contemporary extensions, as proposed in this instance.

- The modern aesthetic already exists within the locality, in the form of the timber clad cabin structure within the appellants rear garden space at number 37, Cill Dara Close.
- The precedent referred to by the appellants at number 12 Cill Dara Close, was permitted in 2003 and the rear roof area permitted under that proposal has subsequently been amended to provide improved headroom space at first floor level. Therefore, the extension as permitted did not provide for a pragmatic solution for the householder, although technically met the Building Regulation standards at that time.
- The design as presented is in accordance with good design and planning practice and accords with Development Plan standards. The presence of contemporary design with a flat roof presence is apparent in a number of neighbouring properties, including that of the appellants, (photographic images are included within the first party appeal submission).
- A true dormer extension was considered, but not deemed suitable, and a storey and a half construction were also considered, but that approach did not prove successful or practical for their neighbours within number 12, Cill Dara Close.

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 18, Cill Dara Close 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 Celbridge Local Area 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 would be respected. These matters will be addressed in detail below.

7.3. Layout & Design

- 7.3.1. The two-storey extension would replace the existing single storey kitchen return and would provide for a kitchen/living/dining room area at ground floor level and a master bedroom at first floor level. Two windows on the rear (northern) elevation are proposed at first floor level, one for the master bedroom and the other, a high-level window, would illuminate the stairwell area. The extension would have a contemporary style flat roof, consistent with a number of extensions within 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 extension is considered to respect the mass, form, and scale of the dwelling on the appeal site and that of the neighbouring dwellings. The first-floor bedroom extension, by virtue of its height and design would not result in excessive overlooking of neighbouring properties. There are no windows proposed within the eastern or western gables at first floor level. No submissions were received from the neighbours who reside immediately west or east of the appeal site.

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 appellants who reside in the residential property immediately north-east of the appeal site have raised a number of issues in relation to impacting upon their amenities by virtue of overlooking from the proposed master bedroom window within the rear elevation. It is noted that the appellants are proposing to insert two windows in the northern (rear) gable at first floor level. A certain level of overlooking would arise from the proposed master bedroom; however, I consider that the design would respect the amenities of neighbouring residents and that the extent of overlooking would not be excessive. There are existing 1.8 metre tall boundary walls along the perimeter of the rear garden area and a generous separation distance from the appellants property at 29.5 metres at its nearest point, in excess of Development Plan standards.

7.4.2. The design proposed, with its low-level height, set within the existing roof space and modest scale and having regard to the orientation of the development would not have a significant adverse impact upon the residential amenities of the neighbouring properties by reason of overshadowing and loss of light.

7.4.3. 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 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

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 28th day of September 2020 as amended by the further plans and particulars submitted to the Planning Authority on the 1st day of December 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 The external finishes of the proposed extension shall be in accordance with the details as submitted to the Planning Authority on the 28th day of September 2020.

Reason: In the interest of visual amenity.

- 6 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

Fergal Ó Bric
Planning Inspectorate

14th April 2021