



An
Bord
Pleanála

Inspector's Report

ABP-309688-21

Development	Demolition of sunroom and construction of single storey dwelling.
Location	No. 4 The Close , Oldtown Mill , Celbridge, Co. Kildare, W23 H023
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	201557
Applicant(s)	Jimmy and Noeleen Walsh
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Justin and Anne-Marie Molloy
Observer(s)	None.
Date of Site Inspection	15/05/21
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the western side of Celbridge in Co. Kildare, approx. 1.5km from the main street in the town. The site is located within a small cul-de-sac development of 6 bungalow dwellings, known as The Close, which is part of a wider area of development known as Oldtown Mill. The Close is accessed from the western side of Oldtown Road. The area is residential in character.
- 1.2. The site, which has a stated area of 0.1124 ha, comprises a detached bungalow dwelling with side conservatory (182.7 sqm in area), with a large side and front garden area, as well as large rear garden. The site is accessed off the existing hammerhead serving the cul-de-sac. The site is bounded to the west by a neighbouring two storey development, to the north by a small two storey apartment development, and to the east by an existing bungalow within the cul-de-sac.

2.0 Proposed Development

- 2.1. Permission is sought for removal of existing sunroom to existing house and construction of a single storey detached 3 bed dwelling (152.7 sqm in area), new boundary walls, vehicular entrance and car parking for new dwelling, and widening of existing entrance to the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council granted permission on 15th February 2021 subject to nine conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Proposal is acceptable in principle under zoning objective.
- The proposed development will not significantly adversely impact on neighbouring properties having regard to single storey nature of the

development, the layout and orientation of adjoining properties, and the distance to property boundaries.

- The proposed development is acceptable in terms of traffic safety.
- No issues raised in relation to Irish Water or water services.
- The report also includes an Appropriate Assessment Screening Report.

3.2.2. Other Technical Reports

Roads Department: No objection. Conditions recommended.

Water Services: No objection. Conditions recommended.

Area Engineer: No objection. Conditions recommended.

3.3. **Prescribed Bodies**

Irish Water – No objection subject to conditions.

3.4. **Third Party Observations**

One observation was submitted, the grounds of which is addressed within the submission to this appeal.

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **Kildare County Development Plan 2017-2023**

Variation 1 of the Kildare Development Plan (adopted June 2020) identifies Celbridge as a self-sustaining town.

Section 4 of the development plan refers to Housing.

Section 17 relates to Development Management Standards:

17.2.5 - 'where development of a significant height is located close to existing development, the planning authority may require daylight and shadow projection diagrams to be submitted'.

Table 17.4 sets out minimum floor area and storage requirements for dwellings.

Table 17.5 sets out minimum private open space requirements.

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

Zoning: B – Existing Residential/Infill, 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

5.3. **Natural Heritage Designations**

- 5.3.1. The subject site is not located within or adjacent to any designated European Site. The nearest such site is the Rye Water Valley/Cartron Special Area of Conservation (001398), which is situated approx. 3.2 km to the north of the site at its closest point.
- 5.3.2. The Royal Canal pNHA, Site Code 002103, lies approximately 3km to the north of the site. The Grand Canal pNHA, Site Code 002014, lies approximately 3.9km to the south east of the site. The Rye Water Valley/Cartron pNHA (is situated approx. 3.2 km to the north of the site.

5.4. **EIA Screening**

- 5.4.1. The proposal is for a new dwelling, with connection to the public water and wastewater network. Having regard to the nature and scale of the proposed development on zoned and serviced land and the nature of the receiving environment, 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

One appeal has been lodged by Justin and Anne-Marie Molloy of 17 The Court, Oldtown Mill. The grounds of appeal are summarised as follows and I have reviewed the photo and drawings attached:

- The proposed development would affect no. 17 The Court due mainly to loss of sunlight, overshadowing and loss of view.
- No. 17 benefits from early morning sun and there is a nice view to the east. The view will be blocked for the full extent of the 11m rear garden if the proposed dwelling is built.
- Considering the sun is lower in winter, autumn and spring, the proposed dwelling will have a serious impact on the amount of natural light/sun.
- An exempt velux rooflight if constructed would overlook the rear garden of no. 17, which will remove the private open space entirely. Attic conversion is also a real possibility.
- The proposed house if built would seriously injure/damage enjoyment of no. 17 and substantially reduce its value.

6.2. Applicant Response

None.

6.3. Planning Authority Response

The Planning Authority states that it notes the contents of the appeal and refers the Board to the PA's planning reports and report of the various technical departments. The PA respectfully requests that An Bord Pleanála uphold the decision to grant permission.

6.4. Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Residential Amenity
- Appropriate Assessment

Residential Amenity

7.2. The third party has raised concerns in relation to loss of sunlight, overshadowing, loss of view and loss of privacy, which would overall impact on the third party's enjoyment of their home and substantially reduce its value.

7.3. The existing bungalow dwelling at no. 4 The Close shares its western/side front and rear garden boundary with the existing two storey dwelling at no. 17 The Court (the appellant's site). Due to irregular shape of the application site and its location off the semi-circular turning circle at the end of the existing cu-de-sac, it has a large side and front garden, as well as rear garden area. The proposed single storey dwelling is positioned to the side of the existing dwelling on site, and along the side of no. 17 and its rear garden. The proposed dwelling is roughly L in shape, with an overall height of 5.4m, with the main ridge height along the main body of the dwelling being 5m. The dwelling is approx. 2m from the shared boundary with no. 17 The Court and there is a distance of approx. 3.54m between the gables of the dwellings.

7.4. While sunlight will be affected given the positioning of the site to the east of no. 17 The Court, I note the limited height of the dwelling and note the proposal will have no impact on the southerly or westerly access to sunlight. Any impact to sunlight would be limited to a short portion of the day and I do not consider overall the proposal will have a significant negative impact on the daylight or result in significant overshadowing.

7.5. The current outlook from no. 17 The Court will be altered, however, given the overall design and low height of the proposed dwelling, I do not consider this will result in a significant negative impact or be overbearing on the garden area of no. 17. I note the slope of the roof is away from no. 17 which will further mitigate its visual impact. I

further note the proposal does not impact on any protected views from the neighbouring dwelling. Given the dwelling is single storey in height I have no concerns in relation to overlooking and while the third party considers any additional rooflights or attic conversions could impact on privacy, the applicant is not proposing these design elements.

- 7.6. Having regard to the positioning of the proposed dwelling relative to no. 17 The Court, and the design and height of the proposed dwelling at 5-5.4m, I am of the opinion that the proposed dwelling will not have a significant negative impact on the neighbouring property in terms of loss of sunlight, overlooking, overshadowing or loss of privacy. I furthermore consider the proposal will not have a significant negative impact on the residential amenity of other dwellings within the cul-de-sac.
- 7.7. I note the concerns raised in the grounds of appeal in respect of the devaluation of their property. I note the extent of works proposed and having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.8. Overall, I consider the proposed dwelling in terms of its design and layout would provide for an acceptable level of residential amenity for future occupants and would not adversely affect the residential amenity of the existing dwelling on the site.

Appropriate Assessment

- 7.9. The site is not located within any designated site. The nearest such site is the Rye Water Valley/Carton Special Area of Conservation (001398), which is situated approx. 3.2 km to the south of the site at its closest point. The features of interest listed for this SAC include Petrifying springs with tufa formation (Cratoneurion), Vertigo angustior (Narrow-mouthed Whorl Snail) and the Vertigo moulinsiana (Desmoulin's Whorl Snail).
- 7.10. The site is not directly connected to this European Site or any other by any hydrological connection.
- 7.11. As the proposed development has no source-pathway-receptor to any European site, it does not have the potential to have an effect on any European site and there is no potential for it to have likely significant effects on any site in combination with

any other plan or project. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rye Water Valley / Carton SAC (001398), or any European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Kildare County Development Plan 2013-2019, the Celbridge Local Area Plan 2017-2023, the existing pattern of development in the area, and the nature and scale of the proposed single storey dwelling, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>This permission is for one residential unit only.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation of and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
5.	<p>The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The numbering/naming of the dwelling unit shall be agreed with the planning authority in writing prior to the commencement of development.</p> <p>Reason: In the interest of orderly development.</p>
7.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to</p>

	<p>be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
9.	<p>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.</p> <p>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.</p>

Una O'Neill
Senior Planning Inspector
16th May 2021