



An
Bord
Pleanála

Inspector's Report

ABP-310706-21

Development	Construction of new two storey, two-bedroom detached house.
Location	601 St. Mary's Park, Leixlip, Co. Kildare W23 F9P5.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	21472
Applicant(s)	Sabrina Cassells and Leonard Keogh
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Sabrina Cassells and Leonard Keogh
Observer(s)	None
Date of Site Inspection	25 th August 2021
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The site has an address at No. 601 St. Mary's Park, Leixlip, W23 F9P5. It is located within an existing residential estate, approximately 350m north of Leixlip town centre. The area is characterised by a mix of detached, semi-detached and terraced single storey, two storey and dormer style housing.
- 1.2. The site is a corner site that has been amalgamated from the front gardens of two adjacent properties, Nos. 601 and 602 St. Mary's Park, which are located to the west and south, respectively. The site comprises a stated area of approximately 270 sq m. It is flat and covered with rough gravel, loose stone chippings and a small amount of construction materials and debris. There is tall mature evergreen tree located in the northeast corner of the site which provides a degree of visual screening and vegetative cover.
- 1.3. Located opposite the site to the east is a large public green space. The surrounding houses are finished in a variety of finishes, and typically include driveways with off-street parking.
- 1.4. Access to the site is from an internal residential street from the east.

2.0 Proposed Development

- 2.1 Permission is sought for the construction of a new two storey 2-bedroom detached house comprising home office, attic storage, a dormer window to the front and rooflights to the rear. The proposal also comprises a new vehicular entrance to accommodate vehicular access and offstreet parking, and associated site and drainage works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on 3rd June 2021, for 1 no. reason, which stated that the proposed development, by reason of its design, failed to address the context of the site and respond to the prominent nature of this corner site; would have a negative impact on the streetscape; and result in inappropriate infill

development which would be contrary to landuse zoning objective 'B' ('Existing Residential & Infill'), which seeks to protect and enhance the amenity of the established residential communities.

3.2. Planning Authority Reports

3.2.1. Planning Report

The basis for the Planning Authority's Decision includes:

- The dwelling design and finish seeks to emulate the adjoining development within the estate rather than be of a contemporary design approach. This is not satisfactory.
- The proposed design is an inappropriate for the site and would have a negative impact on the streetscape. A more contemporary and innovative design response that address's the site's constraints would be more appropriate for this prominent corner site.
- There are similar sites in the area that could be similarly developed. Getting the correct design approach for this site is important as permitting such a development on this site may set a precedent for other infill opportunity sites.
- The proposed dormer window is considered out of keeping with the character with the existing dwellings along the street and would have a negative visual impact on the streetscape.
- Having regard to the siting, orientation and design of the dwelling it is considered that there would be a negligible overshadowing impact on the rear garden of the adjacent property to the south of the appeal site.
- It is considered that the proposed dwelling would potentially have an overbearing impact on the adjacent property to the south given the lack of separation from the shared boundary.
- No details have been provided regarding the materials or finishes of the boundary treatments or proposed planting. The private amenity space abuts the public footpath to the north, and neighbouring properties to the west and south.

- The Planning Authority has concerns regarding the location of the private open space.

3.2.2. Other Technical Reports

- Transportation Department: Recommends no objection, subject to conditions.
- Water Services Department: Recommends no objection, subject to conditions.
- Environment Section: Recommends no objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water: No report received.

3.4. Third Party Observations

None.

4.0 Planning History

Subject Site

ABP Ref. ABP-308281-20: The Board granted permission for the retention of an attic conversion to a storeroom and bathroom, installation of a new dormer window to the rear and insertion of a new rooflight at the front of the house.

5.0 Policy Context

5.1. Leixlip Local Area Plan 2020-2023

The site is zoned 'Objective B - Existing Residential & Infill' under the 'Leixlip Local Area Plan 2020-2023' (LAP), which seeks to protect and enhance the amenity of established residential communities.

Chapter 7 Housing and Community

Section 7.2 Residential Development: Capacity and Delivery:

- *(ii) Supporting intensification and consolidation within the existing residential and built-up area including redevelopment and infill opportunities, where appropriate.*

Section 7.4 refers to Residential Density, Mix and Design:

- *HC2: “It is the policy of the Council to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix”.*

5.2. Kildare County Development Plan 2017-2022

The Kildare Development Plan 2017-2022 recognises Leixlip as a ‘Large Growth Town II’ within the Metropolitan area of Dublin. It states that an objective is to direct population growth to the main urban centres of the County, with maximum growth focussed to the Metropolitan towns of Maynooth, Celbridge, Leixlip and Kilcock. This will be achieved by allocating a minimum of 35% of the total growth rate allocation for the county to these settlements, and the remaining 65% in the hinterland. This target will increase the share of the total population within the county from 25% in 2011 to 27% in 2023.

- Chapter 4 sets out Housing Policy in relation to inner suburban/infill sites.
- Chapter 16 sets out Urban Design Guidelines.
- Chapter 17 sets out Development Management Standards.

Objective SRO 1: *“To encourage the consolidation of existing settlements through well designed infill developments in existing residential areas, located where there are good connections to public transport and services and which comply with the policies and objectives of this Plan.”*

5.3. Natural Heritage Designations

No designations apply to the subject site.

The closest European site is the Rye Water Valley / Carton Special Area of Conservation (SAC) (Site Code: 001398) at a remove of approximately 300 metres to the west. The Rye Water Valley / Carton (pNHA) (Site Code: 001398), Liffey

Valley (pNHA) (Site Code: 000128) and Royal Canal (pNHA (Site Code: 002103) are each located approximately 300m, 600m and 650m to the west, south and north, respectively.

5.4. EIA Screening

Having regard to the nature the proposed development, which consists of a single infill residential dwelling within a fully serviced urban area, and its proximity to the nearest sensitive location, 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

A First Party Appeal against Decision to Refuse Permission has been lodged by the Applicant. The main grounds of appeal are as follows:

- Prior to the formal submission of the application, the Applicant had extensive consultation with the Planning Authority to ascertain what form of development proposal would likely be supported. Four concept options were shared with the Planning Department prior to making the planning application. Ultimately, the option selected and submitted as part of the application is the one now before the Board for consideration.
- The proposed development complies with the guidelines pertaining to Table 13 – 1(b) of the Land Use Zoning Objectives as set out in the Leixlip Local Area Plan 2020 – 2023, and has addressed the issues of building lines and boundary treatments. It is, therefore, compliant with the applicable land use zoning objective for the site ('Objective B').
- No observations or objections have been received from local residents.
- There is no issue with overlooking and the front of the site faces towards a large open green space ('Green Space').

6.2. Planning Authority Response

- The Planning Authority has reviewed the First Party Appeal and has no further comment of observation to make. The Board is referred to the Planning Report and reports of the various technical departments referred to during the assessment of the application.

6.3. Observations

- None.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Layout and Design
- Residential Amenity
- Appropriate Assessment

7.1. Layout and Design

- 7.1.1. Section 4.11 of the Development Plan states that the development of underutilised infill and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new infill residential development. The use of contemporary and innovative design solutions will be considered for infill and backland development and connections to the surrounding area and services should be identified and incorporated into proposals. The policy does not, therefore, require the development of infill sites to specifically utilise a contemporary design solution; rather this is an option that is available to the Applicant to pursue in a scenario where an alternative form of design and layout could lead to potential design issues, including, for example, non-compliance with the relevant development management standards. The main planning consideration, therefore, is whether the proposed development positively addresses its receiving context and if it ensures that the amenity and privacy of existing residential communities is protected.

- 7.1.2. The subject site is an infill site located within an established residential estate. It is a short walking distance to Leixlip town centre. The wider surrounding area consists of a mix of housing styles and there is no single prevailing building type or design. The overall style, appearance and scale of the proposed dwelling is comparable to the houses within its immediate receiving environment. This includes Nos. 601 and 602 St. Mary's Park, which adjoin the site to the west and south, respectfully.
- 7.1.3. The design of the proposed dwelling has a pitched roof with an overall height of 8.0m. It has a similar size, scale, and layout as the other houses on the street. The pitch and finish of its roof matches the existing pattern of residential development. Importantly, the proposed dwelling does not encroach past the established building line of either street and takes its lead from Nos. 601 and 602. There is space for two off-street car parking spaces at the front of the house, and it is noted that the Council's Transportation Department have raised no objection to the proposal.
- 7.1.4. The fenestration and arrangement of windows at the front of the house, and front entrance, are slightly different to other houses on the street. They could be said to adopt a more modern appearance. The information on the drawings (Proposed Front Elevation, Drwg. No. 180321/04) indicates that brickwork will be the primary façade treatment at the front of the house at ground level, for example. Therefore, the proposal offers a gentle diversity, but also respects the legibility of existing houses on the street. I consider that the design and layout of the proposed development is appropriate and in keeping with its surrounding context.
- 7.1.5. The proposal seeks permission for a large dormer window at its front elevation at second floor level. This would be out of character with the other dwellings in the area and would result in a negative visual impact on the streetscape. Such an impact would be exacerbated given the appeal site is situated at a prominent and highly visible corner location. It is, therefore, considered appropriate to omit this element of the proposed development via a condition.

7.2. Residential Amenity

- 7.2.1. The Development Plan (Section 17.2.4) protects against inappropriate overlooking of adjoining properties. In urban settings, it is generally acceptable for gardens to be overlooked by first floor windows where there is not a direct view. There are no direct views into No. 602 St. Mary's Park – which is parallel to the proposed new

house – or No. 601 St. Mary's Park, as the proposal faces towards the gable end of this dwelling.

- 7.2.2. It is noted that the first floor level windows between the proposed dwelling and No. 601 are offset and that the bathroom window will have obscure glazing. All side windows facing northwards towards the public road will also use obscure glazing.
- 7.2.3. Having regard to the site's eastwards orientation, and its layout, siting and physical relationship with adjoining properties and their rear gardens, it is considered that there would be negligible impact arising due to overshadowing either of No. 602 to the south, or No. 601 to the west.
- 7.2.4. In terms of potential for visual impact and overbearing, given the design and layout of the proposed dwelling – discounting the dormer window, which should be omitted via condition – there is no potential for significant overbearing or visual impact when viewed from adjoining properties, or from the wider vicinity. The scale and orientation of the development proposed is deemed to be keeping with the context of the established character and pattern of development in the vicinity. As such, the proposal would not be seriously injurious to the residential or visual amenities of adjacent properties and would be acceptable from a visual amenity perspective.
- 7.2.5. The minimum private open space requirement for a dwelling is 60 sq m, as derived from Table 17.5 of the County Development Plan. The proposal provides approximately 123 sq m of private open space and is, therefore, in accordance with this development management standard.
- 7.2.6. The proposed dwelling is sited approximately 3.5m at its nearest point from its western boundary with No. 601, which means limited garden space is available at the rear of the site. However, this is a product of the applicant seeking to respect the established building line along both streets with the result that the new house would be situated deep into the corner of the site. This allows the building to avoid sitting proud of either building line, and ensures that visual continuity would be retained along each street. As a result, the larger share of the private amenity space is situated at the side of the house abutting the public road to the north.
- 7.2.7. Given the site and layout constraints that apply in this instance, it is considered that locating the private amenity space in this location is acceptable. However, a condition should be attached requiring the Applicant to screen the private amenity

space from public view along both its northern and western boundaries. (The Applicant has provided relatively limited information on the submitted drawings in terms of specific, proposed finishes and materials, and boundary treatments. The provision of such detail should also be made a requirement by way of condition in the event permission is granted.)

7.2.8. It is noted that the Planner's Report raised concerns regarding the neighbouring properties to the south and west (Nos. 601 or 602), and that it was considered there would be a significant reduction in their private amenity space as a result of the proposed development. It is acknowledged that some of the space located behind the front building line associated with Nos 601 and 602 could potentially be absorbed into their private open space provision. However, the appeal site does not currently contribute to the provision of private amenity space for either property. Furthermore, the proposal is also not seeking to alter the rear gardens of the adjoining houses in any way. It is, therefore, considered that the proposed development would not result in a significant reduction of private amenity space for either of the adjoining properties.

7.2.9. In summary, it is considered that the provision of the proposed new dwelling in this infill location would optimise the use of residentially-zoned, serviced lands in proximity to Leixlip town centre, and that it is in accordance with national and local planning policy, including Section 7.2 'Residential Development: Capacity and Delivery' of the Leixlip LAP.

7.3. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, which is for a single infill dwelling in an established urban and serviced area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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 that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the *Kildare County Development Plan 2017-2022* and the *Leixlip Local Area Plan 2020-2023*, and to the nature, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 12th April 2021, except as may otherwise be required in order to comply with the following conditions.</p> <p>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.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The proposed development shall be amended to exclude the dormer window at its front (eastern) elevation. Revised drawings indicating the revised design shall be submitted to and agreed with the planning authority prior to the commencement of the development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3	<p>Privacy screens shall be provided along the west and north boundaries of the site to screen the private amenity space ('rear garden') from public view. Such screens shall be two metres in height above ground level. Revised drawings indicating the revised design shall be submitted to and agreed with the planning authority prior to the commencement of the development.</p> <p>Reason: In the interests of visual and residential amenity.</p>

4	<p>Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
5	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 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>
6	<p>Water supply and drainage arrangements, including the 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.</p>
7	<p>a) The Applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.</p> <p>b) All development shall be carried out in compliance with Irish Water Standards codes and practices.</p> <p>c) Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.</p> <p>d) Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.</p> <p>Reason: To ensure adequate provision of water and wastewater facilities.</p>
8	<p>The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of</p>

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 the 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 developers 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.

Ian Boyle
Planning Inspector

13th September 2021