



An
Bord
Pleanála

Inspector's Report

ABP-311436-21

Development	Retention of dwelling alterations and existing sun lounge (extension) at rear of house
Location	No. 15 Standhouse Lawns, Newbridge, Co. Kildare, W12 XF66
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	211061
Applicant(s)	Declan Garrett
Type of Application	Retention
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Declan Garrett
Observer(s)	None
Date of Site Inspection	12 November 2021
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The site has an address at No. 15 Standhouse Lawns, Newbridge, Co. Kildare, W12 XF66. It is located within a residential estate, approximately 850m east of Newbridge town centre. The site accommodates an existing two-storey, semi-detached house, which has been extended and modified over the years.
- 1.2. The site is on a corner and the front entrance of the property faces northwards onto a cul-de-sac. The eastern gable end of the house, with its various additions, is visible from an internal access road that leads south to Standhouse Road. The access road in turn travels eastwards and on towards Newbridge town centre.
- 1.3. The area is mainly characterised by a mix of detached, semi-detached and terrace housing.
- 1.4. The site comprises a stated area of approximately 250sqm.

2.0 Proposed Development

- 2.1. The proposed development is for the retention of dwelling alterations and an existing sun lounge (single storey extension) at the rear of the house, comprising:
 - Dwelling modifications; including the removal of a side door and its replacement with a window, the removal of patio doors and a single door from the previous kitchen wall in the main house to facilitate a larger kitchen, relocation of a single door to ground floor WC, and installation of a new window at first floor ensuite at the northwest facing elevation.
 - The existing sun lounge is a single storey extension at the rear of the house. It is approximately 18sqm and has a pitched fibreglass roof with 2 no. rooflights.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a split Decision on 13th September 2021, which granted retention permission for the dwelling modifications and refused retention permission for existing sun lounge (single storey extension).

3.2. Planning Authority Reports

3.3. Planning Reports

- The Planner's Report considered that the dwelling alterations, which include the removal of a side door and its replacement with a window, the removal of patio doors and a single door at groundfloor to facilitate a larger kitchen, the relocation of a single door to ground floor WC, and new window at a first floor en-suite were acceptable.
- It stated that the proposed retention of the sun lounge (single storey extension) would be overdevelopment of the site.
- The architectural design of the extension was deemed to be acceptable, as it does not adversely distort the scale or mass of the existing house or the surrounding properties. However, the previous extension of the house, together with the existing sun lounge, significantly reduces the amount of private open space (POS) available to the dwelling. For this reason, the sun lounge extension was considered overdevelopment of the site and contrary to the proper planning and sustainable development of the area.
- The Planner's Report recommended that retention permission be refused for the sun lounge element of the application.

3.4. Other Technical Reports

Area Engineer: No objection, subject to conditions.

Water Services Department: No objection, subject to conditions.

3.5. Prescribed Authorities

Irish Water: No objection, subject to conditions.

4.0 Planning History

Reg. Ref. 97/323: The Planning Authority GRANTED permission for a single storey extension at the rear of the existing house on 15th May 1997.

5.0 Policy Context

5.1. Newbridge Local Area Plan

- 5.1.1. The site is zoned 'B – Existing Residential' under the Newbridge Local Area Plan 2013-2019, extended to 2021 ('LAP'). The LAP states that the purpose of this zoning 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"*.
- 5.1.2. The zoning principally covers existing residential areas in the county and provides for infill development within such areas. The primary aim of the zoning objective is to preserve and improve residential amenity and to provide for further infill residential development at a density that is considered appropriate to the area.

5.2. Kildare County Development Plan

- 5.2.1. The current Development Plan is the *Kildare County Development Plan 2017-2023* ('Development Plan'). The following policy sections are relevant:
- 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, where Section 17.4 deals with Residential Development.
- Table 17.5 Minimum Private Open Space Requirements for Dwelling Houses.

5.2.2. Policy DL 1: *“Promote a high quality of design and layout in new residential developments and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.”*

5.2.3. 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 natural designations apply to the subject site.

The closest European site is Pollardstown Fen (SAC) (Site Code: 000396), which is approximately 735m to the west.

Pollardstown Fen pNHA (Site Code: 000396) is situated roughly 745m to the west.

The Curragh pNHA (Site Code: 000392), is roughly 1.4km to the south.

Mouds Bog pNHA (Site Code: 000395) and SAC (Site Code: 002331) is approximately 3.4km to the north.

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:

- The Appeal relates solely to the Council’s Decision to refuse permission for the retention of the existing sun lounge (extension).
- The existing sun lounge does not result in any form of environmental or town planning impact.

- The Planning Authority does not object to the principle of the extension in this location and does not consider it to be unduly large, or that the structure affects the amenities of neighbouring residential properties in terms of overlooking, overshadowing or visual intrusion.
- In this regard, the Applicant cites the following extract from the Planning Officer's Report: "*the architectural design of the sun lounge is deemed to be acceptable as it does not adversely distort the scale or mass of the existing dwelling or surrounding properties*". Therefore, the issue is not of concern to the wider public and the concerns expressed by the Planning Authority are related solely to the Applicant's own enjoyment of his property.
- The Planning Authority is concerned that there has been a loss of residential amenity, which results from the removal of space from the Applicant's own rear garden. However, this is not an issue for the Applicant himself.
- It is a matter for individual householders to decide how to use their own property after the construction process has been completed. The planning code should only intervene where particular works would adversely affect the residential amenity of other residents, or the appearance of the streetscape. In this case, neither applies. [Various, previous planning appeal cases are cited to support the Applicant's argument, including ABP Refs. PL29N.203921 and PL 29N.210621.]
- New dwellings are generally required to have a minimum area for private open space; for example, 3-bedroom houses require 60sqm. However, the Applicant states that the existing garden for the subject site, which includes a BBQ entertaining area, outdoor furniture, and a rack for cultivating small plants is adequate to suit his needs. [In this regard, photographs are appended to the rear of the appeal submission.]
- The Planning Authority's assertion that the sun lounge represents overdevelopment of the site is solely based on the size of the garden for the site, and not due to any potential adverse impact on adjoining properties.

6.2. **Planning Authority Response**

- No further comments or observations to make. Refer to Planning Officer's Report.

6.3. **Observations**

- None

7.0 **Assessment**

The main planning considerations relevant to this appeal are:

- Adequacy of Private Amenity Space
- Residential Amenity
- Appropriate Assessment

7.1. **Adequacy of Private Amenity Space**

- 7.1.1. The Planner's Report states that the previous extension of the house, together with the existing sun lounge, has significantly reduced the amount of private open space available onsite. The sunlounge extension was, therefore, deemed to be overdevelopment of the subject site and retention permission was refused by the Planning Authority for this element of the proposed development.
- 7.1.2. I note that the application documentation does not state the area of private amenity space that currently exists onsite. The site accommodates a 4-bedroom house, which, according to the Development Plan (Table 17.5) requires a minimum of 75sqm of POS for a new dwelling. This does not remove the possibility of subsequent extensions or physical alterations to the permitted house, which could potentially reduce the size of the rear garden area.
- 7.1.3. The Applicant has submitted a series of photographs demonstrating how the space is used. The area provides a reasonable level of amenity in my view and, despite being relatively small in size, accommodates a garden shed, BBQ area, outdoor furniture, a sheltered plant stand, and varying sizes of potted plants. It is south-

facing, thus, maximising the amount of sunlight entering both the garden and sunroom.

- 7.1.4. The garden is enclosed by high, good-quality boundary walls, as required by the Development Plan and I am satisfied that the privacy of the garden is not in any way compromised by the sunroom. There is also adequate space within the side passage to store outdoor wheelie bins for safe and convenient refuse storage and collection.
- 7.1.5. In my opinion, the presence of the sunroom extension does not result in an overdevelopment of the site. Whilst the rear garden is relatively small, I do not consider that there would be no discernible gain in amenity were it removed. It is also considered that the sun lounge provides a residential amenity in its own right and has been designed to function as an additional living area connecting the main part of the house with the rear garden.
- 7.1.6. In summary, I do not consider that the sunroom constitutes overdevelopment of the site and recommend that retention permission be granted.

7.2. Residential Amenity

- 7.2.1. I have examined the sunroom in terms of its potential for visual and residential amenity impact, overlooking and overshadowing on surrounding properties.
- 7.2.2. In terms of potential visual obtrusiveness, I note that the appeal site is situated at the end of a row of semi-detached house and the sunroom is visible from an internal residential estate road to the east. However, the building is single storey and has an overall height of roughly 3.5m at the apex of the pitched roof. It has an eaves height of 2.5m approximately. The building materials are a mixture of contemporary and traditional with a render finish wall and fibreglass roof.
- 7.2.3. In terms of visual obtrusiveness, I consider that the scale, height and building style of the extension is in keeping with the context of the established character and pattern of development in the vicinity, which mainly comprises two-storey residential houses. The proposal would not be out of character with the other forms of development in the area, in my view, and neither would it result in a negative, visual impact on the streetscape. It is further note that there is no unacceptable overlooking or overshadowing of rear gardens associated with adjoining residential properties. The

rooflights are at an angle on a pitched roof and all other windows are at groundfloor level.

- 7.2.4. In summary, the sun lounge extension is an acceptable form of development in terms of visual and residential amenities.

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the proposed development, which is for retention of an existing sun lounge and retention of design modifications to an existing dwelling, 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**

- 9.1. Having regard to the provisions of the *Newbridge Local Area Plan 2013-2019, (as extended to 22nd December 2021)* and the *Kildare County Development Plan 2017-2023*; and to the size, scale, design and location of the proposed development, which is consistent with the character and form of the existing dwelling and surrounding area, it is considered that, subject to compliance with the conditions set out below, the retention of the sun lounge and dwelling modifications would not seriously injure the residential amenities of property in the vicinity or constitute overdevelopment of the subject site. 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, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<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>

Ian Boyle
Planning Inspector

15th December 2021