



An
Bord
Pleanála

Inspector's Report ABP-311910-21

Development	Extension to side of house and associated site works.
Location	1 The Drive, Moyglare Hall, Maynooth, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	211298
Applicant(s)	John and Marie Healy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	John and Marie Healy
Observer(s)	
Date of Site Inspection	6 th January 2022
Inspector	Alaine Clarke

1.0 Site Location and Description

- 1.1. The subject site is located within Moyglare Hall, a large and recently completed housing estate approx. 1km north of the Maynooth town centre. The site is located at No. 1 The Drive, a short cul-de-sac, south of the distributor road serving Moyglare Hall estate. The site is located to the front of the estate. The estate is characterised by a mixture of two and three storey houses, generally semi-detached or detached units, with terraced units generally located further into the estate.
- 1.2. The site measures an area of circa 0.04ha and comprises a three storey detached unit, with a two storey front projection and dormer window at second floor. The ground floor front elevation is finished in brick, the remainder of elevations are finished in napp plaster. A c. 2m wall bounds the site along the distributor road/northern site boundary. There are wooden gated entrances located immediately north and south of the house which presently serves as accesses to the rear of the property.

2.0 Proposed Development

- 2.1. The proposed development is for a single storey extension, comprising a bedroom and ensuite and measuring c. 18.9 sq.m. to the north of the house. An A-frame gable extension is proposed, with a maximum height of c. 3.5m which would abut the northern boundary along the principal road serving the estate.
- 2.2. An internal connection to the principal residence is proposed via an interconnecting door between the kitchen and the proposed bedroom.
- 2.3. An external door is proposed direct from the bedroom on the western elevation to what would become a yard area. This yard area, as existing, is enclosed behind an existing wooden gated entrance. It is proposed to maintain the gated entrance such that the access door and new extension will be behind the gate.

3.0 Planning Authority Decision

3.1. Decision

On the 26th October 2021 Kildare County Council issued a notification of decision to grant permission subject to 8 no. of conditions. Relevant conditions are as follows:

2. The proposed front door to the extension shall be omitted. Prior to the commencement of development. The applicant shall submit revised drawings for the written agreement of the Planning Authority indicating the omission of the door and its replacement with a window.

Reason: To ensure that the development strictly accords with the permission and planning policy relating to extensions and family flats.

4. The existing dwelling and the proposed extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold or let as a separate dwelling unit. The overall dwelling shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

Reason: In the interest of public health.

5. All external finishes shall harmonise in colour and texture with the house to which it is attached.

Reason: In the interests of visual amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the location of the site, the relevant development plan policy, and the zoning of the site. The report notes that the extension appears as a separate unit by reference to the proposed front door. Recommends that permission is granted subject to omission of the front door and its replacement with a window.

3.2.2. Other Technical Reports

- Roads, Transportation and Public Safety Dept.- no objection.

- Water Services Dept. - No objection subject to condition.
- Maynooth Municipal District Office – no objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. Irish Water

- No objection subject to conditions.

3.4. Third Party Observations

None received.

4.0 Planning History

- PL09.243724 (KCC 14/73): granted planning permission for 112 no. residential units and a creche.
- PL09.206437 (KCC 02/2491) granted planning permission for 538 no. residential units, 3 local shops and a crèche. The development was not completed prior to the expiration of permission.

5.0 Policy Context

5.1. Kildare County Development Plan 2017-2023 incorporating Variation no.1.

- 5.1.1. Development plan Variation No. 1, adopted 9th June 2020, had the primary purpose to align the County Development Plan with the National Planning Framework (NPF) and RSES. The revised Settlement Hierarchy identifies Maynooth as a Key Town at the top of the hierarchy along with Naas.

5.1.2. Section 4.11 of the development plan deals with residential development in established urban areas – in infill, backland, subdivision of sites and corner sites. With respect to extensions to dwellings the following is stated:

“Domestic extensions are an effective way for homeowners to adapt to changing household needs without having to move house. The design, scale and layout should have regard to the amenities of adjoining properties, particularly as regards overshadowing and privacy.”

5.1.3. It is a stated objective to:

“SRO 3 Facilitate the extension of existing dwellings in accordance with the standards set out in Chapter 17 of this Plan.”

5.1.4. Section 17.4.8 of the development plan sets out the principles that should be applied to extensions, including:

- *“The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties.*
- *The extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties.*
- *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.”*

5.2. Maynooth Local Area Plan 2013-2019 incorporating Amendment no.1.

5.2.1. Zoning

The site is zoned as ‘C1 New Residential’. The stated objective of this zoning is to provide for new residential areas. This zoning provides for new residential development areas and for associated local shopping and other services incidental to new residential development.

5.3. Natural Heritage Designations

The site is located c. 1.1km west of the following designated sites:

Rye Water Valley/Carton proposed Natural Heritage Area (pNHA) (site code 001398)

Rye Water Valley/Carton Area of Conservation (SAC) (side code 001398)

The site is located c. 1.1km north of the Royal Canal pNHA (site code 002103).

5.4. Environmental Impact Assessment

A pre-screening exercise has been carried out. The proposed development is not of a class (Schedule 5, Part 1 or 2 of the Planning Development Regulations, 2001 (as amended)). No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is accompanied by photographs and a drawing indicating the yard area that will be enclosed if the extension is development. The grounds of appeal can be summarised as follows:

- relates to a specific condition relating to the required removal of the proposed 'front door';
- proposed door access is not a front door but an access point to the yard from the extension;
- the door will not be visible to the public;
- no access to the yard area will mean that access can only be gained via the front door. This is not practical as it is used for drying clothes, bin storage;
- access to this yard from the rear will be cut off by the proposed extension;
- other houses in the area have similar doors;

- the access door will provide an additional means of escape if needed.

6.2. **Planning Authority Response**

The response from Kildare County Council indicates that it has no further comment to make on the appeal.

6.3. **Observations**

None received.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of the Development / Appeal Against Condition,
- Merits of Condition No. 2,
- Appropriate Assessment.

7.1. **Principle of Development / Appeal Against Condition**

- 7.1.1. The first party appeal seeks to appeal against Condition No. 2 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition No. 2 requires the front door to the extension shall be omitted and replaced with a window and that prior to commencement revised drawings shall be submitted for the written agreement of the planning authority.
- 7.1.2. I am satisfied that the proposed development is in accordance with the residential zoning of the lands and conforms with the development plan policy of the area, in particular section 17.4.8 relating to relevant standards for domestic extensions.
- 7.1.3. I note that no concerns have been raised by the Planning Authority regarding the impact on residential amenities for residents of the subject site or that of adjoining

properties. To this end I note that the bedroom size meets minimum standards, and that sufficient private open space remains to the rear of the property.

- 7.1.4. Following my examination of the planning file and grounds of appeal and having regard to the scale, design of extension and impact on residential and visual amenity, I consider it appropriate that the appeal should be confined to Condition No. 2 only. Accordingly, I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that the Board should determine the matters raised in the appeal only in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. Merits of Condition No.2

- 7.2.1. In relation to condition no. 2, the Planning Officer notes the 'elevations submitted indicate a front door to the bedroom and as such appears somewhat like a separate unit. It is considered the door should be omitted and replaced with a window.'
- 7.2.2. The appeal makes the case that the door is not a 'front' door and will be used to access a yard area behind the front gate of the house and that the door is not visible from public view behind the wall and gate. The appeal further states the alternate side access (south of the house) is not wide enough to accommodate bin storage and that the removal of the proposed door would require access to the yard area across the front of the house.
- 7.2.3. I consider that the applicants present a reasonable and logical argument for the proposed door based on practicality; by being able to gain direct access from the side of the house to the yard area. It is also of relevance that the proposed door would not be visible to public view being located behind an existing gate.
- 7.2.4. As the proposed access door would not be visible from public view, I have no concerns relating to the visual impact of same. The location of the extension behind the front building line will further assist with screening the proposed development and any access door to same.
- 7.2.5. Whilst I acknowledge the concern by the Planning Authority relating to family flats and subdivision of units it is noted that this concern is protected by condition no. 4 of

the decision. I therefore recommend that the Board use its powers under Section 139 of the Act, as amended, to remove condition number 2.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the proposed extension to an existing house in a built-up suburban area, the duration of construction which would be limited, and having regard to the location of the development c. 1.1km from the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 the Planning Authority be directed to REMOVE condition no. 2 for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern and character of development in the area, to the detached nature of the property and the location of the proposed extension behind the front building line with gated access, it is considered that the proposed door, by reason of its nature, design, and function, would not detract from the character of the existing dwelling or the visual amenities of the area, and would not detract from the residential amenity of the existing dwelling or adjoining properties. Therefore, the planning authority's Condition No. 2, requiring the omission of the door and its replacement with a window, is not warranted.

Alaine Clarke
Planning Inspector

10th January 2022