



An
Bord
Pleanála

Inspector's Report

ABP-312114-21

Development	The construction of a first-floor extension to the rear of the existing dwelling
Location	32 Greenmount Park, Newbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	211040
Applicant	Josephine Ryan.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brendan and Deirdre Duane
Observer(s)	None
Date of Site Inspection	22 nd February 2022
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.0277ha, it is located within the residential development of Greenmount Park, which is situated to the south of Newbridge, on the southern side of the M7, c700m to the southeast of Junction 12.
- 1.2. The site comprises a semi-detached dormer dwelling with a double hipped single storey extension to the rear. The existing dwelling has a stated GFA of 136sqm and a ground to ridge height of 6.82m. The main body of the dwelling has a pitched roof, with existing first floor accommodation served by a dormer window to the front and rooflights to the rear.
- 1.3. The rear garden is east facing with a depth of c9.2m. The garden is tiered; the lower tier is level with the finished floor level of the dwelling while the upper tier, accessed by steps, is c0.9m above the finished floor level. There are two structures positioned on the upper tier comprising a large playhouse and garden shed.
- 1.4. The rear garden area is bounded by concrete post and timber panelled fence to the north and south. The eastern / rear boundary is delineated by a concrete block wall which is heavily overgrown with vegetation. This wall is constructed to a height of c1.65m on the applicant's side and in accordance with the details on file, is 2.15m high on the opposite side, the appellants property.

2.0 Proposed Development

- 2.1. Permission is sought to construct a first-floor extension, with a stated GFA of 34.82sqm, to the rear of the existing dormer dwelling. The extension is to be constructed over an existing single storey projection to the rear of the dwelling and incorporates a flat roof approximately 1.3m lower than the ridge of the pitched roof of the main dwelling.
- 2.2. The design of the extension was amended at further information stage to address the concerns of the Planning Authority relating to its bulk and scale and potential overlooking of adjacent properties.
- 2.3. As amended the roof structure is to be finished in raised seem metal cladding. The rear gable wall, finished to match the existing dwelling, incorporates two projecting

angled windows, which have been orientated in opposite directions so that they face into one another.

- 2.4. The application is accompanied by letters of agreement between the applicants and the adjoining property owners (31 Greenmount Park), regarding the shared boundary wall.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council, by order dated 12/11/2021, decided to grant permission for the proposed development (as amended) subject to 9no conditions. The conditions are generally of a standard nature, the following is noted:

- Condition 3 relates to external finishes
- Condition 4 states that the Eastern Boundary wall shall be a maximum of 2m in height
- Condition 9 restricts the hours of operation for site development works

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made and the comments of the interdepartmental sections. Their report includes regard to the following:

Initial Report Dated 2nd September 2021

- They consider that the proposed 5.58m high wall to the side could be overbearing to the adjacent property and that a pitched roof with velux roof lights would have less of an impact
- They note that it would appear that the 22m separation distance between the proposed east elevation first floor windows and the first-floor window of the opposing dwelling is achievable.

- They note the difference in ground levels on either side of the party wall with the property to the rear and that the proposal to attach a 1.2m timber screen onto the boundary wall would result in a section of boundary wall c3.35m high on the appellants property.
- They consider that the proposed development may cause undue impacts to the residential amenity.
- They recommended that further information be sought on the design of the extension and the omission of the timber screen on the eastern boundary (alternative proposals requested).

Report on further information 11/11/2021

- They note the revised extension arrangement which tapers the side elevation creating a slightly narrower profile; the introduction of standing seam metal cladding on side elevations to help reduce the massing of the extension; the provision of high-level window on the side and 2no angled bay windows on the rear elevation.
- They consider that some visibility may be afforded to adjoining property but that this would be minor.
- They note that there was no reference in the further information response regarding the boundary wall. they consider it reasonable to include a condition allowing for an increase to the boundary to a maximum of 2m in height.
- They conclude that the proposed works are at a scale and nature appropriate to the existing residential nature of the site and recommend that permission be granted subject to condition

3.2.2. Other Technical Reports

Municipal District Engineer: No objection subject to condition

Transportation and public safety: No objection subject to condition

Water Services: Recommends condition re: discharge of surface water

3.3. Prescribed Bodies

Irish Water No objection subject to condition

3.4. Third Party Observations

The Planning Authority received two submissions in respect of the proposed development from:

- Brendan and Deirdre Duane (the appellants)
- Liam Clarke of the adjoining property, 33 Greenmount Park

The majority of the issues raised in the submission were covered in the grounds of appeal. The following additional points are noted:

- Concerns raised regarding the accuracy of the side elevation in respect of the height of the boundary wall shown
- Objection raised to the erection of a 1.2m high wooden lath screen which would increase the height of the shared boundary wall and which would be out-of-line with the existing boundary on the appellants side

4.0 Planning History

There is no recent / relevant planning history on site.

5.0 Policy Context

5.1. Kildare County Development Plan 2017-2023

- 5.1.1. Section 4.11 of the County Plan is titled- 'Residential development in established urban areas - infill, backland, subdivision of sites and corner sites.' In relation to 'Extensions to Dwellings' this section states- '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.'

Section 4.11 also sets out the following relevant Council objective-

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

5.1.2. Chapter 17 sets out Development Management Standards. The following sections are relevant to the proposed development:

Section 17.2.4 Overlooking

In general, a minimum distance of 22 metres between opposing above ground floor level windows is required for habitable rooms. In cases of innovative design where overlooking into habitable rooms does not occur, this figure may be reduced.

Section 17.2.5 Overshadowing

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. The recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 1991) or Lighting for Buildings Part 2 1992: Code of Practice for Day Lighting B.S. 8206 and any updates to these documents should be followed as a minimum in this regard.

Section 17.4.8 refers to extension to Dwellings:

Primarily, 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, particularly as regards sunlight, daylight and privacy. The following basic principles shall be applied:

- *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. 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.*

5.1.3. **Newbridge Local area Plan 2013-2021**

The site is zoned B: Existing Residential /infill. The objective for this zone is:

‘To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services’.

This zoning principally covers existing residential areas. The zoning provides for infill development within these residential areas. The primary aim of this 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. Ministerial Guidelines:

DoEHLG- Quality Housing for Sustainable Communities Best Practice Guidelines 2007.

These guidelines generally refer to new residential developments, however it is noted that Section 5.3 deals with Internal Layout and Space Provision.

With respect to windows the guidelines state “*The size, shape and location of windows should be designed to obtain optimal benefit from available views, with due regard for the need for privacy*”

As regards bedroom sizes the Guidelines state- ‘*The area of a single bedroom should be at least 7.1m² and that of a double bedroom at least 11.4m².*’

This is considered the minimum standard for quality bedroom living space.

5.3. Natural Heritage Designations

The site is not located within or adjoining any sites of natural heritage. The nearest Natura 2000 site is the Pollardstown Fen which is located c2km to the northwest. The Curragh NHA is located c0.5km to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed internal design and layout of the proposed extension would lead to unsustainable and inadequate standard of living for occupants of the house.
- The floor areas of existing and proposed bedrooms fall below the standards set out in Quality Housing for Sustainable Communities.
- The proposed window arrangements, whilst designed to prevent overlooking render the proposed bedrooms dark with an inadequate level of daylight and sunlight to habitable rooms

- The proposed first floor extension due to its scale, mass, height, and size of the would impact upon the amenities of adjoining properties by way of overbearing, loss of light and overlooking.
- The proposed first floor extension will create an over-bearing and visually dominant architectural element in the landscape and will be incongruous to the existing pattern of development in the area
- The precedent set by the proposed development would de-value and depreciate the value of property in the area
- The proposed development would be contrary to the design criteria for residential extensions as set out in the Kildare County Development Plan

6.2. Applicant Response

The following points were raised in the response to the appeal submitted on behalf of Josephine Ryan.

- The definition of a habitable room as set out in Technical Guidance Document B of the building regulations has been interpreted incorrectly by the appellant. the 6.5sqm floor area relates to kitchens and not bedrooms. Rooms of any size, used for sleeping are habitable rooms
- The appeal submission states that room sizes are regulated under Quality Housing for Sustainable Communities (QHSC), which is disputed. They are guidelines only and do not have to be follows strictly or absolutely.
- While one bedroom may not reach the recommended area, the overall area of the 4 bedrooms (44.5sqm) exceeds the recommended aggregate area set out in the QHSC of 43sqm
- The two additional bedrooms are single bedrooms not double and therefore are not below size.
- The design of the extension is based on the needs of the family living within the house, their budget and their functional requirements and alterations due to the planning process.

- The assertion that the proposed development would result in a loss of sunlight and daylight to no 33 Greenmount is unfair without providing technical factual information. Note that No.33 had the right to appeal but did not do so.
- They note the objection to the window design at the rear and also that the original proposal to provide additional privacy to the appellant by fitting a privacy screen to the existing boundary wall was objected to. the applicants are happy to accept a condition to alter these windows and increase the height of the wall as suggested in the Planners report or to construct a new wall on the applicant's side, whilst underpinning the existing boundary wall.
- The appellant's opinion that there will be inadequate daylight in the bedrooms is an opinion unsupported by any relevant technical facts
- Section 17.2.4 of the Kildare County Development Plan allows innovative design to prevent overlooking
- Reference is made to the report of the County Council planner in relation to concerns raised regarding the scale, mass, incongruity etc of the proposed development
- Note that very properties on Greenmount Park would be within the overlooking distances set out in Chapter 17 of the CDP.

6.3. **Planning Authority Response**

Kildare County Council's in their response notes the contents of the appeal however they have no further comments or observations to make. They request the Board to uphold the decision of the PA to grant permission subject to condition.

7.0 **Assessment**

- 7.1. I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. I consider that the key issues for consideration are:

- The design of the proposed extension and its impact on the visual amenities of the area and the residential amenities of adjoining properties.
- The internal design and layout of the proposed development and the quality of the internal space provided

7.1.1. These issues will be assessed under the following headings:

- Visual and Residential Amenity
- Internal Design and Layout
- Devaluation of Property
- Appropriate Assessment

7.2. Visual and Residential Amenity

7.2.1. The applicants are seeking permission to construct a first-floor extension to the rear of the existing dormer dwelling. The appellants are concerned that the extension as proposed will create an over-bearing and visually dominant architectural element in the landscape and will be incongruous to the existing pattern of development in the area.

7.2.2. The construction of a large gable element to the rear of the existing dormer dwelling would alter the design and character of the rear elevation and introduce a new architectural form to the local roofscape however I would not consider that an extension of the design and scale proposed would have a significant negative impact upon the visual amenities of the area.

7.2.3. The extension is to be constructed over an existing single storey projection to the rear of the dwelling, it will not increase the footprint of the existing dwelling or extend beyond the established rear building line. The extension is located wholly to the rear of the existing property and is designed so that the level of the roof of the existing sits c1.3m below the ridge line of the existing dwelling. I would therefore consider the scale and mass of the proposed extension to be compatible with that of the existing dwelling.

- 7.2.4. The tapered sides along with the raised seam metal cladding introduced to the design at further information stage do in my opinion help reduce the overall mass and visual dominance of the extension while also alleviating any overbearing impact on adjoining properties. While the extension would be visible from the rear of neighbouring properties, I do not consider this factor alone sufficient to conclude that it would be incongruous to the existing pattern of development in the area.
- 7.2.5. The extension will be constructed on the boundary wall with the adjoining property to the south (31 Greenmount Park). Having regard to the orientation and height of the proposed extension at 5.58m, I consider that any additional shadow would be minimal and would fall onto the roof of the existing single-story addition to the rear of No. 31. Similarly, in respect of the adjacent property to the north, 33 Greenmount Park, I consider the height and design of the proposed extension, and the fact that it is set back from the property boundary, to be sufficient to ensure that the proposed development would not overshadow or diminish daylight to No. 33 in a manner as to seriously injure the amenity or depreciate the value of that property.
- 7.2.6. As previously noted, the design of the extension was amended at further information stage in order address concerns of potential overlooking of adjacent properties. The revised design, which includes the use of high-level windows, angled windows and opaque glazing, is in my opinion sufficient to ensure that the privacy of adjoining properties is adequately protected. The quality of the internal space provided and its impact on the residential amenities of the occupants of the extended dwelling shall be discussed later in this report.
- 7.2.7. In conclusion, while I acknowledge that the proposed development would alter the design and character of the existing dormer dwelling, I consider that the proposed extension is acceptable in terms of its scale, mass and form and would not have any undue adverse impact on adjoining properties.

7.3. Internal Design and Layout

- 7.3.1. At present, the first floor of the existing dwelling currently accommodates 2no bedrooms, one of which is served by an en-suite bathroom. The proposed first floor

extension would provide for 2no additional bedrooms and 2no. additional bathrooms. The proposed extension would however result in one of the existing bedrooms being significantly reduced in size to c5.5sqm, which would be below the recommended floor area of at least 7.1 m² for a single bedroom as set out in the DoEHLG 2007 Quality Housing for Sustainable Communities Best Practice Guidelines. In addition, I consider that the level of residential amenity afforded to this bedroom would be further diminished by the fact that its only window is to be fitted with obscure glazing.

7.3.2. In accordance with the details submitted in support of the application, the 2no additional bedrooms provided for within the proposed extension are single bedrooms and not double bedrooms as the floor plans would indicate. As single bedrooms they would at c10.6sqm, exceed the recommended floor area of 7.1sqm as set out in the DoEHLG 2007 Quality Housing for Sustainable Communities Best Practice Guidelines.

7.3.3. Each of these bedrooms is to be served by a projecting angled window. These windows were introduced to the design at further information stage in order to address concerns of overlooking of neighbouring residential property to the rear (east). While I note that County Development Policy encourages alternative design concepts and contemporary design solutions and while I agree that angled windows can be offer a suitable design solution to address issues of overlooking, I am not satisfied that it would offer an appropriate solution in this case. The proposed windows are designed so that the main panel of each window is finished in raised seamed metal cladding while the smaller glazed section of the window is angled to facilitate only oblique side views, in this case the windows are angled to face into each other. On this issue I share the concerns of the appellant that this arrangement would severely limit the level of daylight and sunlight afforded to these bedrooms. I also consider that these windows are unlikely to provide an adequate outlook for occupants and would thus provide an unacceptable level of residential amenity.

7.3.4. In light of the issues raised above I would be of the opinion that the development as proposed would be substandard in its provision of a 'good quality living space' and I consider that permission should be refused on this basis.

7.4. Devaluation of Property:

7.4.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions 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

7.5. Appropriate Assessment:

7.5.1. Having regard to the modest scale of the proposed development, the likely emissions therefrom, the availability of public water and sewerage and the separation distances from any European site I am satisfied that 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

8.1. I recommend that planning permission for this development be refused

9.0 Reasons and Considerations

Having regard to the design and the internal layout of the proposed first floor accommodation and the lack of daylight / sunlight afforded to habitable rooms it is considered that the proposed development by reason of its design and its sub-standard provision of quality living space would represent a substandard form of residential development having regard to the 2007 Quality Housing for Sustainable Communities Best Practice Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Lucy Roche
Planning Inspector

25th February 2022