



An
Bord
Pleanála

Inspector's Report

ABP-312208-21

Development

Single storey ground floor extension and all associated site works. The development to be retained consists of an attic conversion with 2 no. dormer roof lights to the rear and elevational amendments made to previously granted permission 17/315.

Location

Hortland, Donadea, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

211378

Applicant(s)

Amy Coyle

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Amy Coyle

Observer

Michael Yallop & Family

Date of Site Inspection

23rd April 2022

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 1.16 hectares, is located in the townland of Hortland approximately 2.3km north west of the village of Tirmohan. The appeal site is occupied by a dwelling at an advanced stage of construction.

2.0 Proposed Development

2.1. Permission is sought for a single-storey ground floor extension and retention of an attic conversion with 2 no. dormer windows to the rear elevation and elevational amendments to previously granted permission 17/315. The single-storey extension has a floor area of 62sqm and the area to be retained a floor area of 49sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on the following reasons...

1. The site is located in the northern hills Landscape Character Area, a visually sensitive location. Having regard to the scale and design of the proposed development, which includes the retention of dormer windows, which would result in a two and a half storey dwelling, the windows on the gables and the design of the proposed single-storey extension, the proposed development is considered incompatible with the Landscape Character Area and the character of the surrounding rural area. The proposed development is contrary to the objectives of Chapter 16, Rural Design and Section 17.4.8 of the Kildare County development Plan 2017-2023 and would have a disproportionate visual impact. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (12/11/21): The proposal was considered to be unacceptable in terms of visual impact due to its location in a sensitive Landscape Character Area and out of keeping with the Rural Design Guide.

3.2.2. Other Technical Reports

Roads, Transportation and Public Safety (22/10/21): No objection.

Environment Section (27/10/21): No objection subject to conditions.

Area Engineer (03/11/21): No objection subject to conditions.

Water Services (12/11/21): No objection subject to condition.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Submission by Miachael Yallop & Family, Hortland, Donadea, Naas, Co. Kildare.

The issues raised can be summarised as follows...

- Adverse visual impact, overlooking, unauthorised development, proximity to boundary, potential impact in regards to waste disposal/pollution.

4.0 Planning History

17/315: permission granted for a two-storey dwelling and associated site works.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Kildare County Development Plan 2017-2023. The site is located in the rural area of the county.

17.4.8 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.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Chapter 16 Rural Design Guide.
- 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.

Chapter 16 is the Rural Design Guide.

The appeal site is located with an area classified as Northern Hills Landscape Character Area. The area is classified as being of Special Sensitivity for the purposes of Landscape Character.

5.2 Natural Heritage Designations

None within the zone of influence of the project.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Amy Coyle, Fuinseog, Tiermoghán, Donadea, Naas, Kildare. The grounds of appeal are as follows...

- The alterations proposed and subject to retention would be acceptable in terms of overall visual impact and are not a significant deviation in terms of visual impact and scale from the permitted two-storey dwelling. The area is the site is located is not particularly scenic despite its classification.
- The design and form of the extension would not be incongruous. The applicant/appellant would consider an amendment to the roof design (suggested alternative) if necessary. The proposed extension would not have an adverse visual impact.
- The appeal submission include photos taken from the surrounding area to illustrate visual impact.

6.2. Planning Authority Response

6.2.1 Response by Kildare County Council.

- The Council reiterate their concerns regarding visual impact due design, scale and location in a sensitive landscape character area.

6.3. Observation

6.3.1 Observation by Michael Yallop and family, Hortland, Donadea, Naas, Co. Kildare.

- The observation outline concerns regard boundary issues, damage to mature trees along a shared boundary and construction berms. The observation highlights the fact that unauthorised development was carried out.
- The site is located in a sensitive Landscape Character Area with concerns over design, scale and visual impact.
- The drawings submitted are inaccurate with variation in ridge height measurements shown on the plans.
- The height of the dwelling was increased despite a requirement to reduce the height of the dwelling during the application process.
- The design proposed is inappropriate and not in accordance with Rural Design Guidelines.
- The dormer windows are excessive in size with additional windows in the gable altering the character of the permitted dwelling. The proposed single-storey extension is not in keeping with a rural style dwelling.

7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale visual amenity

7.2 Design, scale and visual amenity:

7.2.1 Permission was granted on the site under ref no. 17/315 for a two-storey dwelling with a ridge height of 8.815m. The current proposal is for a retention of an attic conversion, which entails an increased ridge height to 9.865m, two dormer windows on south west roof plane and additional windows on both gables at first and second

floor level. The drawings submitted with the application appear to be incorrect in relation to ridge height. The applicant/appellant submitted a set of drawings with the correct ridge height. Permission is also sought to construct a single-storey extension to the side with a ridge height of 3.45m (skylight window above this level). The proposal was refused on the basis of visual impact in the area, which is classified as of special sensitivity in terms of Landscape Character and contrary to the provisions of the Rural Design guidelines of the Development Plan.

7.2.2 I would be of the view that the alterations proposed for retention and permission do not serve to increase the scale or bulk of the dwelling approved to a level where it would have a significant or adverse visual over and above that of the permitted dwelling on site. The permitted dwelling is a two-storey dwelling with a pitched roof and ridge height of 8.815m. There is no change to the footprint of the dwelling (apart from the proposed extension) and the ridge height increase is not a significant amount (just over 1m). The proposed dormer windows are not excessive in scale and are subordinate in scale to the roof plane they are on. They are simple in design and use a material that will blend in with the dark coloured roof. I would be of the view that the additional windows on the gables at first and second floor level do not have any additional visual impact over and above that of the permitted dwelling.

7.2.3 The proposed extension is modest and subordinate in scale relative to the permitted dwelling, and is a low profile addition that fits well with the design of overall dwelling. I would be of the view its design and scale are satisfactory in the context of the visual amenities of the area. In relation to landscape character the appeal site is located in an area classified as being of special sensitivity. Notwithstanding such I would reiterate that the alterations proposed do not have a significant visual impact over and above that of the permitted dwelling on site. I would also be of the view that despite the classification of the landscape, the dwelling is not particularly visible in the surrounding area with the intervening topography and vegetation preventing it from having a prominent visual impact. In relation to the Rural Design Guide the dwelling is relatively simple in form featuring a pitched roof and the alterations do not deviate from this form of development. Any additional windows and those on the front

elevation exhibit vertical emphasis and the extension is subordinate and modest in scale relative to the permitted dwelling. The proposal is satisfactory in terms of overall design and would not be contrary the objectives of the County Development Plan in relation to residential extensions or the rural design guide.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

9.0 Recommendation

9.1 I recommend a grant of permission based on the following conditions.

10.0 Reasons and Considerations

Having regard to the design and scale of the elements for retention and the proposed extension, the proposed development would not have a significant or prominent visual impact in the surrounding area and would be acceptable in the context of the objectives of the Kildare County Development Plan 2017-2023 including policy in relation to residential extensions under Section 17.4.8, the Rural Design policy under Chapter 6 and Landscape Character. The proposed development would, therefore, be satisfactory in the context of the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out in accordance the conditions set down under ref no. 17/315, 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.

Reason: In the interest of clarity.

2. The development shall be in accordance with the plans and particulars submitted to the Board with the appeal on the 15th day of December 2021, 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.

Reason: In the interest of clarity.

3. 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.

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.

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Colin McBride
Senior Planning Inspector

24th April 2022