



An  
Bord  
Pleanála

## Inspector's Report ABP312506-22

<b>Development</b>	New detached house, alterations to existing cottage including new rear pitched roof.
<b>Location</b>	452 Green Lane, Leixlip, County Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	211520
<b>Applicant(s)</b>	Joe & Jane Toolan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant(s)</b>	Joe & Jane Toolan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> February 2021
<b>Inspector</b>	Hugh Mannion

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## **1.0 Site Location and Description**

- 1.1. The site has a stated area of 0.1225ha and comprises a bungalow and outbuildings in a rear garden at 452 Green Lane, Leixlip, County Kildare. The area is residential in character. Opposite the site is Castletown – a development of several hundred houses dating from the 1960's. To the east is a group of shops serving a local trade and opposite these shops is GAA club and a school. Green Lane links the R148 (formerly the N6) in the east to the M4 about 2kmns to the west.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises a two-storey detached house, a detached single storey garage, alterations to the existing bungalow to include a pitched roof on the return and other minor alterations, and associated site works at 452 Green Lane, Leixlip, County Kildare

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission

1. The scale of the proposed development is excessive and inappropriate in an area zoned B – existing residential and infill in the Leixlip Local Area Plan, the proposed development would set an undesirable precedent for similar development in the area. The proposed garage would encroach on the building line of the cottage and result in a haphazard pattern of development which would be contrary to the proper planning and sustainable development of the area.
2. The design of the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity by unacceptably overlooking the cottage to the south.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order

#### 3.2.2. Other Technical Reports

**Roads Department** reported no objection subject to conditions.

The **Municipal District/Area Engineer's** report reported no objection subject to conditions.

**Irish Water** reported no objection subject to conditions.

**Water Services Section** reported no objection subject to conditions.

### 4.0 Planning History

Ref 96/453 permission granted for conversion of garage to domestic use and new garage on adjoining site to the east at Hawthorn Lane.

### 5.0 Policy and Context

#### 5.1. Development Plan

5.2. The **Kildare County Development Plan 2017-2023** is the relevant County Development Plan for the area.

5.3. The site is zoned existing residential infill with the objective "to protect and enhance the amenity of established existing residential communities and promote sustainable intensification" in the **Leixlip Local Area Plan 2020-23**.

#### 5.4. Policy NH1 – Natural Heritage NH1

5.5. It is the policy of the Council to support the protection of species and habitats that are designated under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992 as well as areas of high local biodiversity value and to ensure developments with potential to impact the integrity of the Natura 2000 network will be subject to Appropriate Assessment.

5.6. Objectives It shall be an objective of the Council:

5.7. NH1.1 To protect, conserve and manage the Rye Water Valley / Carton SAC and contribute to the protection of the ecological, visual, recreational, environmental and amenity value of the Royal Canal pNHA and Liffey Valley pNHA.

## 5.8. **Natural Heritage Designations**

Not relevant.

## 5.9. **EIA Screening**

5.10. Having regard to the modest scale and nature of the proposed development, the availability of public sewerage and water supply I conclude that the proposed development does not require the submission of an EIAR and carrying out of an EIA.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- The proposed development comprises an infill residential development in an area zoned for residential development in the Leixlip LAP. The application complies with the objectives of the National Planning Framework (NPF), Regional Spatial and Economic Strategy, Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, the Kildare County Development Plan and other relevant guidelines and policies.
- The proposed development complies with development plan standards for car parking, private open space, bike parking.
- The proposed house is a contemporary well-designed infill house which will not be incongruous in its setting. When viewed from the rear it will not be out of character with the existing two storey houses in Oaklawn Close to the north/rear. The proposed house respects the building lines, and the location of the garage has been brought forward to replicate the line of existing cottage.
- The original application provided for two standalone units – the original cottage and the new two storey house. The appeal proposes to amend this proposal so that the cottage is not a separate unit but ancillary to the new two

storey house – comprising home office, gym and guest accommodation. This would address the planning authority concerns (2<sup>nd</sup> refusal reason) that the amenity of the existing cottage would be overlooked to an unacceptable degree.

## **6.2. Planning Authority Response**

- The planning authority has reviewed the applicant's submission and has no further comment.

## **6.3. Observations**

- None

## **6.4. Further Responses**

- None

## **7.0 Assessment**

### **7.1. The Original House.**

7.2. There is a single storey cottage on site and a separate garage. The application proposed the retention of this cottage and the provision of a pitched roof to replace a flat roof on the rear extension. This amended cottage would then have comprised two bedrooms and a living room with a kitchen diner in the return. Private open space would have been provided in a rear garden with a car park spaced to the front.

7.3. The planning authority considered that the proposed first floor south facing windows in the new two storey house would give rise to unacceptable overlooking of this cottage and referenced this matter in the second reason for refusal.

7.4. The applicant proposes an amendment to the application at appeal stage whereby the cottage would be turned into ancillary accommodation for the new house whereby it would be converted into a guest bedroom, home office, music room and home gym.

**7.5. The New House.**

7.6. The new house is set back into the existing rear garden of the site. Its only pedestrian and vehicular access are onto Green Lane. The planning authority's first refusal reason referenced the excessive scale of the proposed house, breaking building lines and an inappropriate form of development in an area zoned for residential infill in the LAP. The appeal makes the points that a contemporary design should be welcomed in the area, that the proposal replicates the building heights when viewed from Oaklawn Close and that the new garage can be moved forward to match the building line of the existing cottage.

7.7. I agree with the applicant that the application site is appropriately zoned for residential development and that additional accommodation is welcomed by the various national, regional and local planning policies. Nevertheless, each application for development should have reasonable regard to its context. In the present case the context is established by pairs of semidetached two storey houses with front and rear gardens in Castletown estate, this pattern is repeated in Oaklawn Close behind the site and there is slightly more variety (bungalows and dormers) along Green Lane. There is no objection to a modernist/contemporary building in this context, but the quality of design is severely compromised in its attempt to meet the requirements of a restricted site. I consider that the planning authority's reason for refusal is justified in so far as the proposed development will appear unacceptably out of character with its context but without sufficient design quality to justify this exceptionalism.

**7.8. The Amended Plans.**

7.9. Amended plans/information are submitted with the appeal and the Board is requested to determine the application on this basis.

7.10. The purpose of the cottage vis-s-vis the new building is unclear, the front windows of the new build are amended in the drawings to avoid overlooking of the cottage, but the cottage is changed in the new plans from a stand-alone house to ancillary accommodation to the new house. Moving the garage forward to the building line is incidental.

7.11. The appeal provides 5 car spaces, 3 for the new house, 2 for the existing house (see table 1 in the appeal). The basis of this provision is unclear if a single dwelling is

proposed. Additionally, it is unclear if the proposed garage can be accessed over the proposed spaces if both spaces were occupied (see amended garage layout on drawing number P14-Rev-A submitted with the appeal).

#### **7.12. Appropriate Assessment**

- 7.13. The planning authority carried out an appropriate assessment screening exercise. The exercise concluded that there were no likely significant effects arising from the proposed development.
- 7.14. Having regard to the modest scale and nature of the proposed development, the likely emissions therefrom, the availability of piped public services and on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, I conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site and a stage 2 appropriate assessment (and submission of a NIS) is not therefore required.

### **8.0 Recommendation**

- 8.1. I recommend that the amended plans/information submitted with the appeal are unclear and I recommend that the Board not consider them as the basis for a decision.
- 8.2. I recommend refusal of the application as considered by the planning authority and advertised to the public for the reasons and considerations set out below.

### **9.0 Reasons and Considerations**

- 9.1. The proposed development is located in an area zoned for residential infill development with the objective to protect and enhance the amenity of established existing residential communities and promote sustainable intensification in the Leixlip Local Area Plan 2020-23. Having regard to its scale, bulk and design it is considered that the proposed development would comprise overdevelopment of the site, would be visually obtrusive and incongruous in its context and, therefore, would seriously injure the amenity and depreciate the value of property in the vicinity, would



contravene the zoning objective for the site set out in the Local Area Plan and be contrary to the proper planning and sustainable development of the area.

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Hugh Mannion  
Senior Planning Inspector

7<sup>th</sup> March 2022