



An
Bord
Pleanála

Inspector's Report ABP-313114-22

Development

Planning permission is sought for the demolition of existing extension to rear, construction of replacement extension, provision of a replacement proprietary waste water treatment system, partial demolition of an existing garage and permission to construct a replacement garage together with associated site works and services.

Location

'Web Cottage', Punchestown Lower, Rathmore, Naas, Co. Kildare.

Planning Authority

Kildare County Council.

Planning Authority Reg. Ref.

21890

Applicant

Nils Frisenbruders.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant(s)

David & Tracey Noone and Robert & Tara Richardson.

Observer(s)

None.

Date of Site Inspection

2nd day of December, 2022.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	8
5.1. Development Plan.....	8
5.3. EIA Screening	9
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	10
6.3. Planning Authority Response	11
6.4. Observations	11
7.0 Assessment	11
8.0 Appropriate Assessment.....	21
9.0 Recommendation.....	21
10.0 Reasons and Considerations	21

1.0 Site Location and Description

- 1.1. The irregular rectangular shaped site has a given 0.238ha site area and it is located on the western side of the L6030, c1.7km to the north west of its junction with the N81 and c2.6km to the east of Rathmore, in the Townland of Punchestown Lower, just under 3km to the south of Killeel and just over 4km to the north of Blessington, as the bird would fly, in County Kildare.
- 1.2. The site contains a much-modified vernacular single storey cottage that at some point in time was extended to the rear. The site also contains a mono-pitched roof garage and a portacabin. In addition, at the time of inspection there was hoarding present alongside the roadside perimeter with the L6030, and the site had the appearance of on-going works. Also, it was evident that in recent times there have also been significant boundary works carried out including retaining type walls, new planting, fencing through to the removal of natural hedging/trees has occurred. A number of mature trees are present along the southern and eastern boundaries of the site.
- 1.3. The cottage sits on higher ground levels than the adjoining local road L6030 and a modest in length cul-de-sac lane runs along the western as well as southern boundary of the site providing access to two detached dwellings situated on higher ground levels. The northern boundary of the site adjoins agricultural land that at the time of inspection was heavily water-logged containing water loving plants.
- 1.4. The surrounding landscape having a rolling topography and containing a proliferation of one-off dwellings.

2.0 Proposed Development

- 2.1. Planning permission is sought for:
 - Demolition of extension to the rear of existing dwelling (Note: floor area of 94m²).
 - Construction of a replacement extension to the rear which includes a basement.
 - Removal of existing window and provision of a replacement window on the south eastern gable end on existing dwelling.
 - Removal of an existing window and provision of two replacement windows on the north western gable end on existing dwelling.

- Installation of a roof light on the rear roof plain on existing dwelling.
- Upgrade of existing effluent disposal system to comply with current EPA requirements.
- Demolition of an existing garage.
- Construction of a replacement garage.
- All associated works and services.

2.1.1. **Further information** was received by the Planning Authority on the 10th day of November, 2021, from the applicant. This put forward revisions to the proposed extension to the host dwelling.

2.1.2. **Clarification of further of information** was received by the Planning Authority on the 8th day of February, 2022, from the applicant. This related to waste water and surface water drainage. It also addressed the interaction between the proposed replacement wastewater treatment system and the existing well on site together with regard to the site context in terms of such existing infrastructure serving other neighbouring dwellings.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. On the 24th day of February, 2022, the Planning Authority **granted** permission for the proposed development set out under Section 2.1 above subject 18 no. conditions. Of note are the requirements of the following conditions:

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| Condition No. 2: | External finishes to be as per the documentation received with the further information. |
| Condition No. 3: | Restriction of use to a single dwelling unit. |
| Condition No. 4: | Restricts any overhanging of neighbouring property. |
| Condition No. 5: | Requires the maintenance of existing hedges, trees and shrubs on site other than those required to achieve sightlines. |
| Condition No. 7: | Restricts the use of the garage. |

Condition No. 8:	Servicing/Drainage.
Condition No. 9:	Access.
Condition No.14:	Construction and Demolition Resource Waste Management Plan.
Condition No. 16:	Parking facilities provision during construction.
Condition No. 18:	Section 48 Contribution.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The final Planning Officer's report is the basis of the Planning Authority's decision, and it considers that the applicant has addressed the Planning Authority's concerns by way of their further information response and clarification of information response. It considers that any outstanding concerns can be dealt with by way of condition, and it concludes with a recommendation for a grant of permission.

3.2.2. **Other Technical Reports**

Environment: Final report no objection, subject to standard safeguards.

Water: No objection, subject to safeguards.

Transportation: No objection, subject to safeguards.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. During the course of the Planning Authority's determination of this application they received 2 No. Third Party Observations from the property owners and occupiers of the two dwellings accessed from the cul-de-sac lane that runs alongside the western and southern boundary of the site. The concerns raised therein correlate with those raised by them in their joint appeal submission to the Board.

4.0 Planning History

4.1. Site and Setting

4.1.1. **P.A. Ref. No. 14/181:** Planning permission was **refused** for a development comprising of the demolition of an existing derelict house and shed with the construction of a new one and a half storey dwelling with the provision of an approved new wastewater treatment plant and percolation area, alteration and upgrading of the existing site entrance and all associated site works for the following stated reasons:

- “1. It is the policy of the Kildare County Development Plan 2011-2017, namely policies RH16 and RH17, along with policies VH1 to VH6 to focus on the protection of vernacular architecture throughout County Kildare. In particular policies VA 1 to VA 6 seeks to encourage the protection, retention and appropriate revitalisation and sensitive reuse of vernacular architectural heritage of the county, having regard to the intrinsic character of the structure and to the guidance of The Thatched Houses of Kildare and Reusing Farm Buildings - A Kildare Perspective. It is considered that the proposed demolition of the existing vernacular, habitable dwelling would materially contravene these policies set out in the Kildare County Development Plan 2011-2017, would set an undesirable precedent for further such development and would be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed dwelling by reason of its scale, bulk and height in the Eastern Uplands Landscape Area, would constitute a visually obtrusive form of development in the rural landscape and would contravene Policy LU1 of the Kildare County Development Plan 2011-2017, which seeks “To ensure that development will not have a disproportionate visual impact (due to excessive bulk, scale or inappropriate siting) and will not significantly interfere or detract from scenic upland vistas, when viewed from areas nearby, scenic routes, viewpoints and settlements.” The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.*

3. *It is the policy of the Kildare County Development Plan 2011-2017, namely policies RH4, to focus the provision of one-off rural housing in the rural countryside to the category of 'local need', subject to compliance with normal planning criteria including siting and design considerations. Based on the information submitted with the application, it is considered that the applicant's do not comply with any of the categories outlined in Schedule 4.11.4 of the County Development Plan and as a result the proposed development would materially contravene policies RH4, and Chapter 18 of the Kildare County Development Plan 2011-2017 (which seeks to focus such developments to certain categories of applicants). Furthermore, no information has been submitted to demonstrate that the existing dwelling is derelict. Notwithstanding this, it is considered that the applicant does not come within the scope of the criteria for a house at this location as set out in Table 4.3 and Section 4.12.2 and 4.12.3 of the Development Plan in terms of planning policies on replacement dwellings and local needs in rural areas. The proposal would therefore be contrary to the proper planning and sustainable development of the area.*
4. *It is considered that inadequate information has been submitted in relation to the suitability of the site for effluent treatment disposal, particularly in relation to the site characterisation form, existing and adjoining wells and of site gradients/levels. In the absence of more detailed information, there are concerns that the proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area."*

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Kildare County Development Plan, 2017-2023, is applicable.
- 5.1.2. Chapter 2 of the Development Plan sets out the Core Strategy and under Map 2.3 identifies this site which is situated on unzoned rural land outside of settlement as being located in the 'Hinterland Area'. In such areas it states that development: "is to be concentrated in strategically placed, strong and dynamic urban centres absorbing

most new population growth in the Hinterland Area and acting as key centres for the provision of services for surrounding smaller towns in rural areas, with all other towns and villages growing at a sustainable and self-sustaining scale”.

- 5.1.3. Chapter 2 - Map 2.6 identifies the site is forming part of larger area of rural land that is identified as ‘*Rural Housing Policy Zone 2*’. I note that Section 4.12.6 of the Development Plan sets out the county is split into two areas for the purposes of rural housing policy, Rural Housing Policy ‘*Zone 1*’ and Rural Housing Policy ‘*Zone 2*’. In addition, this section of the Development Plan defines this zone as follows: “*south west of the county – areas under pressure for development but with lower concentrations of population and lower levels of environmental sensitivity*”.
- 5.1.4. Section 4.13.4 of the Development Plan deals with the matter of restoration of vernacular and refurbishment of such structures.
- 5.1.5. Chapter 16 of the Development Plan sets out the County’s Rural Design standards and guidance.

5.2. Natural Heritage Designations

- 5.2.1. None within the zone of influence of the project with the nearest European Site, i.e., Red Bog, Kildare SAC (Site Code: 000397) located on higher ground levels c1.4km to the south west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature, scale and extent of the development proposed, the brownfield nature of the site, the site’s location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the separation distance from the nearest sensitive location together with the nature of the intervening landscape, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this Third-Party Appeal can be summarised as follows:

- The proposed extension is out of character with residential development in the area.
- The proposed development would overlook their property and would remove their privacy.
- The site is located in a highly sensitive area of uplands Kildare and a more sympathetic design with less impact on its rural location should have been submitted.
- When does extensions for multiple floor areas become the property itself.
- The proposed development contravenes the Development Plan.
- Reference is made to the 2014 refusal relating to development of this site and the cottage thereon.

6.2. Applicant Response

6.2.1. The Applicant's response can be summarised as follows:

- The hedgerow that was removed was neglected, overgrown and unhealthy. The replanted hedgerow is suitable in terms of species and restores habitat as well as biodiversity.
- Concerns in relation to effluent disposal were addressed as part of the further information response.
- The conditions include the requirement for a Construction and Demolition Resource Waste Management Plan.
- The Board is requested to uphold the decision of the Planning Authority.
- This response is accompanied by a document prepared by John Patrick Colclough. The content of which I have noted.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- They confirm their decision and have no further comments to make.
- The Board is requested to refer to their Planning Officer's report and the various technical documents referred to it during the course of their assessment of this application.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Overview

7.1.1. Having carried out an inspection of the site setting, had read the file and had regard to all relevant local, regional, and national policies, I conclude that the key issues raised by the appeal are:

- Principle of the Proposed Development
- Residential Amenity Impact

7.1.2. In addition, the matter of '*Appropriate Assessment*' requires examination. I am of the view that this appeal gives rise to no other substantive issues to those raised above. Though I do note that this rural locality is visually diminished in its intrinsic character and quality by one-off dwellings that are served by a network of substandard local roads that are in places unable to accommodate two vehicles passing safely in opposite direction.

7.1.3. Further, the immediate area including the site itself shows evidence of high-water table, with water ponding in ditches and a water loving plants evident.

7.1.4. In addition, the ground conditions in the vicinity of the site were heavy under foot with the site and properties in this rural locality dependent upon on site well water and foul drainage. There is an existing dwelling on site and there is no evidence that supports it is to the required standards. Thus, improvements to the treatment on site in

accordance with best practice in standards would be a positive. Particularly in an area that appears to be dependent on a private well water.

- 7.1.5. Prior to commencing my assessment for clarity my assessment below is based on the proposed development as revised by the applicants further information received by the Planning Authority on the 10th day of November, 2021, and clarification of further information response received by the Planning Authority on the 8th day of February, 2022, due to the qualitative improvements of the amendments made to the design of the proposed extensions through to the additional needed clarity on matters such as waste water treatment.
- 7.1.6. Moreover, whilst I note that there appears to be discrepancies between what is on site, including but not limited to the original host dwelling and the discrepancy of what is on site as presented in the drawings as existing to that proposed my assessment below is confined to the development sought under this application and it does not include other development works that have been carried out on the site in the absence of permission. It is however standard practice that any grant of permission for a proposed development includes a condition that requires the development to be implemented as per the documentation submitted except for any amendments required in compliance with any other condition included in a grant of permission.

7.2. Principle of the Proposed Development

- 7.2.1. By way of this application planning permission is sought for a number of components with the main component consisting of demolition of an existing extension to the rear of Web Cottage, the subject property, together with alterations and additions to this host dwelling. I have set out a detailed description of the proposed development under Section 2.1 above.
- 7.2.2. In relation to the subject property itself I note that available images of Web Cottage and the limited planning history relating to this property, i.e., P.A. Ref. No. 14/181, considered this property to be a vernacular building of interest and considered that its retention, refurbishment through to sensitive adaption and extension to accommodate modern habitation would be preferable to its demolition and replacement.
- 7.2.3. Of concern, it would appear that setting aside the later of no architectural merit rear extension together with other unsympathetic additions within its curtilage including

outbuildings that this once highly intact cottage has been subject to significant alterations and additions.

7.2.4. Unfortunately, these alterations and additions have in my considered opinion significantly eroded and diminished the intrinsic character of this historic vernacular structure with this dwelling also not presenting as indicated in the submitted drawings. As such when viewed from the public domain this vernacular structure's contribution to the visual amenities of this rural locality has been compromised with the significant removal of trees and other natural features further adding to the visibility of this now modified structure. A period structure which lacks integrity when viewed in the round from a rural landscape setting that is sensitive to change.

7.2.5. I note to the Board that Section 12.6 of the Development Plan sets out that the: *"loss of vernacular architecture is seen not only in the loss of entire buildings but also in the gradual attrition of details such as the replacement of roof coverings and windows with modern materials, removal of external render, inappropriate re-pointing and the addition of inappropriate extensions. Alterations to individual buildings can have a significant and cumulative effect on streetscapes and landscapes. By the very nature of vernacular architectural heritage, it is normally the case that they are the most sustainable forms of construction, built with local materials in a style responding to local conditions, with a low energy use. Many of our surviving examples of vernacular architecture are homes and places of work, which by definition need to evolve with a changing society to facilitate ongoing occupancy and survival. Any such changes need to be sympathetic to the special features and character of the building"*.

7.2.6. I further note that Section 12.6.1 of the Development Plan sets out a number of policies for vernacular architecture.

7.2.7. Of particular concern having regard to the scope of works carried out and the misrepresentation of existing context as well as the proposed outcome as presented in the documentation submitted with this application are that the proposed additions and alterations to the original building envelope of Web Cottage are not consistent with the following Development Plan policies for vernacular buildings.

7.2.8. First of all, Development Plan Policy VA 3. This policy requires additions and alterations to vernacular buildings to have regard shall be had to guidance in *"The Thatched Houses of Kildare"* and *"Reusing Farm Buildings, A Kildare Perspective"*

published by Kildare County Council in assessing planning applications relating to thatched cottages and traditional farm buildings.

- 7.2.9. Whilst I accept that the design of the extensions to the rear of the host dwelling in place of the rear extension to be demolished and significantly extending the mass, volume, and extent of habitable floor area. Notwithstanding, it is clear that the treatment to date of Web Cottage has not been carried out with cognisance to this document or in a manner that accords with the approach set out in this document for such buildings, and of concern vernacular buildings are being lost from rural landscapes across rural Ireland by way of neglect and inappropriate as well as unsympathetic alterations as well as additions.
- 7.2.10. Against this concern I am not satisfied having inspected the drawings submitted with this application through to having inspected the site that it is likely that the unsympathetic works that have been carried out in conjunction with the works that are also proposed to it under this application could be considered as one that results in a sympathetic and respectful outcome that safeguards this vernacular into the future. Whilst balancing its ability to provide for modern habitable accommodation.
- 7.2.11. Second of all, Development Plan Policy VA 4, which seeks to preserve the character and setting (e.g., gates, gate piers, courtyards etc.) of vernacular buildings were deemed appropriate by the planning authority. In relation to this policy, I note that the setting of Web Cottage though containing a number of unsympathetic additions within its site curtilage and for its entrance treatment. Notwithstanding, up until recent times and for significant time preceding had a setting that was characterised by mature mainly natural boundary treatments consisting of mature hedging and mature trees.
- 7.2.12. These created a sylvan character for the immediate curtilage of Web Cottage. In turn having regard to the position of this triangular site located at a point where the local road it adjoins rises in a southerly direction. Alongside is relatively straight in its alignment.
- 7.2.13. I am of the view that the sylvan attributes of the site positively contributed to the visual amenities of the area.
- 7.2.14. In particular as appreciated from the local road. But also, these mature natural and indigenous features harmonised with the rural hedgerows and boundary treatments

that predominate this rural landscape with the rolling rural landscape rising to the south and south west thus contributing to the wider character of this rural locality.

- 7.2.15. Furthermore, these natural features were such that they provided a high level of visually screened for the most part when viewed from the public domain of the adjoining local road as well as from the bounding cul-de-sac lane and the two residential properties occupying higher ground levels served by this cul-de-sac lane.
- 7.2.16. The extensive removal of natural features along the boundaries through to mono-species planting of a beech hedgerow through to the other fencing and boundary treatments provided are a diminishment to the visual and biodiversity amenities of the area.
- 7.2.17. Alongside the design of the landscaping and treatment of the roadside boundaries are not consistent with the approach advocated under local planning provisions.
- 7.2.18. Third of all, Development Plan Policy VA 6, which seeks to ensure that both new build, and extensions to vernacular buildings are of an appropriate design and do not detract from the buildings character. In relation to the proposed additions and extensions sought to Web Cottage, I raise concern that though the removal of an unsympathetic later building layer in itself does not give rise to any substantive planning concern. However, the replacement extension to the rear of it together with the quantum of development sought to what is historically a vernacular rural cottage on a garden plot.
- 7.2.19. In this regard, the applicant seeks to provide a substantial in its own right link to Web Cottage with this link having no setback from the northern most corner of its rear elevation. Thus, when taken together with the proposed three storey addition would have a length of 22.5m from the corner of the principal façade to the corner of the westernmost corner of the proposed extension.
- 7.2.20. Overall, the northern elevation when these three distinct components are considered juxtaposed against one another there is a lack of subservience through to visual monotony in the overall architectural treatment, detailing, solid to void ratio through to homogeneity in the palette of materials. It does not have the refinement of the examples cited as precedents within the documents provided by the applicant on file in support of their overall design approach including those accompanying the revisions made to the overall design and within their appeal response to the Board.

- 7.2.21. The lack of visual breaking up of the modulation of the resulting northern elevation when taken together with what is a depth of build at ground floor level is in my view out of character with the pattern of residential development supported in such rural localities under local through to national planning provisions. Nor when viewed within its setting, including from the local road, if permitted, it would result in a visual monotony and overbearance that in my view does not reflect in a contemporary design approach a rural cluster of buildings that one would expect in a rural farmstead.
- 7.2.22. Of further concern, the design of the link, its height, width, depth through to its overall built form, in my view fails to sit comfortably as a respectful and harmonious new building layer against the historic structure of Web Cottage. This consideration is based on its lack of subservience in built form including but not limited to the lack of subservience in the eave's height.
- 7.2.23. In relation to the eaves of the southern and northern elevation of the link at both sides these sit above the eave's height of the rear of Web Cottage. In addition, the width extends the entire width of the historic building through to at the point where it meets the south western corner of this historic building. At this point the roof structure continues to project outwards in a southerly direction. Thus, at the point of where the new building layer meets the original rear elevation of Web Cottage the width of the link is greater.
- 7.2.24. Overall, when this is considered against the low sloping profile through to the maximum height of this link and the manner in which it integrates with the roof structure over the much-modified roof structure of Web Cottage there is a lack of subservience with the host dwelling. In my view this is further added to by the larger extension situated c9.64m to the rear of its original elevation as well as the visual incongruity that would arise from the manner in which the historic structure of Web Cottage has been modified.
- 7.2.25. Moreover, I also consider it is added to by the link between Web Cottage and the larger 3-storey extension. I acknowledge that one storey is to be provided below ground level. Notwithstanding, this extension is visually at odds in shape structure that projects above the link and provides access from it to the two bedrooms at the uppermost floor level of the rearmost extension proposed. There is no harmony between the different roof structures, and it is unclear as to why the link given the

substantive floor area sought in extensions that this could not have been accommodated within the rear most 3-storey extension in order to achieve a more harmonious and simple roof structure over that allowed the Dutch roof profile and shape to be distinct defining feature.

- 7.2.26. Moreover, there is a lack of subservience in terms of the existing floor area of Web Cottage to be maintained, i.e., 40m² and the extensions proposed. The revised design indicates that the basement floor area would be 136m²; the proposed ground floor area would be 157m² and the first-floor level would be 80m². Cumulatively this would give rise to a total floor area of 413m².
- 7.2.27. The Development Plan sets out a minimum floor area of a four-bedroom dwelling as 110m² with the minimum storage area being 10m². Of note this is the largest bedroom number dwelling for which minimum standards are set out for within the Development Plan with this floor area and storage area consistent with national planning provisions and guidance.
- 7.2.28. It therefore in my view can out reasonably be considered that the extensions proposed to Web Cottage are subservient to it when they when the floor area of Web Cottage is excluded would be equivalent to over three four-bedroom minimum standard sized dwellings.
- 7.2.29. Moreover, in terms of storage if regard is had to the minimum storage requirement for a dwelling which is set out in the drawings submitted as being a three-bedroom dwelling why is a basement level of the size proposed required alongside the addition of replacement garage of 40m².
- 7.2.30. On a side note, I raise the following concern in relation to this single storey garage. The drawings also indicate that this single storey garage would have a height of 4.825m and would be positioned at a setback of 6.73m from the historic footprint of Web Cottage. Though the finished ground levels of this structure and other structures proposed including the site itself and its immediate context ground levels are not robustly clarified. This replacement garage would have a ridge height that exceeds Web Cottage by c0.6m. As such, it is my view that this garage structure would add to the lack of subservience of structures proposed within its setting in a manner that would be contrary to the Development Plan policies for vernacular buildings due to its height, proximity, and maintenance of the front building line of Web Cottage.

- 7.2.31. I also note that there is no clarity provided in relation to whether or not the prefabricated/portacabin type structure would be retained on site and what is or would its use be. If this is also a storage structure on site and/or ancillary building to the residential occupation of Web Cottage the I raise a concern as to why such a large basement with no natural light or ventilation, garage, the areas within the dwelling that are indicated for storage related purposes through to potentially the prefabricated/portacabin type structure is required by the applicant.
- 7.2.32. Of further concern having examined the planning history it is of note that whilst Web Cottage was not determined to be derelict due to the applicants of P.A. Ref. No. 14/181 indicating that they resided therein and on foot of other investigations carried out by the Planning Authority, permission was refused for a development that comprises of the demolition of Web Cottage and its replacement with a dwelling that is less than half the size of that now proposed.
- 7.2.33. Of note the first reason for refusal considered that the planning policy provisions of the Development Plan in place at the time (Note: 2011 to 2017) seeks to encourage the protection, retention and appropriate revitalisation and sensitive reuse of vernacular architectural heritage of the county, having regard to the intrinsic character of the structure and to the guidance of The Thatched Houses of Kildare and Reusing Farm Buildings - A Kildare Perspective. The proposed development would be contrary to the Development Plan policies for vernacular architectural heritage.
- 7.2.34. I note to the Board that these policies have been carried through to the current Development Plan and the current plans policies for vernacular buildings are now more robust.
- 7.2.35. Further the second reason for refusal given by the Planning Authority relates to the visual sensitivity of the site which forms part of the Eastern Uplands Landscape Area that the proposed development would constitute a visually obtrusive form of development in a rural landscape that would contravene Policy LU1 of the County Development Plan (Note: 2011-2017).
- 7.2.36. In similarity with the previous plan the site under Table 14.1 of the current Development Plan the site is indicated as being located in the same Eastern Uplands Landscape Development Area. This landscape area is identified as having Class 3 High Sensitivity and is recognised to be sensitive to change.

- 7.2.37. This policy has been carried through under the current Development Plan with policy LU 1 stating that the Council will “*ensure that development will not have a disproportionate visual impact (due to excessive bulk, scale or inappropriate siting and will not significantly interfere with or detract from the scenic upland vistas, when viewed from areas nearby, scenic routes, viewpoints and settlements*”.
- 7.2.38. I am not satisfied that the proposed development when regard is had to the quantum of development sought, the unsympathetic boundary treatments which includes the extensive loss of indigenous natural features and the provision of boundary treatments that are out of context with their rural site setting as well as are not biodiversity friendly.
- 7.2.39. Further, the approach taken to the boundary treatments of the site are not consistent with the policies set out under Section 14.8.1 of the Development Plan. These policies, including, Policy LA 2 of the Development Plan, set out that the Council will seek to protect and enhance the county’s landscape by ensuring that development retains, protects and where necessary enhances the appearance and character of the existing local landscape. Furthermore, under Policy LA 4 of the Development Plan it sets out that the Council will seek to ensure that local landscape features including historic features and buildings, hedgerows and the like are retained, protected, and enhanced where appropriate in order to preserve the local landscape character of an area.
- 7.2.40. Nor is the landscaping indicated in the documentation provided with this application of a sufficient quality or site appropriate to overcome the loss of natural features in this highly sensitive to change setting.
- 7.2.41. I am not of the view that the proposed development is consistent with these Development Plan policy provisions.
- 7.2.42. Whilst I acknowledge that Chapter 4 of the Development Plan permits, subject to safeguards the extensions to existing dwellings, as well as the restoration and refurbishment of vernacular buildings, given the concerns raised in my assessment above I am of the view that to permit the proposed development would be contrary to the proper planning and sustainable of the area.

7.3. Residential Amenity Impact

- 7.3.1. The proposed development would give rise to a change in context for the appellants properties which are located to the west due to the significant loss of natural features

and the significant extensions that are sought to what is a modest rural dwelling unit. Arguably the replacement boundaries would also not provide the same level of visual screening that existed between their properties and the subject site.

- 7.3.2. As such the proposed quantum of development and views into the site due to the higher ground levels the appellants properties occupy would result in the overall development being more visible as observed from these properties.
- 7.3.3. Notwithstanding, additional landscaping could be provided to buffer views between properties either on the subject site or indeed within the appellants properties. This could diminish the perception of the proposed development visual overtness as viewed from the appellants properties.
- 7.3.4. Outside of the short-term nuisances that would arise during demolition and construction phases of the proposed development given the lateral separation distance between the proposed development and the appellants properties I am not of the view that the proposed development, if permitted, would give rise to any serious residential amenity impact by way of overlooking, overshadowing, loss of daylight or otherwise.
- 7.3.5. I therefore do not consider in this case that there are sufficient reasons to refuse permission of the proposed development on significant injury to residential amenities of properties in the vicinity grounds.

7.4. Other Matters Arising

- 7.4.1. **Rural Settlement Strategy:** The Development Plan provisions do not set out that this type of application requires demonstration of social and/or economic rural housing need.
- 7.4.2. **Unauthorised Development:** Though the documentation submitted with this application lacks clarity on existing and proposed site context together with having regards to the quantum of works already carried out on site in recent times with these further adding to question marks over the accuracy of the description of development sought. Notwithstanding, any unauthorised development works carried out on site are an enforcement matter for the Planning Authority to deal with as they see fit.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

- 9.1. I recommend that permission is **refused**.

10.0 Reasons and Considerations

1. Having regard to the scale of development proposed, the built and natural attributes of the site which include a vernacular cottage in a sylvan setting, it is considered that the proposed alterations, extensions through to the proposed replacement garage, by reason of their lack of sympathetic design, scale, bulk, modulation, positioning through to the comprehensive erosion of the sites indigenous hedgerows and trees as part of the boundary treatment as well as the lack of any sympathetic compensatory landscaping, it is considered that the proposed development would seriously injure the residential amenities and setting of this vernacular property and it would seriously injure the visual amenities of the area by way of the significant loss of built and natural heritage character that this site contributed to this rural locality.

In addition, the quantum of development, in particular the scale, nature and extent of additions to the vernacular host dwelling and the scale of ancillary storage proposed for what is presented to be a three bedroom dwelling without any justification would give rise to overdevelopment of Web Cottage and its curtilage which forms part of a rural landscape setting that is recognised as being under strong urban influence, eroded by the proliferation of one off dwellings along its network of modest local road network and within a wider landscape that is identified in the Kildare County Development Plan, 2017-2022, as being highly sensitive to change and would be contrary to Development Plan Policy LU 1 which seeks to

ensure that development will not have a disproportionate visual impact including by way of due to excessive bulk, scale or inappropriate siting.

It is also considered by reason of the proposed developments design, layout, scale, height, massing and positioning of the proposed development would seriously detract from the built heritage character of a vernacular building in a manner that would be contrary to the provisions set out in the policies of the Development Plan that seek to protect such structures, under Development Plan Policies VA 3, VA 4 and VA 6 which are of particular relevance to the development sought under this application.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

21st day of December, 2022.