



An
Bord
Pleanála

Inspector's Report

ABP-313329-22

Development	Demolition of the side of existing dwelling and construction of side extension.
Location	Oldtown Villa, Mill Lane, Oldtown, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2297
Applicant(s)	Fiona Cleary and Tony O'Brien
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Doreen and Peter Murphy
Observer(s)	None
Date of Site Inspection	25 th May 2022
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The site has an address at Oldtown Villa, Mill Lane, Naas, Co. Kildare, W91 Y2YP. It comprises a detached single storey dwelling (c. 204sqm) on a site of approximately 2,200 sqm. It is within the built up, urban area and settlement boundary of the town. Access is from Mill Lane, off the Sallins Road (R407) to the northeast. The M7 Motorway is roughly 4km north.
- 1.2. The site is approximately 1.2km northwest of Naas town centre and 65m southeast of Tandy's Bridge (Protected Structure). It is adjoined to the northwest and southeast by existing detached dwellings, which are Tandy's House (W91 XV9D) and Mill Lane (W91 AF3A), respectively.
- 1.3. A tall brick wall surrounds the site and there is an unusual shared vehicular access from Mill Lane and gravelled forecourt situated at the front of the site, which also serves the adjoining residential properties (2 no.). There is a significant amount of vegetation and some mature tree stands within the site and on the adjoining properties, particularly along the property boundaries.
- 1.4. There are tall iron gates at the entrance to the site and concrete bollards surround the forecourt area. The Grand Canal tow path is to rear of the property and a narrow road / laneway called Canal Bank, which is used by walkers as a recreational amenity.
- 1.5. In terms of services, water supply is via an existing public mains connection, wastewater is treated by an existing onsite treatment plant (recently upgraded) and an existing soakpit receives surface water runoff.

2.0 Proposed Development

- 2.1. The proposed development is for demolition of the side of existing dwelling, construction of an extension and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on 21st March 2022, subject to standard conditions (12 no.).

3.2. Planning Authority Reports

3.2.1. Planning Report

- The site is zoned 'strategic open space' in the Naas Local Area Plan 2021 – 2026. However, as the proposed development is for a dwelling extension the Council's policy in relation to 'non-conforming uses' applies.
- The existing dwelling was permitted under Reg. Ref. 77/1183 and its proposed extension should, therefore, be considered on its merits.
- The existing dwelling is single storey and will remain so. The proposed design, layout, and site coverage is considered acceptable.
- Many of the third party issues raised are outside the remit of assessing the planning application, including, for example, that no permission is sought for an existing tennis court on the site, etc.
- The historical boundary walls for the site may once have formed part of the Oldtown Demense. However, their character has been substantially comprised already due to the presence of both dwellings (i.e. the subject property, Oldtown Villa, and Tandy's House). Furthermore, there are no works proposed that would involve altering the walls.
- Neither the subject property or Tandy's House are Protected Structures, nor within the Naas Architectural Conservation Area (ACA).
- The proposed works are setback within the site maintaining the existing building line c. 27m from the public road.
- The extension would also be acceptable in terms of its height and setback distance from its shared boundary to the northwest. Further, overshadowing is

not considered likely to occur having regard to the short length of gable in both properties.

- In summary, the proposed development is well designed and will consolidate and modernise the existing front elevation of the house.
- An upgraded wastewater treatment system was recently installed following inspection of the previous tank onsite. A letter from the Environment Department is noted and confirms the new installation acceptable.

3.2.2. **Other Technical Reports**

Water Services: No objection, subject to standard condition.

Roads & Transportation Department: No objection, subject to a condition requiring installation of electrical vehicle charging points within the driveway associated with the dwelling.

Environment Department: No objection, subject to standard conditions regarding the disposal and treatment of foul water, the preparation and entering into of a maintenance agreement between the property owner and contractor for the annual maintenance of the wastewater treatment system (in accordance with the manufacturer's guidelines) and the preparation of a Construction and Demolition Resource Waste Management Plan (RWMP).

Heritage Officer: No objection.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to standard conditions, including that where the proposed development connects to a public water/wastewater network operated by Irish Water (IW), a connection agreement must be signed with IW, prior to the commencement of the development; and that the proposed development must be carried out in compliance with the relevant IW codes and practices.

3.4. Third Party Observations

2 no. observations were received by the Planning Authority, including from the residents at Tandy's House (Doreen and Peter Murphy), which is residential property northeast of the appeal site, and a supportive submission from Councillor Bill Clear.

Murphy Submission

- There is a significant amenity value in the adjacent canal and its associated walkway.
- The character of the Naas ACA and historic walls should be very carefully considered in the context of the proposed development.
- The proposal would result in a cramped form of development and increase the housing density giving rise to a compact atmosphere, impacting on the visual amenity of the area and potentially devaluing both properties.
- The proposed extension is too close to the shared boundary wall between the properties.
- There are application documentation and drawing inconsistencies.
- The shared boundary and mature landscaped garden have undergone significant changes over the past year with many trees and vegetation now removed.
- Overshadowing will negatively impact on solar panels and their ability to generate electricity.
- Previous removal of a pond and potential installation of a tennis court is unacceptable and would lead to drainage and noise issues.
- The proposed development should be reconsidered and reorientated away from the shared boundary wall.

Cllr. Bill Clear Submission

- The application comprises the renovation and extension of an existing family home, which is supported and would bring it up to more sustainable building standards.
- This would extend the life of an existing, established property in the area.

- The proposed design is sympathetic to the existing property.

4.0 Planning History

Subject Site

Reg. Ref. 77/1183: The Planning Authority granted permission in February 1977 for the construction of two bungalows and associated site works.

The permission relates to the subject dwelling (Oldtown Villa) and adjoining dwelling to the southeast (Mill Lane).

Surrounding Area

ABP Ref. PL09.246482 (Reg. Ref. 15/1011): An Bord Pleanála granted permission in August 2016 for the demolition of an existing house. construction of a new house and retention of existing single storey building and associated site works.

The permission relates to Mill Lane House, which is approximately 200m to the southeast of the subject site.

5.0 Policy Context

5.1. Naas Local Area Plan 2021 – 2027

Zoning

The site is zoned 'F2 – Strategic Open Space' under the Naas Local Area Plan 2021 – 2027 ('LAP'), which has the following objective:

'To preserve, provide for and improve recreational amenity, open space and green infrastructure networks.'

Table 11.2 'Zoning Matrix – Definition of Terms

Non-conforming Uses are defined as:

'Existing established uses that are inconsistent with the primary zoning objective, where legally established by continuous use for the same purpose prior to 1st October 1964 or by planning permission, will not be subject to legal proceedings under the Act in respect of their continued use. Where

extensions or improvements of premises accommodating these uses are proposed each shall be considered on its merits in accordance with the proper planning and sustainable development of the area.'

5.2. **Kildare County Development Plan 2017 – 2023**

The Kildare Development Plan 2017-2022 ('Development Plan') recognises Naas as a 'Large Growth Town I'. It states that the role of Naas is to act as important self-sustaining regional economic driver, accommodating significant new investment in transport, housing, economic and commercial activity, while capitalising on international connectivity and high quality connections to Dublin City Centre. It also has a key role in supporting and servicing a wider local economy

- **Chapter 4** sets out **Housing Policy** in relation to residential development, and states that 'sustainable intensification of existing residential areas can be achieved through infill development, the subdivision of larger houses, backland development, family flats and extension to dwelling houses'.
- **Chapter 16** sets out **Urban Design Guidelines**.
- **Chapter 17** sets out **Development Management Standards**.

Section 17.2.5 states that '*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 states that '*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*'.

It also sets out basic principles which should be met in assessing such development proposals, including in relation to form, scale, and appearance; overlooking; overshadowing; private open space; etc.

5.3. National Planning Policy

- *Quality housing for Sustainable Communities – Best Practice Guidelines, 2007*
- *Sustainable Residential Development In Urban Areas – Guidelines for Planning Authorities, 2009*
- *Urban Design Manual: A Best practice Guide, 2009*
- *BRE Guide ‘Site layout Planning for Sunlight and Daylight’, 2011*

Other guidance documents referred to include:

- *BS 8206-2:2008 (Part 2: Code of practice for daylighting); and*
- *BRE 209: Site Layout Planning for Daylight and Sunlight.*

5.4. Natural Heritage Designations

There are no European Sites in the vicinity of the subject site.

The pNHA Grand Canal (Site Code: 002104) is directly to the rear (southwest) of the property.

5.5. EIA Screening

Having regard to the nature the proposed development, which consists of residential extension and ancillary site works, the nature of the receiving environment, and proximity to the nearest sensitive location, 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

The appeal reiterates many of the concerns raised in the third party observation lodged with the Planning Authority.

The main grounds of appeal can be summarised as follows:

'Response Document'

- There will be an increase in height. The existing elevation of the building volume to the right is 3.9m while the height of the proposed extension is 4.5m.
- There are irregularities in the application documentation submitted in relation to landscaping details (i.e. there is a difference between what is presented in the documents submitted and what exists onsite).
- The proposed chimney next to the shared boundary wall would give rise to health concerns and impinge negatively on the neighbouring property.
- There are concerns regarding overshadowing, potential impact on Tandy's Bridge (Protected Structure) and its protected view, and appropriate landscaping should be used to incorporate new buildings into their surroundings and provide privacy between dwellings.
- The Planner's Report does not specify the context or reason why the resulting separation distance between the proposed development and neighbouring gable at 8m, and about 1m from the boundary wall, is not considered significant or why it would not devalue either property. Conversely, it is considered that this would have consequences in terms of amenity, privacy, access to sunlight, etc.
- The proposed development is contrary to the Development Plan guidelines, which references that a low-pitched roof can be used for extensions, that chimneys should be through the ridgeline, not at the edge of the roof, and that overhanging eaves are not recommended.
- There are various drawing discrepancies and inconsistencies within the application documentation.

'Impact Assessment Report: Overshadowing, Sunlight and Passive Solar'

- The proposed development is contrary to Development Plan policies in relation to Solar Energy (SE 3 and SE 4) and Energy Efficiency in Buildings (EB 1 and HCO2.5).
- The proposed extension would significantly overshadow the neighbouring property, and its grounds, and the subject site itself.

- Solar energy gain would be significantly compromised, especially in winter, which is evidenced using shadow diagrams.

6.2. Applicant Response

The Applicant lodged an Appeal Response on 16th May 2022, including a Planning Report, Architect's Design Statement and Daylight Analysis and Overshadowing Report, which includes the following main points:

Planning Report

- The Appellant's report contains several inaccuracies and raises many issues that are not relevant to the assessment of this appeal case, including, for example, issues about a pond and tennis court, which are irrelevant as they are not part of the application.
- The site is some distance from the Naas ACA, which relates to the town centre of the Naas, and does not include the appeal site.
- The references to energy policy relate to outdated information and many of the quotes from the Development Plan are of a very general nature.
- The pattern of development in the area will not be interfered with and given the relatively small scale of the proposed extension it would not be very visible from outside the site.
- The proposed single storey extension is 1m from the 3m high site boundary wall and 6.7m from the blank gable end of the adjacent house. The space separation is, therefore, over 8m away from the blank gable end of the Appellant's house.
- The extension would be at least 18m away from the main patio area (marked '1' on Appendix A – Map) and 14m from the side patio area (marked '2').

Design

- The proposed extension retains the low pitch roof line of the original house.
- The design intent is to streamline and transform the existing outdated structure and simplify it into an L-shaped plan, maintaining a homogenous roof level.

- The new chimney would be used by a wood burning stove and replace two open fire chimneys and a solid fuel range chimney, which is allowable under environmental regulations.

Daylight Analysis and Overshadowing Report

- The BRE Guidelines require for amenity overshadowing that at least 50% of the amenity area affected should receive two hours of sunlight on 21st March. The analysis shows that 94% of the rear garden area to the northwest would receive the requisite amount of sunlight, thus conforming with the relevant BRE Guidelines.
- The Vertical Sky Component (VSC) analysis shows that the windows on the adjacent dwelling would conform with the relevant BRE Guidelines for VSC.

6.3. Planning Authority Response

- The Planning Authority has no further comments or observations to make and requests An Bord Pleanála uphold the decision to grant permission.

6.4. Further Responses

The Appellant lodged a submission to the Board on 13th June 2022. The submission reiterates the concerns raised in the third party appeal.

The Planning Authority lodged a submission to the Board on 26th May 2022 confirming that they had reviewed the contents of the First Party Response to Third Party Appeal and that they had no further comments or observations to make.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Zoning
- Layout and Design
- Residential Amenity
- Protected Structure

- Drawing Inaccuracies
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The site is zoned 'F2 – Strategic Open Space' under the Naas LAP, which seeks to preserve, provide for and improve recreational amenity, open space and green infrastructure networks. A dwelling use is not normally permitted under this zoning objective.
- 7.1.2. However, I note that the proposed development can avail of the provisions of Table 11.2 'Zoning Matrix – Definition of Terms', which includes reference to non-conforming uses. In this regard, it is stated that existing established uses that are inconsistent with the primary zoning objective, where legally established by continuous use for the same purpose, prior to 1st October 1964, or by planning permission, will not be subject to legal proceedings under the Act in respect of their continued use. Where extensions or improvements of premises accommodating these uses are proposed each shall be considered on its merits in accordance with the proper planning and sustainable development of the area.
- 7.1.3. The existing house was permitted in February 1977 under Reg. Ref. 77/1183. Therefore, I consider that the proposed development, which is for a residential extension, can be considered on its merits in accordance with the proper planning and sustainable development of the area.
- 7.1.4. It follows that the main planning consideration, is whether the proposed development positively addresses its receiving context and if it ensures that the amenity and privacy of existing residential communities is adequately protected.

7.2. Layout and Design

- 7.2.1. The site is an existing residential property site situated within an established part of Naas. It is within the settlement boundary of the town and roughly a 10min walk to the central core. Despite its scenic setting on a relatively quiet road and next to the Grand Canal tow path, the property is situated within the outer edge of the existing built-up area of Naas town centre and its associated urban / suburban hinterland.

- 7.2.2. The surrounding area consists of a mix of housing styles and there is no single prevailing building type or design. The overall style, appearance and design of the proposed residential extension, however, is comparable to the houses within its immediate surrounding environs.
- 7.2.3. The site is not very visible from the roadside on Mill Lane. This is mainly due to the 3m high brick wall that encloses the site, but also because of the unusual shared vehicular access arrangement from the public road, which comprises a spacious forecourt area at the front of the site, and which has the affect of setting the property back from the roadside by some distance.
- 7.2.4. Public views of the existing house are heavily impeded by the wall and I note that during my physical inspection that it was only possible to obtain a direct view of the existing house, and its associated wider grounds, by walking right up to the formal entrance gates. The adjoining residential properties to the northwest and southeast, which are Tandy's House and Mill Lane, respectively, are similarly shielded from view due to their location, and even deeper setting behind the boundary wall, and also the presence of mature vegetation that exists at the front and sides of each property.
- 7.2.5. The proposed extension would be situated on the northwestern side of the existing dwelling, which would have the affect of moving the house closer to the Appellant's property. However, the setback distance from the public road would be maintained and the existing mature tree stands at the rear of the site remain unaffected. The established building line set by the row of these three houses would also be kept intact, which I consider good design and preferable to filling in part of front section of the site or garden.
- 7.2.6. The proposed is simple in design terms. It seeks to remove various side annexes, chimneys and add-ons and to implement a L-shaped renovated and extended dwelling layout / plan. A protruding porch is proposed at the front of the house. The boundary walls will not be affected and the ridge level of the new gable-end will rise above the wall by roughly 1.5m.
- 7.2.7. The proposal seeks to emulate the general building style and architectural format of the existing house. It does not have any overly modern or contemporary features and seeks to adopt a similar roof profile and choice of materials as that of the extant

dwelling. A mix of nap render finish is proposed as the primary façade finish and slate coverings are intended for the roof, which is acceptable. The extension would have a pitched roof, which I also consider appropriate given the single storey nature of the new annex and presence of 3m high boundary wall between it and the Appellant's property.

- 7.2.8. The extant northwestern volume of the house has an overall height of roughly 3.9m to top of apex. However, the overall height of the main house volume is c.4.5m to top of apex. Therefore, the proposed development does not seek to exceed the total height of the existing dwelling and would maintain an overall height of 4.5m.
- 7.2.9. The existing dwelling is setback approximately 6.9m from the shared boundary with Tandy's Lane (Appellant's property). I note also that the southeastern side of the site between the existing house and shared boundary with Mill Lane would have less space to accommodate a dwelling extension due to the smaller separation distance that exists here. The existing house is setback off this boundary by between 4.3m and 5m and I note that the dwelling on this site (Mill Lane) is, itself, setback by roughly 4.5m from the boundary. This is closer to the appeal site than Tandy's House, which is approx. 7m at its nearest point from the shared boundary.
- 7.2.10. Therefore, in summary, I consider the positioning of the proposed residential extension on this part of the site to be logical and reasonable – particularly as it is for a single-storey addition only – subject to it having no significant or unacceptable amenity impacts on the neighbouring residential property to the northwest
- 7.2.11. The placement of the new chimney in this part of the new house, and inclusion of overhanging eaves, is acceptable in design terms. I note that the appeal site, and its receiving environment, is mainly residential in character. Furthermore, the sections of the Development Plan referenced by the Appellant to support their argument that such features are generally discouraged are in relation to 'Rural Design' (Chapter 16). This chapter seeks to promote architecture which complements and reinforces the existing character of the 'rural landscape' in rural County Kildare and is mainly focused on single houses in the countryside.
- 7.2.12. The proposed placement of the chimney and use of overhanging eaves would not be unusual in a residential setting such as this, however. The proposed chimney is a single external flue serving a domestic wood burning stove and the eaves and verge

detailing is conventional in design and appearance and would therefore be appropriate, in my view.

- 7.2.13. In relation to the Appellant's concerns that that the proximity of the chimney to their property would give rise to health concerns, I do not consider that there would be a significant increased likelihood of health impacts arising as the new chimney is for domestic purposes only and would be subject to the normal building regulation requirements for safe and acceptable operation. Furthermore, I note that the Applicant intends to decommission three existing older chimneys, which currently serve two open fireplaces and a solid fuel range.

7.3. Residential Amenity

- 7.3.1. The Development Plan (Section 17.2.4) protects against inappropriate overlooking of adjoining properties. It is stated that a minimum distance of 22 metres between opposing above-ground floor level windows is required for habitable rooms. However, I consider that there is very limited potential for overlooking the adjacent residential property to the northwest as the proposed extension comprises only a single storey, there are no windows proposed on the end gable end of the extension and that there is a tall 3m boundary wall separating the sites from one another.
- 7.3.2. In terms of visual impact, and potential impact on the character of the surrounding vicinity, I note that the extension is relatively modest in scale. The existing house is 204sqm and the new annex would be 107sqm. The proposal also comprises the demolition of 62sqm of floorspace, meaning the net increase in floorspace is approximately 45sqm.
- 7.3.3. I am also satisfied that its design and finish would integrate appropriately with the existing house and that it would not impact negatively on the visual amenities of the area, including that of the Appellant's property. I consider the overall scale and massing of the proposed development appropriate for the site, and to its context, and that the new extension would not be unduly overbearing or intrusive to surrounding properties.
- 7.3.4. The Appellant has completed an assessment of potential daylight and sunlight impacts that would be caused by the proposed extension. The analysis is detailed and includes various diagrams and illustrations to support their argument that the

proposed development would significantly overshadow both the Appellant's property and wider grounds, but also the subject site itself. The Appellant also submits that solar panels on their house would be rendered less effective due to overshadowing and that this is against various energy efficiency and urban design objectives contained in the County Development Plan.

- 7.3.5. In response, the Applicant has submitted a Daylight Analysis and Overshadowing assessment (completed by H3D Sunlight and Daylight Specialists, dated 10th May 2022). The Applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the BRE Report 'Site Layout Planning for Daylight and Sunlight' and British Standard BS 8206-2:2008 'Lighting for Buildings – Part 2 Code of Practice for Daylighting'.
- 7.3.6. In terms of potential overshadowing of existing properties, the Applicant's shadow projections plot the sun path at various times of the day and month in order to identify the extent of potential overshadowing on the existing, adjacent houses and gardens. The assessment concluded that there would be little or no impact on any of the adjacent properties, including the Appellant's property, which is to the northwest.
- 7.3.7. I have considered the assessment against the provisions of 'BS 8206-2:2008 (British Standard Light for Buildings - Code of Practice for Daylighting)' and 'BRE 209 - Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (2011)'. I also note that Section 17.2.5 of the Development Plan states that 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 and that 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.
- 7.3.8. The proposed extension is a single storey extension, which does not exceed the height of the existing dwelling. Therefore, it is not of 'significant height', in my opinion. The shadow diagrams nonetheless provide a useful set of illustrations that make a comparison between the existing and proposed scenarios for 21st March (3pm), which is the required test date according to the guidance. The additional overshadowing that would be caused by the new extension is minimal, in my opinion, with only a small section of the top of apex and chimney casting a shadow over and

across the boundary wall onto the Appellant's lands. This is due to the relatively low height of the extension and height of the wall itself, which is substantial at 3m.

- 7.3.9. The Applicant has also completed an analysis of the proposed development in terms of Vertical Sky Component (VSC) on the side windows of the Appellant's house (i.e. the side facing the appeal site). The VSC calculation is the ratio of the direct sky illuminance falling on a window to the simultaneous horizontal illuminance under an unobstructed sky. I note from the information available on file that there are no windows on the closest gable end of the Appellant's house (see Figure 4 of the Daylight Analysis and Overshadowing assessment). The proposed development has therefore been assessed mainly in terms of its potential impact on the front volume of the house, which is the section closest its northeastern boundary.
- 7.3.10. The report found that of the eight windows analysed that five of these exceeded the required 27% test requirement¹. The remaining three windows were within 99% of the original values and, therefore, exceeded 80%, which is the required test value.
- 7.3.11. In terms of potential overshadowing of private amenity space, I note that the BRE Guide requires at least 50% of an amenity area to receive two hours of sunlight on 21st March. The analysis shows that 94.1% of the rear garden to the northwest would receive the required sunlight. There would be little or no discernible impact on the patio areas associated with the Appellant's property.
- 7.3.12. Furthermore, I have carried out a physical inspection of the appeal site, and its surrounding environment, and have viewed the technical drawings accompanying the application. I am satisfied that due to the side separation distance between the proposed extension and adjacent house (c. 8m), the overall height of the proposed extension, which is roughly 4.5m (and single storey only), and presence of a tall 3m high boundary wall that there would no significant overshadowing incurred by the adjoining property, its associated amenity space(s), or solar panels, and that the impacts arising would be negligible.
- 7.3.13. In summary, I do not consider that the proposed development would injure the residential amenities of the area or of property in the vicinity, by way of visual impact,

¹ If the VSC at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window (source: BRE Guide).

overlooking, loss of daylight or sunlight, or otherwise, and that it would be in accordance with Sections 17.2.5 and 17.4.8 of the Development Plan.

7.4. Protected Structure

- 7.4.1. During my site inspection, I took in views in the direction of the appeal site from Tandy's Bridge (Protected Structure, RPS Ref. NS19-062), which is roughly 100m to the northwest. There are no direct or unimpeded views of the property and I was not able to observe the existing house from this vantage point. Given the physical distance and absence of any apparent views of the appeal site, I do not consider that there would be any significant impacts on this Protected Structure.

7.5. Drawing Inaccuracies

- 7.5.1. The Appellant submits that there is a difference in the information presented in the application documentation and what exists onsite. They reference that a large grassed area to the rear of the site has been removed and gravelled over and that a pond has also been taken out. It is stated that these physical alterations have given rise to puddling in places.
- 7.5.2. Article 23 of the Planning and Development Regulations deals with the requirements to provide particulars with a planning application. Article 23(1)(a) requires that a site or layout plan be submitted showing buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates.
- 7.5.3. I note that the Planning Authority deemed the application as valid and that it is not within the remit of An Bord Pleanála to invalidate an application. However, in relation to potential surface water ponding, I consider that the typography of the site, and nature of the proposed development, would be unlikely to give rise to any significant drainage concerns.
- 7.5.4. The issue could be readily dealt with by a condition requiring surface water drainage arrangements to comply with the standard requirements of the Planning Authority and I note that the Council's Water Services and Environment Department had no objection to the proposal.

7.6. **Appropriate Assessment**

Having regard to the nature and small scale of the proposed development; which is for a residential dwelling extension and ancillary site works, and the distance from the nearest European site; no Appropriate Assessment issues arise. Therefore, 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**

I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Kildare County Development Plan 2017-2023, the Naas Local Area Plan 2021 – 2027, and to the size, scale, design and location of the proposed residential extension, which is consistent with the character and form of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 and the development shall be carried out and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity.
2.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.</p> <p>b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.</p> <p>c) A maintenance agreement shall be entered into and maintained between the property owner and a suitably competent contractor for the annual maintenance of the wastewater treatment system in accordance with the manufacturer's guidelines. A copy of the maintenance agreement shall be supplied to the Council prior to occupation.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in</p>

	<p>writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The Plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>The developer shall pay to the Planning Authority a financial contribution respect of public infrastructure and facilities benefitting 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</p>

	<p>the 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 developers 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.</p> <p>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.</p>
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Ian Boyle
Planning Inspector

4th July 2022