



An  
Bord  
Pleanála

## Inspector's Report ABP-313932-22

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<b>Development</b>	A 40m <sup>2</sup> single storey extension to the side of the existing house and associated site works.
<b>Location</b>	11 The Gables, Kill, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	22458
<b>Applicant(s)</b>	Jimmy & Deirdre O'Byrne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Richard & Pauline Forde
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	14 <sup>th</sup> September, 2022
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located at No. 11 The Gables, Kill, Co. Kildare, approximately 400m southwest of the town centre, at the end of a small cul-de-sac in a well-established residential area where the prevailing pattern of development is characterised by conventional detached two-storey housing with front & rear garden areas and off-street car parking. It has a stated site area of 0.0567 hectares, is irregularly shaped, and is occupied by a two-storey, front-gabled, detached dwelling house with a single storey annex to the side (east) and rear. The site is bounded by neighbouring housing on all sides, save for its frontage onto the public road.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a single storey, flat roofed extension (floor area: 40m<sup>2</sup>) to the side of the existing dwelling house. The accommodation to be provided will include a bedroom, bathroom, study and a pantry, all accessed via a shared hallway accessed through a single interconnecting doorway leading off the living room of the existing dwelling house. The external finishes (selected brickwork) proposed are to match the existing dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On 7<sup>th</sup> June, 2022 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 8 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, services, and construction management.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports:*

Details the site context, planning history and the applicable policy considerations before stating that the proposed development will not have a negative impact on the residential or visual amenity of neighbouring properties or the surrounding area. The

report subsequently concludes by recommending a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

*Environment:* No objection, subject to conditions.

*Roads, Transportation and Public Safety:* No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

- 3.4.1. A single submission was received from the appellants, however, in the interests of conciseness, and in order to avoid unnecessary repetition, I would advise the Board that the principal grounds of objection / areas of concern raised therein can be derived from my summation of the grounds of appeal.

4.0 **Planning History**

4.1. **On Site:**

PA Ref. No. 21/913 / ABP Ref. No. ABP-311271-21. Was refused on appeal on 14<sup>th</sup> February, 2022 refusing Jimmy and Deirdre O' Byrne permission for a two-storey, two-bedroom house of 90m<sup>2</sup> and associated site works.

- Having regard to the constricted configuration of the subject site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development, by reason of its scale, form and design would constitute the overdevelopment of a limited site area, which would have an overbearing impact on the existing dwelling at Number 11 The Gables, would be visually obtrusive in the streetscape and would be out of character with the pattern of development in the vicinity. The proposed development would, therefore, seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. Kildare County Development Plan, 2017-2023:

#### 5.1.1. **Land Use Zoning:**

The proposed development site is located in an area zoned as '*B: Existing Residential / Infill*' with the stated land use zoning objective '*To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*'.

*Explanatory Note:*

This zoning principally covers existing residential areas and provides for infill development within these existing residential areas.

The primary aims of this zoning objective are to preserve and improve residential amenity and to provide for further infill residential development at an appropriate density.

#### 5.1.2. **Other Relevant Sections / Policies:**

*Chapter 4: Housing:*

Section 4.11: *Residential development in established urban areas - Infill, backland, subdivision of sites and corner sites:*

*Extensions to Dwellings:*

Domestic extensions are an effective way for homeowners to adapt to changing household needs without having to move house. The design, scale and layout should have regard to the amenities of adjoining properties, particularly as regards overshadowing and privacy.

*Objectives: Sustainable residential development in established urban areas:*

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

*Chapter 17: Development Management Standards:*

Section 17.2: *General Development Standards*

Section 17.4.8: *Extension to Dwellings:*

Primarily, the design and layout of extensions should have regard to the character of the existing dwelling, the nature of the surrounding area and the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. The following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling in its form, scale and appearance and should not adversely distort the scale or mass of the structure or adjoining properties.
- The extension should complement the area in which it is located, and its design and scale should have regard to adjoining properties. However, a flexible approach will be taken to the assessment of alternative design concepts and contemporary designs will be encouraged.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Chapter 16 Rural Design Guide.
- The extension should not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed.
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- The physical extensions to the floor area of a dwelling should not erode its other amenities. In all cases a minimum private rear garden area must be retained.

## **5.2. Natural Heritage Designations**

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 2.7km northwest of the site.

- The Killeel Wood Proposed Natural Heritage Area (Site Code: 001394), approximately 4.3km east-southeast of the site.
- The Red Bog, Kildare Special Area of Conservation (Site Code: 000397), approximately 6.6km southeast of the site.
- The Liffey at Osberstown Proposed Natural Heritage Area (Site Code: 001395), approximately 6.9km west-southwest of the site.
- The Slade of Saggart and Crooksling Glen Proposed Natural Heritage Area (Site Code: 000211), approximately 9.4km east of the site.
- The Poulaphouca Reservoir Proposed Natural Heritage Area (Site Code: 000731), approximately 9.7km southeast of the site.
- The Poulaphouca Reservoir Special Protection Area (Site Code: 004063), approximately 9.7km southeast of the site.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from 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**

- Due to the restricted nature of the site, it is considered that the proposal would result in a 'cramped' form of development which would amount to the overdevelopment of the site.
- The proposed extension would give rise to a 'terracing' effect which would detract from the visual amenity of the streetscape and be out of character with the established pattern of development.

- Permission was previously refused for a development on the same site under PA Ref. No. 21/913 / ABP Ref. No. ABP-311271-21 with the reasons and considerations including the following:
  - Constricted configuration of the site and the established pattern of development in the surrounding neighbourhood.
  - Overdevelopment of a limited site area.
  - Overbearing impact on the applicant's dwelling.
  - Visually obtrusive in the streetscape.
  - Out of character with the pattern of development in the vicinity.
  - Seriously injure the residential amenities of the area.
  - Contrary to proper planning and sustainable development of the area.
- The size, scale and proximity of the proposed extension will detract from the residential amenity of the appellants' neighbouring dwelling house by reason of additional overshadowing and its overbearing / obtrusive appearance.
- The proposal to relocate the side entrance to the property to a position alongside the shared boundary wall will give rise to an increase in footfall / pedestrian activity (such as the movement of refuse bins & garden machinery etc.) along that boundary immediately in line of sight of the appellant's kitchen and living room areas. This will have a detrimental impact on the residential amenity of the neighbouring dwelling by reason of increased noise, disturbance, and a loss of privacy.
- The windows to the appellants' kitchen and living room will be compromised by the proposed development and have not been accurately depicted on the submitted drawings.
- While the submitted particulars show the retention of an existing hedge and give the impression that this acts as a privacy screen, in reality, the existing overgrown hedge does not provide privacy and will, in any event, have to be removed in order to allow access to the site for construction purposes.

- The proposed development does not comply with the requirements of Section 17.48: '*Extensions to Dwellings*' of the Kildare County Development Plan, 2017-2023.

## 6.2. Applicant's Response

- The proposed extension is typical in size and finish to other examples in the surrounding estate.
- The proposal does not amount to overdevelopment in that it comprises a modestly sized extension on a comparatively large site.
- The existing hedge between Nos. 10 & 11 The Gables serves to mitigate any impact arising from the proposed development on the adjacent property.
- The provision of a side gate alongside a boundary wall is typical of housing estates such as The Gables and must be considered as commonplace. In this respect, it is not accepted that the proposed development would have any impact on the privacy of the neighbouring dwelling house.
- Drg. No. P1010 is accurate in its depiction of the frosted windows serving the appellants' neighbouring dwelling house. The photographs supplied by the appellants show other windows to the front of their property, including the kitchen window which is not shown as being frosted on Drg. No. P1010. Moreover, the photographs show the substantial screening provided by the existing hedge to the non-frosted windows.
- The existing hedge and fencing will be retained while the provision of the side access will avoid any foundations immediately alongside the intervening boundary thereby allowing for ease of maintenance of the hedge in its current condition.
- The recessing of the proposed extension from the shared boundary lessens its impact on the neighbouring property.
- The development previously refused permission under ABP Ref. No. ABP-311271-21 is entirely separate from the current proposal and the majority of the issues arising are of no relevance to the subject application.



### 6.3. **Planning Authority Response**

- Confirms its decision and has no further comments or observations.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Overall design and layout / visual impact
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

### 7.2. **Overall Design and Layout / Visual Impact:**

7.2.1. In terms of the overall design and layout of the proposed development, having regard to the site context and the surrounding pattern of development, in my opinion, the outward appearance of the subject proposal, with specific reference to its scale, height, single-storey construction, elevational treatment, external finishes, and relationship with neighbouring properties, represents an appropriate design response which is in keeping with the prevailing character of the existing dwelling house and the site surrounds.

### 7.3. **Impact on Residential Amenity:**

7.3.1. With regard to the potential impact of the proposed development on the residential amenity of the appellants' neighbouring dwelling house, having reviewed the available information, I am satisfied that the overall design of the proposed extension has taken sufficient cognisance of the need to preserve the amenities of that

property. For example, I would refer the Board to the absence of any windows within the side elevation of the new extension thereby avoiding any direct overlooking of the adjacent property to the immediate northeast or any associated loss of privacy.

7.3.2. In assessing the potential for any loss of light or overshadowing of the appellant's property, consideration must be given to the specifics of the site context, including the height, orientation and separation of the structures concerned as well as their relationship to one another. Furthermore, it is relevance to note that the subject site is located in a built-up urban area where some degree of overshadowing from structures such as house extensions, garages, sheds, and boundary walls should not be unexpected. Cognisance should also be taken of the levels of overshadowing / shading already attributable to existing features such as boundary walls, landscaping or other structures. Therefore, having reviewed the available information, and following a site inspection, it is my opinion that given the limited size, scale and height of the proposed extension, its recessed positioning from the shared site boundary, and its relationship with the neighbouring property (including the separation distances involved), any additional overshadowing / loss of light consequent on the proposal will be of a relatively limited extent and duration and will not unduly impact on the residential amenity of the appellants' property to such an extent as to warrant a refusal of permission.

7.3.3. With respect to the overall scale, siting and proximity of the proposed extension relative to the appellant's dwelling, and the suggestion that the proposal will be somewhat overbearing or domineering in appearance when viewed from within the confines of that property, having considered the site context, the specifics of the design as submitted, and noting that there are several examples of similar such extensions having been permitted elsewhere to the side of comparable properties, it is my opinion that the proposal is neither out of scale nor excessive and will not result in an unacceptably overbearing visual aspect or appearance.

7.3.4. While concerns have also been raised in relation to the proposed relocation of the side entrance gate serving the subject site to a position alongside the intervening boundary shared with the appellant's property, I am unconvinced that this aspect of the proposal will give rise to any significant loss of amenity by reason of increased overlooking, noise or general disturbance. Such an arrangement is commonplace in conventional housing development and does not typically give rise to any cause for

complaint. In this particular instance, cognisance should also be given to the fact that the area proposed for the relocation of the side entrance already forms part of the applicant's garden area where normal domestic activities ancillary to the enjoyment of the dwelling house (such as the playing of children etc.) would not be unexpected. In my opinion, the intermittent use of the new entranceway for the purposes of normal household use (e.g. general maintenance & the movement of refuse bins etc.) will not have any significant impact on the residential amenity of the appellant's property and will be further mitigated by the proposal to retain the existing hedging along the shared boundary.

- 7.3.5. Therefore, on balance, given the site context, with particular reference to its location in a built-up urban area, I am satisfied that the overall design, scale and form of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, loss of daylight / sunlight, disturbance, or an unduly overbearing / obtrusive appearance.

#### **7.4. Appropriate Assessment:**

- 7.4.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, 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 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.

### **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Kildare County Development Plan, 2017-2023, and to the scale, form and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. The proposed development 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.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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Robert Speer  
Planning Inspector

21<sup>st</sup> September, 2022