



An
Bord
Pleanála

Inspector's Report ABP – 315405-22

Development	Demolition of Lean-to single storey extended kitchen and replacement with New Two Storey Extension to rear and associated site works.
Location	13 Cill Dara Close, Celbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22 992.
Applicant	Jayne and David Clarke
Type of Application	Permission
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Kevin and Fiona Byrne
Date of Site Inspection	8 th August, 2023.
Inspector	Jane Dennehy

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1.0 Site Location and Description

The application site is within a residential estate accessed off the R 405 (Maynooth Road) a short distance to the west of the Main Street of Celbridge and it has a total stated area of 290 square metres. The existing dormer dwelling is within a semi-detached pairing with No 14 Cill Dara Grove. No 12, the property of the Appellant Party is a detached house on the plot to the east side of the application site.

The internal accommodation is over ground and first floor levels and has a stated floor area of 123.4 square metres, inclusive of the lean to (proposed for demolition) which has a stated floor area of twelve square metres.

There are three bedrooms, one of the three bedrooms being at ground floor level to the front and there is extended kitchen lean-to space within the lean to at the rear area to the rear.

There is a front curtilage used for off street parking, a side passage, (gated) and a rear garden enclosed by boundary walls to each side and the rear and there is a garden building located adjacent to the rear boundary of the site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 12th August, 2022 indicate proposals for demolition of the lean to extended kitchen area of the dwelling and for construction of a two-storey extension at the rear which has a stated floor area of 53.6 square metres.
- 2.2. Further information comprising revised plans was lodged on 16th November, 2022 in response to a request for additional information from the planning authority. The extension, at ground floor level, (which incorporates the footprint of the kitchen extension to be removed) is 4.5 metres deep and across the entire width of the existing dwelling at 8.235 metres. At first floor level the internal width, which is flat roofed and below the level of the ridge of the pitched roof of the existing dormer dwelling provides for an increased off set from the west side boundary.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 5th December 2022 the planning authority decided to grant permission for the proposed development as, revised in the further information submission, subject to standard conditions. Under Condition No 2 there is a requirement for the development to be occupied as a single dwelling unit in residential use with no subdivision.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer in his report on the further information submission indicates that the proposed revised proposal would be minor and is acceptable for the location in that:-

whereby, the mass is moved away from the boundary with No 12 towards the south-eastern boundary to create greater separation distance:-

the height of the roof does not project beyond the rear building line of No 12 and is below the ridge line of the existing dwelling, and,

that an increase in overshadowing attributable to the proposed extension is marginal.

It is concluded that the design ameliorates impacts on adjoining properties and noted the plot is constrained on all sides. The separation distances from the rear elevation are stated to be 23.8 metres from that of No 34 Maynooth Road and 22.3 metres from that of No 35 Maynooth Road and that that no additional overlooking of these properties or the adjoining properties to the sides of the application site would occur. The garden building is stated to be within the scope of Part 1 Class 3 of the Planning and Development Act. 2200 as amended and therefore is exempt development.

3.2.2. Other Technical Reports.

The internal reports indicate no objection subject to conditions of a standard nature.

3.2.3. Third Party Observations.

3.2.4. Submissions was lodged by the appellant party, occupant of No 12 Cill Dara Grove and by the occupant of No 34 Maynooth Road who indicates concern as to potential for overlooking of the rear garden and rear ground floor accommodation at this property. The appellant party raise concerns about overlooking and overshadowing, the size of the remaining private open space to the rear, the planning status of a structure within the rear garden and as to the clarity of the application drawings.

4.0 Planning History

P. A. Reg. Ref 20/1183: Permission was refused for this prior proposal for demolition of the lean-to at the rear and for a two-storey extension inclusive of velux rooflights to both sides. This proposal comprises a two-storey shallow pitched extension at the rear across the entire width of the existing dwelling for reasons of serious injury to visual and residential amenities and undesirable precedent.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is the Kildare County Development Plan, 2017-2023. Development management standards are within Chapter 17 with extensions to dwelling under section 17.4.8.

5.2. Celbridge Local Area Plan 2017-2023

The site is within an area subject to the zoning objective “B” Existing residential/infill
“To protect and enhance the amenity of established residential communities and promote sustainable intensification.”

5.3. EIA Screening

5.4. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely lack of emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to

significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by Kevin and Fiona Byrne of No 12 Cill Dara Close, the adjoining detached house on the site to the northeast of the application site, on their own behalf on 19th December, 2022. According to the appeal:-

- The proposed development is out of character with the surrounding properties due to size, wall height and overall visual impact.
- It does not allow for a remaining rear garden depth of eleven metres. The depth of the rear garden at No 35 Maynooth Road, from an extension, is 12.75 metres, allowing for 9.625 metres to the rear of the No 13.
- The proposed development is overbearing and overshadows the appellant's property. The shape and lines of the living room at the appellant property are not accurately presented in the shadow analysis and show little difference between existing and proposed effects.
- The flat roofed structure will protrude eight metres plus from the existing roofline blocking daylight and sunlight at No 12. The appellant's concerns were not addressed by the planning officer in not requesting a corrected shadow analysis. The shadow analysis was not corrected in the further information submission, and it should show severe impact. The previous application, which had a sloped roof also would have had an adverse impact and the submitted shadow analysis was inaccurate.
- The application should be declared inaccurate because; a material change to plans was allowed without a new public notice being required and there is no reduction in scale in the revised submission which had been requested. The planner report is erroneous in stating that, "*the first floor has been flipped to move the bulk of the development away from no 12 Cill Dara Close. However, the bulk of the development now site towards the south-east*

elevation.” The bulk was moved towards No 12 compounding the negative impact.

- There is no rationale in the planner’s report as to why a two-storey extension which is described as inappropriate for the site was deemed permissible. The contention that similar development has been permitted in the area is not accurate given the constrained site, its size, lack of rear garden space, different aspects and position. To this end, reference is made to development permitted under P. A. Reg Ref 10/1089 at No 20 and 21/105 at No 18
- The garden shed height was not independently validated by the planning authority. The shed is on a high plinth so it is not established if the high plinth is included in the three metres height stated for the roof height.

6.2. Applicant Response

A submission was received from the Jayne and David Clarke on their own behalf on 17th January, 2023 in which it is requested that the planning authority decision be upheld and according to which:-

- The proposed extension is to provide for the applicant’s accommodation needs and is carefully designed, high quality, modest and in keeping with other similar extensions developed in the area and it would not have negative effect on neighbouring properties. Any reduction in size for the proposed extension would not be viable having regard to the applicant’s accommodation needs.
- Several extensions have been built in the area including a ground and first floor extension at the Appellant Party’s property at No 12 and it is higher than the proposed extension at No 13. There is a larger extension at No 20 Kildare Close with the first floor being bulkier and closer to No 21.
- There was a small error on the overshadowing study, but it did not affect the assessment. The study is comprehensive and shows that there would be no undue negative impact, the shadowing effect being marginal and above minimum in having regard to BRE and BS guidelines. For No 12 the total

area of the garden receiving a minimum of two hours sunlight is 119.7 square metres of the total area of 131.5 square metres which is 91.0 percent.

- The bulk of the first-floor extension was moved in the Further information submission towards the southeast to address concerns about impact on residential amenities at No 14.
- Claims as to visual impact and proximity are overstated in the appeal. The extension will be 7.7 to 8 metres from the west side wall of No 12 so it will not be overbearing. The extension at No 20 Cill Dara Close is 4.7 metres from the east side wall of No 21.
- A garden office (5 x 4 m) was installed in 2021. The remaining space to the side and rear, with the extension in place will be in excess of twenty-five square metres increasing to over forty square metres if the side entrance is included.

6.3. Planning Authority Response

In the submission of 27th January 2023, the planning authority states that it has no observations to make on the appeal and the Board is advised to consult the planning officer and technical reports.

7.0 Assessment

The issues central to the determination of a decision on the proposed development as revised in the further information submission can be considered under the following subheadings:-

Visual impact on character of development in the area

Design, Mass and Height for Proposed Extension

Garden Building

Overshadowing

Overlooking

Precedent.

Appropriate Assessment.

Visual impact on character of development in the area

- 7.1. There is a strong homogeneity in the dwellings throughout the estate which comprise primarily dormer style gable fronted semi-detached houses with modest side front and rear gardens, along with some detached units on corner sites. The development is low density and there is quality of open space which is well distributed. The proposed extension is directly to the rear of the existing dwelling extending across its entire width and would not be visible from the roads and open space to the front and therefore there are no issues as to visual impact in views from the public realm.

Design Mass and Height for Proposed Extension

- 7.2. It is considered that the addition of the proposed two-storey extension with a parapet height at the level of the proposed flat roof over a depth of 4.5 metres beyond the rear building line of the existing dwelling, notwithstanding the higher ridge height of the roof of the existing dwelling is unacceptable.
- 7.3. The extension is excessive in massing, bulk and height to the parapet for the flat roof and the considerable additional length having regard to the limited depth of the rear garden, irrespective of the existing garden building. It is excessive in proportion to the existing dwelling, the plot size and configuration and would be unduly conspicuous and intrusive to the adjoining properties on both sides at No 12 and No 14. As such the proposed development would seriously injure the residential amenities and adversely affect the value of these properties. Although the separation distance between the side elevation of the dwelling at No 12 (Appellant Property) and the party boundary is generous, this separation distance on the application site for the existing dwelling and proposed extension is limited. The two-storey elevation of the existing and proposed development which would have a blank wall to parapet height over its length would, as a result be visually conspicuous and

would give rise to sense of enclosure affecting the amenities of the property at No 12.

- 7.4. The offset from the party boundary at first floor level with the adjoining house at No 14 within the semi-detached pair is ameliorative but not to a sufficient degree. The amenities of No 14, particularly the rear garden would be affected by the overall depth into the garden beyond the original building line by way of conspicuousness and a sense of enclosure described in relation to impact on the amenities No 12.
- 7.5. However, it is considered that this adverse impact can be mitigated satisfactorily by a reduction in depth of the first floor of the extension from 4.5 to 3.5 metres, beyond the rear building line and that this amendment is warranted in order to protect the amenities of the adjoining properties, especially the rear garden at no 14. The amendment would also result in better quality and amenity potential for the remaining private open space to the rear on the application site bearing in mind the confined size and configuration of the private open space at the rear of the dwellings on these plots within the estate.

Garden Building

- 7.6. The existing garden building is serviced and provides for some additional habitable living/working accommodation. The issue as to its planning status is a matter to be addressed for between the planning authority and the applicant. The structure is circa three metres to the parapet above ground level based on visual inspection, but the interior was not inspected. It is stated in the applicant submission that the building is 4000 x 5000 which, if the measurement is taken internally, would indicate an internal floor area of up to 20 square metres or little less if it is an internal measurement. When taken in conjunction with the proposed extension the additional floor area, net of that of the kitchen lean to be demolished would be considerable relative to the existing development and in the context of the plot size.

Overshadowing.

- 7.7. The shadow study submitted with the application and available is for the original proposal. It is considered that the reliability of the shadow study for the original

application is at issue, and it is noted that a revised study is not available for the revised proposal in which the design and form of the upper floor /roof element is differs vary considerably from the original proposal. A reliable study for the pre and post development scenarios for sunlight and daylight is therefore unavailable.

- 7.8. It appears, further to review of the plans and the site inspection, that while some increase in overshadowing of adjoining property at No 12 would occur but to a modest degree only. The addition of the flat roof extension is unlikely to give rise to a major reduction in sunlight and daylight to the private open space and windows at the appellant's adjoining property and the private open space a relative to the predevelopment scenario at these properties or lead to the minimum standards with in BRE Guidelines being breached. . However, demonstration of the impacts by way of preparation of a daylight and sunlight study in accordance with the recommended methodology in BRE 209: *Site Layout Planning for Daylight and Sunlight* would provide confirmation as to the impacts. In this regard and the applicant could be requested to provide for same prior to the determination of the decision.

Overlooking.

- 7.9. There is potential for reciprocal overlooking between the rear elevation of the proposed extension and the rear elevation windows of the dwelling directly opposite the site on Maynooth Road and there would be views towards the adjoining properties on Maynooth Road which is a departure from the dormer design for the original dwellings. There is a small shortfall from the minimum twenty-two metres distance recommended for suburban areas and the view of the planning officer that this reciprocity is acceptable is supported. The shortfall in the separation distance would be reduced further if the depth of the upper floor extension is reduced by a metre by condition as has been recommended above.

Precedent.

- 7.10. Reference, to support claims as to precedent for the proposed development to previously permitted developments have been made. However, it has not been established having regard to the examples referred to in the applicant's submissions

that there is fully comparable proposal having regard to site size and configuration and surrounding development.

Appropriate Assessment Screening

- 7.11. Having regard to the nature and scale of the proposed development the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site or a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

It is recommended that permission be granted but that a condition be attached to provide for mitigation of the excessiveness in scale, mass and depth of the two storey extension having regard to the parapet height to the flat roof, in proportion to the existing dwelling, the extension blank surface of the side elevations to parapet height in views from and the creation of sense of enclosure at the adjoining properties. A requirement for a reduction in depth from 4.5 to 3.5 metres at upper floor level to the addressed by condition is therefore recommended. It is considered that provision for viable additional bedroom accommodation at first floor level within the reduced depth floor extension can be achieved.

9.0 Reasons and Considerations

Having regard to the site location in an established suburban area and to the established pattern and character of development in the vicinity it is considered that subject to the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area and, would 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, as amended by the further plans and particulars submitted on 16th November, 2022 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. The length of the proposed extension at first floor level beyond the main rear building line of the existing dwelling shall be reduced by one metre and shall not exceed 3.5 metres. . Revised drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the protection of residential amenities of adjoining properties and the amenities of the area.

3. The developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

5. Details of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to 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 developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jane Dennehy
Inspector
11th August, 2023.