



An
Bord
Pleanála

Inspector's Report

ABP-315523-23

Development	Construction of a first floor extension to side of dwelling
Location	9 Moorefield Park, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	221269
Applicant(s)	Natalia Syrenkova
Type of Application	Permission
Planning Authority Decision	Grant subject to 8 no. conditions
Type of Appeal	First Party
Appellant(s)	Natalia Syrenkova
Observer(s)	None
Date of Site Inspection	22 nd May 2003
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located within a suburban housing estate immediately south of the town centre. Moorefield Park is located to the east of the R445 which is the main road running through Newbridge.
- 1.2. The dwelling to which this appeal relates is a two storey dwelling with a single story garage converted to residential use (a playroom). The house is of a typical 1970s design and there are two separate doors, one to the main house and one to the playroom area.
- 1.3. During the site visit it was noted that work had already commenced on the proposed works notwithstanding that no permission exists for same.

2.0 Proposed Development

- 2.1. The development will consist of the construction of a first floor extension over the playroom. The extension does not exceed the current footprint of the playroom structure.
- 2.2. From the drawings submitted to the Planning Authority the additional space at first floor level will be used to accommodate two additional bedrooms thereby converting the current three bedroom house into a five bedroom house. The extension is designed to match the original house in terms of roof height and construction finish.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 13th December 2022 subject to 8 no. conditions. Condition No. 2 which requires the omission of the playroom door is the subject of this First Party appeal.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report on file notes the residential zoning within which the site is located and that the design is compatible with the dwelling. The planner notes that no overlooking would occur and the first floor extension would not have an adverse

impact on the residential amenity of the area. The planner also notes that as per the unimplemented Ref. 06/1055 on the site, a grant of permission for 22/1269 should include a condition requiring the removal of the playroom door.

3.2.2. Other Technical Reports

Water Services and the Area Engineer have no objections subject to conditions. Roads have no objection to the proposed development.

3.2.3. Prescribed Bodies

Irish Water had no objections to the proposed development.

3.2.4. Observations

None.

4.0 **Planning History**

4.1. On the Appeal Site

Ref. 06/1055 was a grant of permission for the same development as proposed by 22/1269. This permission expired on 17th August 2011.

4.2. In the Vicinity of the Site

No planning history proximate to the appeal site and relevant to the issues raised in the appeal.

5.0 **Policy and Context**

5.1. Development Plan

The Kildare County Development Plan 2023 - 2029 took effect on 28th January 2023 is now the statutory plan for the area so references to the Kildare County Development Plan 2017-2023 can be disregarded.

The site is zoned Objective B Existing Residential and Infill for which the objective is to “To protect and enhance the amenity of established residential communities and promote sustainable intensification”.

Section 15.4.12 of the Development Plan deals with Extensions to Dwellings and of relevance to this appeal is the requirement that “the extension should not provide for new overlooking or loss of privacy below reasonable levels to the private area of an adjacent residence”.

5.2. **Natural Heritage Designations**

The following natural Heritage designations are located in the vicinity of the appeal site:

- Special Area of Conservation: Rye Water Valley/Carton SAC (001398)

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any 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 First Party appeal relates to Condition No. 2 only which states:

The front door at the playroom shall be omitted and the ground floor window shall be replaced with a window which matches that proposed on the first floor and shall be retained in a central position beneath the first floor window.

Revised plans shall be submitted to the planning authority for their written agreement prior to the commencement of any works on site.

Reason: In the interests of architectural harmony.

The grounds of the First Party appeal submitted by DH Architectural are, in summary, as follows:

- The playroom door in question has been in place for 30 years and its removal would cause undue hardship as it is a ground floor access whereas the main door is a stepped entrance.

- The playroom door provides access for elderly people or people with disabilities as well as being the through route to the rear garden for the lawnmower, bins and shopping loads.
- There is ample precedent for this type of secondary door in many houses within Moorefield Estate and to discriminate in this case by requiring the removal of the playroom door is unjust.

6.2. **Planning Authority Response**

The Planning Authority response has no further comment on the case.

7.0 **Assessment**

- 7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.2. The primary planning issue therefore is whether or not Condition No. 2 is appropriate in this context. The issue of AA Screening is also addressed in this assessment.
- 7.3. Condition No. 2
- 7.3.1. Currently the playroom door provides a useful function as a secondary door at ground level whereas the main door has steps leading up to it. Aesthetically the current arrangement, given the context of a 1970s suburban estate, is appropriate to its streetscape context.
- 7.3.2. Condition No. 2 has been imposed by the planning authority in the interests of “architectural harmony”. Whilst fully understanding the laudable motivation in imposing the condition, regard must be had to the architectural context.
- 7.3.3. Were the appeal site located on the main street or within an Architectural Conservation Area (ACA) I would have no hesitation in recommending to the Board that Condition No. 2 be retained.
- 7.3.4. However, No. 9 is a 1970s suburban house with little or no architectural merit and is not a Protected Structure nor located in an Architectural Conservation Area. The proposed first floor extension will neither detract nor enhance the current aesthetic

value of the house. I see little point in causing undue hardship to the occupants of No. 9 in pursuit of an architectural harmonic ideal given the low aesthetic value that is attached to the house and its location remote from the non-estate public realm.

7.3.5. Therefore, having regard to the above I recommend that permission be granted for the proposed development, but that Condition No. 2 be omitted.

7.4. **AA Screening**

7.4.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site being approximately 2km, no Appropriate Assessment issues arise and 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 with the omission of Condition No. 2 for the reasons and considerations set out below and subject to the following conditions.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Kildare Development Plan 2023-2029, including the zoning objective for the site ('B – Existing Residential and Infill'), which seeks to enhance the current residential amenity and promote sustainable intensification; 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, would provide an acceptable standard of amenity for future residents, and not, by virtue of overlooking lead to loss of privacy in neighbouring properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th October 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.</p> <p>Reason: In the interest of clarity.</p>
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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>

Bernard Dee
Planning Inspector

24th May 2023