



An
Bord
Pleanála

Inspector's Report ABP-315852-23

Development	A two-storey hipped tiled roof extension to side; part single storey extension to front and internal alterations.
Location	28 Beaufield Gardens, Greenfield, Maynooth, Co Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	221472
Applicant(s)	Frine Tempesti
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Thomas Lordan
Observer(s)	None
Date of Site Inspection	04/06/2023
Inspector	Lorraine Dockery

1.0 **Site Location and Description**

1.1. The subject site comprises a two-storey dwelling, located within an established residential area.

2.0 **Proposed Development**

2.1 Permission is sought for a two-storey hipped tiled roof, part single-storey extension to front of existing dwelling, together with internal alterations.

2.2 The stated area of proposed works is 19m².

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission GRANTED, subject to 12 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The main points of the planner's report include:

- Report reflects decision of planning authority; grant of permission recommended

3.2.2. Other Technical Reports

Municipal District Planning- No objections, subject to conditions

Transportation and Public Safety- No objections, subject to conditions

Environment Section: No objections, subject to conditions

3.3 **Prescribed Bodies**

None

4.0 Planning History

None

5.0 Policy and Context

5.1 Development Plan

The Kildare County Development Plan 2023-2029 is the operative County Development Plan.

Section 15.4.12 Extensions to Dwellings

Maynooth Local Area Plan (LAP) 2013-2019.

Zoning: Objective 'B' which seeks 'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services' (Map 6).

5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3 EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, 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

The third party appeal submission received may be broadly summarised as follows:

- Impact on daylight; not demonstrated compliance with BRE guidelines. No shadow impact survey submitted
- Proposal will result in insufficient parking spaces, which will have negative impact on estate
- Lack of information relating to party wall construction, fascia and soffits, which tend to encroach on neighbouring property
- Impact on residential amenity, devaluation of property and setting of undesirable precedent. Inconsistent with proper planning and sustainable development of the area

6.2 **Planning Authority Response**

A response was received which states that they have no further comment and that they maintain that the proposed development will not impact on neighbouring residential amenity, subject to conditions.

6.3 **Observations**

None

6.4 **Further Responses**

A response was received on behalf of the first party which refutes the grounds of appeal. A Shadow Analysis is included in the submission. States that extension was proposed to front as it was considered to have less of an impact on neighbouring property than if proposed to rear. Willing to accommodate a second vehicular parking space to front of dwelling, by condition. No party wall details submitted as extension is to be constructed within applicant's boundaries. Provision of extension to front enhances road, maintains small rear garden area and causes no issue with shadow.

7.0 Assessment

- 7.1 I highlight to the Board that a new County Development Plan has been adopted since the decision of the planning authority issued. I have assessed this appeal based on the current operative Kildare County Development Plan 2023-2029.
- 7.2 I have read all the documentation attached to this file including the appeal, the report of the Planning Authority and responses received, in addition to having visited the site.
- 7.3 The primary issues, as I consider them, are the impact of the proposed works on visual and residential amenity of the area and (ii) other matters.
- 7.4 The operative County Development Plan is generally favourable to such extensions, subject to normal planning criteria and I note section 15.4.12 in this regard.

Visual Amenity

- 7.5 I note the contents of the appeal submission and further responses received. The proposed extension is to be constructed to the front of the existing dwelling and breaks the existing front building line. The overall depth of the proposed extension is less than 3 metres from the existing main front elevation. I note that a stepped building line is evident along this roadway. I do not have issue with the extent or scale of the proposed works and consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. Given the design solution put forward, together with setback inside the boundary with the appellant's property, I consider that the proposal would not be excessively overbearing, incongruous or dominant in this context.
- 7.6 I consider that the proposal is in accordance with Development Plan policy for such works. I am satisfied in this regard.

Residential Amenity

- 7.7 In terms of impacts on residential amenity, I note the contents of the appeal submission. I am cognisant of the relationship of the proposed development to neighbouring properties. The lack of a shadow analysis was highlighted in the appeal submission and the first party has submitted same as part of the response to

the appeal. Having examined the information before me, and noting the orientation of the site, I am satisfied that the proposed works would not unduly overbear, overlook or overshadow adjoining properties. I consider any potential impacts to be reasonable, having regard to the need to provide additional accommodation within an urban area identified for residential development; to the existing pattern and scale of development within the area and to the overall scale of the development proposed. I consider that the potential impact on neighbouring residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

- 7.8 I am also satisfied that any impacts are in line with what might be expected in an area such as this. I have no information before me to believe that the proposal would lead to devaluation of property in the vicinity. In terms of setting of precedent, I note that each application is assessed on its own merits. The proposed works are of a scale, height and design appropriate to its urban location and context and are considered to be in accordance with the zoning objective for the area.

Other Matters

- 7.9 Matters raised in relation to boundary matters/encroachment are considered to be outside the remit of this planning appeal. I note that the proposed works would appear to be fully contained within the applicant's property and the applicant addresses this matter in the response to the appeal. Notwithstanding this, I note section 5.13 of the Development Management Guidelines 2007 in this regard. I recommend that a note be attached to any grant of permission advising the applicants of section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.
- 7.10 In terms of loss of car parking space, I am not unduly concerned in this regard. The proposal would continue to allow for in-curtilage parking. Many of the properties within this area appear to have one car parking space. Given the location of the site, proximate to public transport and good cycle and pedestrian infrastructure within the wider area, I do not have issue in this regard. The planning authority have not raised concerns in this regard. I am also satisfied.

Conclusion

- 7.11 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan and the Maynooth LAP, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment Screening

- 8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

- 9.1 I recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the area; the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1.	The development shall be carried out 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
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	<p>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 to 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>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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 amenities of property in the vicinity.</p>
4.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>

Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

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.

Lorraine Dockery
Senior Planning Inspector

04th June 2023