



Development

For single storey car port and home gym to front, side of existing house, permission sought for 2 storey extension to front, side and rear of existing house also single storey sun room to rear of house with existing balcony extending over roof space and all associated site works.

Location

10 Leinster Wood, Carton House,
Maynooth, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

22797

Applicant(s)

Paul & Martina Wright.

Type of Application

Permission.

Planning Authority Decision

Grant Retention and Grant Permission

Type of Appeal

Third Party

Appellant(s)

1. Seamus Breslin
2. Richard and Jessica Bielenberg.

Observer(s)

None.

Date of Site Inspection

4th June 2023

Inspector

Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located in the residential estate of Leinster Wood, in the grounds of Carton House, located to the north-east of Maynooth. The application site comprises a semi-detached 3 storey dwelling with grassed areas to the front side and rear.

2.0 Proposed Development

- 2.1. The application is for retention permission for single storey car port and home gym to the front of the existing house. Permission is also sought for a two storey extension to the side and rear of existing house.

3.0 Planning Authority Decision

3.1. Decision

Grant retention single storey car port and home gym to the front, side and rear of existing house; Grant permission for the two storey extension to the front, side and rear of existing house, subject to 8 no. conditions.

Decision Date: 15/02/2023

Conditions of note include:

Condition No. 4: Revised first floor plan to be submitted showing the removal of the proposed window on the eastern elevation of the proposed extension to the bedroom at first floor level.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Principle of development acceptable.

Concerns raised in relation to overlooking from the first floor bedroom window towards No. 9 Leinster Wood.

Further Information was requested in relation to the following issues:

1. Revised drawing which accurately depicts the existing front elevation/indicate distances to boundaries at No. 9
2. Redesign proposed extension to first floor bedroom to ensure that there is no overlooking/loss of privacy to No.9/F flank Elevation should be redesigned.
3. Revised roof finished to the single storey structure to be retained.

Further information was requested on 23/08/22 and received on 19/01/2023.

In response to Item 1 a revised site plan was submitted. In response to Item 2, a 1.7m high screening is proposed on the extended balcony to the rear. In response to Item 3 a fibre glass roof finish is proposed.

Notes that new Kildare Development Plan 2023 – 2039 has come into effect (from 28th January 2023) and development has been assessed against same including Chapter 15 Development Management Standards and in particular Section 15.4.12.

The planner concluded that the proposed development was considered acceptable and recommended that permission be **Granted**.

3.2.2. Other Technical Reports

Heritage – No objection.

Enforcement – recommend a restrictive use permission for the single storey structure to the front.

Transport and Public Safety – No objection.

Conservation – No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The observations raised by third parties are similar to those raised in the grounds of appeal.

4.0 Planning History

UD8058 – Warning letter issued 11/05/2022 for unauthorised structure to the front of dwelling.

5.0 Policy Context

5.1. Development Plan

Kildare County Development Plan 2023 -2029

The Kildare County Development Plan 2023 -2029 came into effect on 28th January 2023.

Chapter 11 relates to Built & Cultural Heritage.

Section 15.4.12 relates to Extensions to Dwellings. The following basic principles should be applied:

- The extension should be sensitive to the appearance and character of the house and the local area (urban or rural).
- The extension shall have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure.
- The design and scale should have regard to adjoining properties.
- A flexible approach will be taken to the assessment of alternative design concepts and high-quality contemporary designs will be encouraged. A different approach may apply in the case of a Protected Structure, structures with significant heritage or within an Architectural Conservation Area.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Appendix 4 Rural House Design Guide.
- The extension should not provide for new overlooking or loss of privacy below reasonable levels to the private area of an adjacent residence.
- The cumulative impact of the existing extent of overlooking and the overlooking that would arise as a result of any proposed extension need to be considered.

- The extension should not have an overbearing impact on neighbouring properties. Large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- An adequate area of private open space, relative to the size of the dwelling should be retained, generally not less than 25sq.m.
- Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the proposed extension. Where this cannot be demonstrated, it will be necessary for the on-site wastewater treatment system to be upgraded as part of the development proposal

5.2. **Natural Heritage Designations**

- 5.2.1. c. 600km to the north of Rye Water Valley/Carton SAC (site code 001398).

5.3. **EIA Screening**

- 5.3.1. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

5.4. **AA Screening**

- 5.4.1. Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are two no. third party appeals submitted (from 1. Seamus Breslin at No. 9 Leinster Wood and from 2. Richard and Jessica Bielenberg at No. 11 Leinster Wood) which raise similar issues, and which I have summarised below:

- Location of site notice at entrance of the estate was not shown/application should have been invalidated/there are 4 no. entrances to the estate/contrary to s.22(2)(b)(iv) of the PDR 2001 (as amended)
- Site notice was not erected until long after the application was lodged with Kildare County Council, leaving residents with very little time to make their own assessment of the development and prepare observations if necessary/this was not addressed by KCC
- Submitted documentation did not comply with the PDR 2001 (as amended)/KCC were precluded from assessing application/application should now be refused permission.
- Red line boundary includes lands that are no owned by the applicant/no letter of consent has been submitted
- Houses within Leinster Wood have ownership boundaries which are set back from the road
- Buffer lands act as a public open space/managed by Leinster Wood management
- Considered the carport and gym building would be very close to, if not over, the ownership boundary
- Not possible to tell the exact location of the building in terms of the ownership boundary
- No. 11 Leinster Wood is inaccurately shown on the plans
- Distance from the existing carport and gym to No. 9 Leinster Wood is not indicated on the submitted planning drawings/appears that the building is extremely close No. 9 Leinster Wood/Could cause legal issues in the future

- Carton Demesne is identified as a Protected Area within the KCC Development Plan (Figure 5 refers)
- Site is within the boundary of the Carton Demesne/all planning documentation should have included reference to this designation
- KCC Development Plan sets out a range of policy requirements for developments within Protected Areas, include AH021 (related to the curtilage of Protected Structures), AH023 (requirement for an Architectural Heritage Assessment Report), AH043 (best practise conservation principles), AH P7 (historic gardens, parks and demesnes); AH 050 (requirement for an Architectural Heritage Assessment Report for development within *inter alia* a demesne associated within a protected structure); AH065, AH066 and AH A24 (related to ACAs and Architectural Heritage Assessment Reports)
- Applicant should have been required to demonstrate that the proposed development would not negatively impact on the character of the Protected Area.
- Impact on Amenity
- No. 9 will be among the most severely impacted residents/New terrace will result in noise and light pollution/proposed privacy screen is not considered sufficient to protect the privacy of No. 9/will likely be used as a an entertainment area for guests/will overlook house and open space
- No contextual elevations submitted/not possible to adequately assess the proposed development in relation to neighbouring properties
- The proposed height, bulk and scale of the terrace would impact on residential amenity of No. 9
- Impacts on No. 9 include overlooking from study window, overshadowing, noise and light disturbance, loss of property value
- Impacts on No. 11 would include overshadowing, noise and light disturbance, overbearing and loss of property value.
- Both No. 11 and No. 10 have a small balcony at first floor level to the rear of the house/application at No. 10 would effectively change the small balcony to a full terrace area

- Submitted drawings do not identify where the sections have been taken from/section from the west has not been submitted/impact on No. 11 has not been shown
- It is stated that the surface water drainage system is connected to the mains/this is incorrect/surface water drainage is via a soakaway pit located within the rear garden/there is an additional roof area of approximately 82 sq. m/surface water drainage arrangement has not been adequately addressed by the applicant nor by KCC/no details of surface water arrangement for the car port
- Would set an undesirable precedent

6.2. Applicant Response

- Proposals enhance quality of living
- Are contained within the site boundaries/do not interfere with any adjacent houses
- Site notice was erected
- Appeal is due to other issues including right of way issues
- Have been granted a single storey extension to the rear (which would be exempt from planning), a side extension to increase the bedroom size, retention granted for the purpose of a gym facility/allows car to be protected from the elements
- No. 11 Leinster Wood has just finished a 2 storey extension/No Architectural Impact Assessment was submitted
- Submission has been fully assessed by Kildare County Council and granted
- There are existing balconies to the rear of each house which look directly into both rear gardens/extension allows this to be extended/carefully liaised with KCC in relation to screening/improves on privacy and protection that does not exist at present.
- Proposal does not impact on light/have a negative effect on any of the surrounding buildings.

6.3. **Planning Authority Response**

- 6.3.1. Consider that the proposal would not seriously injure the amenities of the area or of property in the vicinity.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

- 7.1. The planning issues raised in this appeal are as follows:

- Principle of Development
- Design and Conservation
- Impact on Surrounding Residential Amenity
- Other issues

Principle of Development

- 7.1.1. The site lies within an existing residential housing estate, and there is an existing dwelling on the site. As such, the principle of an extension to a residential development is acceptable in principle.

Design and Conservation

- 7.1.2. In relation to the existing car port and gym proposed for retention, this is a single storey structure set to the front of the dwelling. It is a maximum of 2.7m in height, sloping down to 2.6m in height to the front elevation, 3.2m in width and 15m in depth, close the boundary with No. 9 Leinster Wood. In relation to the appearance of same, I note that the existing dwelling house on site benefits from a large front area, as a result of the setback from the road, and I am of the view that this is substantial enough to accommodate this structure, and I am not of the view that the overall scale of the single storey structure is detrimental to the appearance of the dwelling

house itself, nor of the wider estate as a whole. The site itself, and the estate, benefit from substantial planting which provides screening towards the properties, and also provides screening of the car port and gym.

- 7.1.3. In relation to the extensions to the side and rear of the existing, these comprise of a two storey extension to the side of the dwelling house, which accommodates a study at ground floor level and an extended bedroom at ground floor level. This has a depth of 4.17m and a maximum width of 3.4. To the rear, it is proposed to construction a single storey extension on the boundary with No. 11 Leinster Wood, which is 3.4m in depth and 6m in width, to accommodate a sun room, and an extended balcony at roof level. I am of the view that the extensions as proposed are moderate in scale, and respect the scale, character and appearance of the existing dwellinghouse, and of the wider estate as a whole. I note also that similar extensions have been constructed in the wider estate.
- 7.1.4. In relation to conservation issues, I note the existing estate lies within the demesne of the Carton Estate. In relation to the impact of the proposals on the historic landscape character of the demesne, I am of the view that this is negligible, with the alterations to this existing dwellinghouse neither altering the character of the existing estate, nor having any impact on historic design landscape, or on views to and from Carton House itself, which is a Protected Structure (RPS No. B06-09), nor on the Gate Lodge, which is also a Protected Structure (RPS No. BH05-55). I do not share the view as set out in the third party appeals that an Architectural Heritage Impact Assessment is required in this instance, given this minimal impact.
- 7.1.5. The site is not defined or designated as an 'Architectural Conservation Area' within the Kildare County Development Plan 2023-2029. Map V1 – 11.1 as referred to by the third party appellants, sets out that the Carton Demesne is a 'Protected Area' and within this map protected woodland areas and protected views are indicated. The proposal does not interfere with any of these protected elements. I am not of the view the proposal is contrary to any policies and objectives of the Kildare Development Plan as relates to protected structures, and the Carton Demesne.

Impact on Surrounding Residential Amenity

- 7.2. In relation to the single storey existing carport and gym structure to the front to of the dwelling, I note that this is close to the boundary with No. 9 Leinster Wood, the

appearance of this structure is substantially screened by the existing hedgerow, and is set in from the hedgerow, and I am not of the view that there is a significant negative impact on the visual amenity of No. 9 as a result of this element. In terms of loss of daylight and sunlight, and overshadowing, I note the limited height of the structure (maximum 2.7m in height), and the distance to the side elevation of 9 Leinster Wood (a minimum of 4.13m), and I am satisfied that no material loss of daylight or sunlight would result, nor would substantial overshadowing of No. 9 occur. I would note that also the existing hedgerow would serve to limit the level of daylight, sunlight to this property, and would also result in some degree of overshadowing.

- 7.3. In relation to the two storey side extension, I share the concerns of the Planning Authority in relation to the eastern facing side window of the first floor extended bedroom, as this could lead to overlooking of No. 9, and this should be omitted by way of condition.
- 7.4. In relation to the single storey extension to the rear, I note that this 3.4m in depth, and 2.9m in height, on the boundary with No. 11 Leinster Wood. I do not consider that this scale of development would result in an extension that is visually dominant or overbearing when viewed from No. 11, notwithstanding the concerns raised by the appeal submission from No. 11 in relation to same. In relation to the extension of the balcony, I note that some level of mutual overlooking already exists from the balconies on both properties (No. 10 and No. 11). I am not of the view that the extension of the balcony, with the proposed 1.7m high screening (as shown on the plans received by the Planning Authority on 19th Jan 2023, as part of the Further Information Request) would result in any additional overlooking, nor would it result in a material impact in relation to noise disturbance.

7.5. **Other Issues**

- 7.5.1. Surface Water Drainage – The appellants have raised issues in relation to surface water disposal and state that inaccurate information has been submitted in relation to same, namely that surface water is drained via a soakaway on site, rather than via a connection to the surface water drainage network. It is also stated that the proposed extension will increase the surface roof area, and no details of drainage has been provided in relation to same. I note that no objection has been raised by the Water

Services of Kildare County Council in relation to surface water issues. In relation to details of downpipes etc, this level of detail is not generally indicated on applications for domestic extensions, and construction best practice is to ensure that such extensions are adequately served by drainage goods. Notwithstanding, a standard condition is recommended ensuring that such works, and any related surface water proposals, are carried out to the satisfaction of the Planning Authority.

- 7.5.2. Site Notices – It is stated in the appeal submissions that the site notice was not in place for the requisite period of time, nor was the position of all site notices clearly stated in the application documentation. The contrary is stated by the applicant. I note that the Planning Authority did not raise any issues in relation to the site notices. I note also that both neighbouring dwellings made submissions on the application, indicating that there was sufficient notification of the application.
- 7.5.3. Land Ownership – It is stated within the appeal submissions that the proposed development, namely the single storey structure proposed for retention, potentially encroaches onto land not within the ownership of the applicant, and a land registry map is submitted indicating the site extent is less than that indicated on the site location map as submitted with the application. In relation to same, I note the Board does not have a remit to determine land ownership, and generally does not interrogate issues of title. Notwithstanding, I would note that that the granting of permission for a development does not overcome all legal hurdles that an applicant may have to overcome, including any issues of land title or ownership.
- 7.5.4. Loss of Property Value – It is stated within the appellants' submissions that the proposed development would depreciate property values of neighbouring dwellings. There is no evidence submitted to support such a claim and I note that similar extensions have been approved in the existing estate.

8.0 Recommendation

- 8.1. I recommend that permission be granted, subject to the conditions below.

9.0 Reasons and Considerations

9.1. Having regard to the scale, form and design of the development proposed for retention, and of the proposed side and rear extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the residential amenity of neighbouring property or the character and visual amenity of the existing building and surrounding streetscape. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, and amended by further information received on 19/01/2023, 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>Prior to the commencement of the side and rear extensions, revised plans shall be submitted to the Planning Authority, for approval in writing, indicating the removal of the proposed window on the first floor side (north-eastern) elevation, serving the extended bedroom area.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The existing dwelling and extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold nor let as a separate dwelling unit. The overall dwelling shall be used for domestic related purposes only and not for any trade, workshop or other non-domestic use.</p>

	<p>Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.</p>
4.	<p>The structure to be retained shall be used for domestic purposes only and shall remain ancillary to the dwelling. The structure shall not be used for human habitation, for any commercial use or for the carrying out of trade. The structure shall not be let nor sold separately to the dwelling.</p> <p>Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.</p>
5.	<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.</p>
6.	<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>
7.	<p>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, as amended. The contribution shall be paid prior to 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</p>

<p>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 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>

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.

Ronan O'Connor
Senior Planning Inspector

6th June 2023