



An  
Bord  
Pleanála

## Inspector's Report ABP-316197-23

---

<b>Development</b>	Two storey, flat roof extension to side/rear of existing house, internal alterations and all associated site works.
<b>Location</b>	7 Beatty Park, Celbridge, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	221479
<b>Applicant(s)</b>	Alan & Vicky Williams
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party – Condition 2 only
<b>Date of Site Inspection</b>	3 <sup>rd</sup> June 2023
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site on an area of 0.24 hectares, comprises of no. 7 Beatty Park, Celbridge, Co. Kildare. No. 7 Beatty Park is located on the eastern side of a short cul-de-sac of two-storey semi-detached houses Grove located to the west of the Maynooth Road, to the north of the centre of Celbridge. The Beatty Park development consists of a number of distributor roads and cul-de-sacs, with a mix of detached and semi-detached houses located on these residential streets.
- 1.2. No. 7 is the first house on the eastern side of this cul-de-sac and adjoins a small area of public open space. The gable of the house faces this almost triangular shaped area of open space, but there is space between the timber post and rail fence and the house for a car to park within the curtilage of the house, in addition to the extended front driveway which has room for at least two cars off-street. The open space extends to the side of no. 6 Beatty Park which is located to the rear/ east of no. 7.
- 1.3. The timber post and rail fence is augmented by a incomplete hedgerow and a number of mature trees.

## 2.0 Proposed Development

The development consists of a two-storey extension to the side and rear of the existing house to provide for:

- New Living/ Dining Area, Utility Room and WC at ground floor level.
- Bedroom, walk in Wardrobe and en-suite at first floor level.
- Internal Alterations and all associated site works.

The proposed two storey development to provide for an additional 75.2 sq m of floor area.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission, following the receipt of further information, subject to conditions, which are generally standard. Condition no. 2, the subject of this appeal, states the following:

Prior to commencement of development, the applicant shall submit revised drawings for the written agreement of the Planning Authority revising the extension as follows:

'a. The proposed rear extension shall be setback by at least 2 meters from the boundary wall (south elevation) adjoining the property at no. 8 Beatty Park'.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Authority Case Officer's report reflects the decision to grant permission for the proposed development. Further information was sought, summarised as follows:

Concern about the scale, configuration, and mass of the proposed extension.

Requested to revise the proposal such that the side corridor with no. 8 is widened, revisions to the front elevation and revise the roof profile to match that of the existing house.

Response: Revisions made to the proposed extension, increase in the separation distance with no. 8 Beatty Park, revisions to the front elevation and provision of a pitched roof. The overall extension reduced by 10.4 sq m.

#### 3.2.2. Other Technical Reports

##### **Water Services Planning Report:**

No objection subject to recommended condition in relation to surface water drainage.

**Celbridge/ Leixlip Municipal District Office:** No objection subject to recommended condition.

**Roads, Transportation and Public Safety Department:** No objection subject to recommended condition.

#### 3.2.3. Prescribed Bodies Reports

**Irish Water:** No objection subject to recommended conditions.

### 3.2.4. **Objections/ Observations**

None.

## 4.0 **Planning History**

None

## 5.0 **Policy and Context**

### 5.1. **Kildare County Development Plan 2023 - 2029**

5.1.1. Chapter 15 of the development plan includes Development Management Standards for development in Co. Kildare, including Celbridge.

Section 15.4.12 provides details on 'Extensions to Dwellings' and I consider the following relevant to this development:

- 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.
- 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.’

## 5.2. **Celbridge Local Area Plan 2017 - 2023:**

5.2.1. The subject site is located on lands zoned B: ‘Existing Residential/ Infill zoned land’.

## 5.3. **Natural Heritage Designations**

None.

# 6.0 **The Appeal**

## 6.1. **Grounds of Appeal**

The applicants have appealed condition no. 2 as included in the grant of permission and have made the following points:

- The condition reduces the size and useability of the extension.
- The separation distance results in an area of unusable between the proposed extension and the site boundary.
- The applicants have outlined a number of reasons for the need for additional floor area such as a growing family, working from home, need to remain in the area, be near family in the area and difficulty of getting a similar or larger house in the area.
- Intend to improve the BER rating of the house, this may be impacted by this condition.
- The proposed development will not negatively impact on the neighbouring property, no. 8.

## 6.2. **Planning Authority Response**

No additional comments to make to what was already provided in their reports.

## 7.0 Assessment

7.1. This is a first party appeal only seeking to remove condition no. 2. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

### 7.2. Design and Impact on the Character of the Area

- 7.2.1. The proposed development was revised following a further information request issued by the Planning Authority. The alterations included the provision of a hipped roof over the extension in place of the proposed flat roof. Windows, albeit fitted with opaque glazing, are also proposed in the revised front elevation of the extension. I consider these to be acceptable alterations and an improvement over the original design. The Planning Authority granted permission for the proposed development and general nature and scale of development was considered to be appropriate.
- 7.2.2. The alterations required under Condition no. 2 would not be visible from the public street or from the public open space area to the north of the subject site. The proposed development would not therefore impact on the visual amenity and/ or character of the area, whether or not this condition is retained.

### 7.3. Impact on Residential Amenity

- 7.3.1. The appeal refers to condition no. 2 and the requirement to set the extension off the boundary with no. 8 by 2 metres. The revised proposal submitted in response to the further information request was for a separation distance of 350 mm to be provided here.
- 7.3.2. The proposed extension project by approximately 4 m from the rear elevation wall of the subject house. The side elevation wall is 5.2 m high, from ground level to eaves level. Increasing the separation distance will have very little benefit to the adjoining no. 8 considering the overall height of the extension. There will clearly be an

increased level of overbearing as a result of this extension, however I do not expect the impact to be significant. The existing boundary consists of a solid block wall and which in itself gives rise to a level of overbearing on the rear of the houses.

- 7.3.3. More importantly, is the fact the subject development is to the north of no. 8 and will not give rise to a significant loss of daylight and sunlight. Some loss of sunlight may occur during mid-summer, when the sun sets towards the north west, but this impact is not likely to be significant and the existing high-quality receipt of sunlight will not be impacted by the development. An increase in separation distance will have no impact on the receipt of sunlight, any impact will be from the northern part of the extension.
- 7.3.4. I therefore have no reason to recommend that the separation be at 2 m as conditioned by the Planning Authority. I agree with the applicants that the separation distance area will not be useable and increasing this to 2 m would not benefit the residential amenity of the occupants of this house. The useability/ amenity value of the proposed rooms, ground floor living area and first floor bedroom 3, would be adversely impacted by a reduction in their area.
- 7.3.5. Whilst I agree that the area to be provided for the separation between the extension and the boundary wall need not be 2 m, I would recommend that the separation be increased by 50 mm to 400 mm (0.4 m), in order to allow for maintenance of the boundary wall and the side of the extension. I consider this to be the optimum separation distance that ensures that the amenity of the extended house is maximised but also allows for access to the side of the extension if necessary, in the future.

#### **7.4. Other Issues**

- 7.4.1. The revised separation distance would not negatively impact on any other aspect of the development including surface water drainage. No rainwater goods will overhang/ encroach onto adjoining lands including no. 8 Beatty Park.
- 7.4.2. Adequate private amenity space is retained to serve the needs of the occupants of this house, approximately 78 sq m of open space will be available to the rear of the extended house. As reported, the area of land to provide for the separation area between the extended house and the boundary with no. 8 will not provide for any functional private amenity space and can be excluded from any calculations.

## **7.5. Appropriate Assessment Screening**

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted, in accordance with the decision and conditions of Kildare County Council other than condition no. 2 which is to be revised to provide for a separation distance of 400 mm only between the extension and the boundary with no. 8 Beatty Park.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Kildare County Development Plan 2016 – 2022, and the zoning of the site for residential purposes, the proposed development is acceptable and shall be granted in accordance with the decision and conditions of Kildare County Council dated 9<sup>th</sup> of March 2023 except for condition no. 2, which is to be revised as follows:

## **10.0 Revised Condition**

The proposed rear extension shall be setback by at least 400 mm (0.4 meters) from the boundary wall (south elevation) adjoining the property at no. 8 Beatty Park.

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



---

Paul O'Brien

Inspectorate

6<sup>th</sup> June 2023