



An  
Bord  
Pleanála

## Inspector's Report ABP-317157-23

---

<b>Development</b>	Construction of storey and a half extension to side and rear of existing dwelling.
<b>Location</b>	Penley Cottage, Dunnstown, Brannockstown, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	22/1416
<b>Applicant(s)</b>	Nollag Conneely & Helen Martin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Michael Grace
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> of September 2023.
<b>Inspector</b>	Adam Kearney

## **1.0 Site Location and Description**

The site is located in a rural area at Dunnstown, circa 9km south of Naas. The dwelling on the site is a single storey bungalow centred on a circa 0.2 Ha site setback circa 20m from the public road. Approximately 40m north of the subject property separated by mature hedgerow is the appellants dwelling, also a bungalow and sited at a lower level. There is mature hedgerow fronting the dwelling and a vehicular access to the side. The area can be characterised as rural agricultural with one off dwellings interspersed.

## **2.0 Proposed Development**

Permission is sought for the construction of a storey and a half extension to side and rear of existing dwelling with a Single-storey link extension between dwelling and proposed extension. Also sought are alterations and renovations to existing dwelling including reconfigured floor layout and new doors and window positions to elevations, decommissioning of original sub-standard septic tank, installation of new wastewater treatment system and all associated site works

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant Permission subject to 15 conditions.

### **3.2. Planning Authority Reports**

Following further information reducing the overall size and scale of the proposed extension the area planner granted permission.

#### **3.2.1. Other Technical Reports**

Area Engineer: No Objection

Water Services: No Objection

Environment: No Objection

## 4.0 **Planning History**

No Relevant Planning History

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

Kildare County Development Plan 2023-2029

15.4.12 Extensions to Dwellings Adapting residential units through extensions can sustainably accommodate the changing needs of occupants subject to the protection of residential and visual amenities. A well-designed extension can provide extra space, personalise and enhance the appearance of a dwelling. It would not be practical to set out a prescriptive approach to the design of extensions that would cover every situation, nor is it desirable to inhibit innovation or individuality. The following basic principles shall 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.

In rural areas, the design of extensions should have regard to the Key Principles set out in Appendix 4 Rural House Design Guide.

## 5.2. **Natural Heritage Designations**

None in the vicinity

## 5.3. **EIA Screening**

The proposed development which involves an extension to an existing dwelling is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, 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

- Validation of application questioned with regard to site notice not being erected for the statutory 5-week period.
- Development description inaccurate and the term 'storey and a half' is questioned.
- Overlooking
- Wastewater testing locations inaccurately identified.
- Scale of proposal, applicant had not reduced the proposed extension to a single storey.

### 6.2. Applicant Response

- None

### 6.3. Planning Authority Response

Has had regard to the points raised in the appeal and has no further comment or observations to make, requests ABP to uphold decision.

### 6.4. Observations

None

### 6.5. Further Responses

None

## 7.0 Assessment

- 7.1. I have reviewed all the documentation attached to this file including the appeal submission, in addition to having visited the site.

- 7.2. The main issues are those raised in the Planning Appeal and I am satisfied that no other substantive issues arise.
- 7.3. The extension proposed initially was over 2 floors and circa 7m high and connected to the existing cottage by a single storey link by repurposing the existing rear extension. The extended area comprised living area and bedrooms would add c.175m<sup>2</sup> to the original dwelling. The modified drawings received by way of further information reduced the overall height by 0.6m and removed the large glazed areas from both gables and added glazed areas to the rear.
- 7.4. There is a concern raised by the appellant with regard to overlooking from the proposed extension. There is also a concern that the drawings submitted were deceptive and do not take account of the level differential between adjacent properties. I am however satisfied that the modified plans eliminate any overlooking concerns as first floor openings are omitted from the elevation facing north towards the appellants property and also towards the neighbouring dwelling to the south.
- 7.5. I further note the appellants dwelling is circa 40m from the subject property and in terms of the approximate building line in relation to the public road, the subject bungalow is forward of the appellants property. As such taking into account the generous separation and as stated heretofore the revised fenestration I am satisfied there is no potential for any significant overlooking notwithstanding the stated 1.5m level difference between properties.
- 7.6. The appellant raises procedural issues around the length of time the site notice was displayed and describes having contacted the planning Authority to highlight the issue.
- The validation of a planning applications is the sole responsibility of the Planning Authority. Assessing Planning Authority procedures is not a function of the board, and this report will only consider the decision of the Planning Authority.
- 7.7. The description of the proposed extension as a 'storey and a half dwelling' was questioned in the appeal. I am satisfied that the extension description adequately describes the proposal and that the terms 'single storey', dormer, storey and a half and two storey etc are widely understood terms in relation to a building height/type.
- 7.8. irrespective of technical or procedural concerns raised I am satisfied that interested 3<sup>rd</sup> parties were afforded the opportunity to engage with the planning process and

that the plans and particular as presented by the applicant and the Planning Authority were legible and clear.

## 8.0 **Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of 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 EIA at an initial stage.

## 9.0 **Recommendation**

I Recommend that the decision of the Planning Authority is upheld, and that Permission is GRANTED for the following reasons and considerations.

## 10.0 **Reasons and Considerations**

Having regard to the policies and objectives of the Kildare County Development Plan 2023 - 2029, and the nature and scale of the proposed development and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or 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 inclusive of siteworks and access enhancements shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 06 day of April 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
----	--

	<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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>Details of 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><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The applicant shall decommission, remove and dispose of the existing wastewater treatment system &amp; pipework in line with the Waste Management Act 1996 – 2016</p> <p><b>Reason:</b> In the interests of public health and environmental sustainability.</p>
5.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted with the application and in accordance with the requirements of the document entitled “Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (p.e.≤ 10) – Environmental Protection Agency 2021.</p> <p>(b) Staged Photographs of the installation and commissioning shall be supplied to the Local Authority along with a commissioning certificate prior to first occupation.</p> <p><b>Reason:</b> In the interest of Public Health and environmental sustainability</p>
6.	<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</p>



	<p>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.</p> <p><b>Reason:</b> 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.</p>
7.	<p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity</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.

---

.Adam Kearney  
Planning Inspector

25<sup>th</sup> October 2023