



An
Bord
Pleanála

Inspector's Report

ABP-317608-23

Development	Construction of a two storey extension to the side and rear of existing dwelling
Location	19 Kilmalum Avenue, Blessington Manor, Blessington, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	23459
Applicant(s)	Steve Doran.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Eileen Clarke
Observer(s)	None.
Date of Site Inspection	3 rd September 2023
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The site is located within an existing residential housing estate, approximately 800m west of Blessington town centre. On site is a two-storey end-of-terrace dwelling.

2.0 Proposed Development

- 2.1. The application is for the construction of a two storey extension to the side and rear of existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant permission, subject to 15 no. conditions.

Decision Date: 22/06/2023

There are no conditions of particular note.

3.2. Planning Authority Reports

3.2.1. Planning Report (report dated 19/06/2023)

Principle of development acceptable.

Not considered that the proposed development will significantly impact adjoining residential amenity in terms of overlooking or overshadowing.

Note Roads Department/Water Services have not raised any objections.

The planner recommended that permission be **Granted**.

3.2.2. Other Technical Reports

Environment – No objection subject to conditions.

Transport and Public Safety – No objection.

3.3. Prescribed Bodies

Irish Water – standard observations.

3.4. **Third Party Observations**

- 3.4.1. 1 no. Third Party Observation was received during the application period. The observations raised by the Third Party are similar to those raised in the grounds of appeal.

4.0 **Planning History**

- 4.1.1. None.

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.

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. Poulaphouca Reservoir SPA (004063) is located approximately 1km east of the application site. Red Bog, Kildare SAC (000397) is located approximately 2.9km north of the application site.

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. 1 no. Third Party Appeal was received on 19th July 2023 from Eileen Clarke, 18 Kilmalum Avenue, Blessington Manor. The main issues raised in the appeal are as follows:

- Proposals comprise the residential amenity of adjacent unit
- Proposal would overshadow appellants amenity space
- Cannot assess the impact of the development without seeing it from the appellants garden
- Garden is already compromised from branches of trees overhanging garden/2.5m high wall at end of garden
- Both adjacent gardens already have sheds/outdoor workroom/add to the feeling of enclosure
- Length would extend approximately 1/3 the length of the garden
- Extension is set back 300mm from the boundary, not 3m as set out in the Planner's report/planning assessment is flawed/the setback should be increased
- Width of appellant's garden is only 5m.
- Appellant's living room would be impacted
- Would set a precedent that would allow the neighbour on the other side to extend
- The footprint of the extension would take up the entire width of the subject site
- Would be overdevelopment of the site
- Site location map submitted with the application is not clear
- Any extensions to these properties should be restricted to single storey in height

6.2. Applicant Response (received 14/08/23)

- Will not impact on appellant's garden/the rear end of the garden receives the most sunlight
- A similar extension was granted under 18/841 within the same estate
- Impacts of existing trees are not a matter for the applicant as these trees are no located on applicant's site
- Notwithstanding, the trees do not darken the garden
- The adjacent sheds do not impact appellant's property
- No plants or foliage will be removed in No. 18
- Any future extension at No. 17 has no bearing on this application
- Extension is modest in size/increases size of property from a 2 bed to a 3 bed/width is essential as the plot is narrow
- Need to extend the property as cannot sell due to the house being part of the Affordable Housing Scheme/would be subject to financial penalties
- The occupier needs three modest bedrooms to accommodate family

6.3. Planning Authority Response

6.3.1. Response received 16/08/23. No further comments to make.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. 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 is zoned 'Existing Residential' (as per Map V2-2.1 of Volume 2 of the County Development Plan). 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.

Impact on Surrounding Residential Amenity

- 7.1.2. In relation to the extensions to the side and rear of the existing, these comprise of two-storey extension to the side and rear of the existing dwelling house. The ground floor element extends 7.2m along the boundary with No. 20. It extends 4.5m close to the boundary with No. 18 (the appellant's property) and is setback from same by 0.3m. The first floor element extends 4.7m along the boundary with No. 20, and 1.9m close to the boundary with No. 18, and again is setback from same by 0.3m. The overall height of the extension is 5.2m to the eaves at first floor level, and drops down to 2.6m to the eaves at ground floor level.
- 7.2. In terms of the impact on the appellant's property (No. 18), the extension would undoubtedly be visible from this property and would change the nature of the view towards the garden of No. 19. Notwithstanding, the two storey element close to the boundary with No. 18, is limited in depth (1.9m) and is setback some 0.3m from the boundary. The ground floor element is also set back, and is not excessively deep in my view (4.5m close to this boundary). Overall I am not of the view that the proposal would appear excessively overbearing when viewed from the garden of No. 18 nor would it contribute excessively to any sense of enclosure of the garden.
- 7.3. In terms of the impact on sunlight to the garden of No. 18, the extension is to the northern/north-western elevation of No. 19, with No. 18 lying to the east of the subject site. As such morning sunlight is unaffected by the development, and for most of the day. There may be some very limited impacts during the evening hours, but this is mitigated by the limited depth of the first floor element, and I am not of the

view that this impact is such that a refusal, or a reduction in scale is warranted in this instance.

7.4. The impacts of the existing trees to the north of the appellant's property was highlighted. However, these are not on the subject site and such are not under the control of the applicant.

7.5. **Design/Overdevelopment**

7.5.1. I note that the visibility from the street is limited due to the bulk of the built form to the rear. Overall, 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.

Other Issues

7.5.2. Site Location Map – I am satisfied that the site location map as submitted is sufficient clear and I have no issue with same.

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 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.	The development shall be carried out and completed 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
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	<p>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>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>
3.	<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>
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.</p>
5.	<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>
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 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 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

4th September 2023