



An
Bord
Pleanála

Inspector's Report

ABP-317788-23

Development	Retention of caravan in garden and conversion to permanent structure with connection to dwelling.
Location	1214 St. Patrick's Park, Aghards, Celbridge, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	23603
Applicant	David Fitzsimons
Type of Application	Retention Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	David Fitzsimons
Observers	Michael & Josephine Byrne
Date of Site Inspection	29 February 2024
Inspector	Sinéad O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Section 28 Guidelines	7
5.3. Natural Heritage Designations	7
5.4. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response.....	9
6.3. Observations.....	9
7.0 Assessment.....	9
7.1. Residential Amenity	9
8.0 Appropriate Assessment Screening.....	11
9.0 Recommendation.....	12
10.0 Reasons and Considerations.....	12
Appendix 1 – Form 1 and Form 2.	

1.0 Site Location and Description

1.1. The site of 0.0167 hectares (ha) is located on the west side of Páirc Phádraig, circa 300 metres west of Celbridge Main Street. The site is in an established residential cul-de-sac that is characterised by 2-storey terraced houses and detached bungalows. There is a pedestrian walkway along the southern boundary of the site, from which there is a side gate to the site. The site is rectangular and accommodates a 2-storey end-of-terrace house with off-street carparking in the front garden and a private garden to the rear. Much of the rear garden is occupied by a single storey static caravan and a garden shed.

2.0 Proposed Development

- 2.1. The subject development comprises the retention of the static caravan (24.9 sq.m) in the rear garden of No. 1214 St. Patrick's Park. It is proposed to convert the caravan into a permanent structure by cladding the exterior, and to erect a canopy between the caravan and the house. As per Drawing No. 23015-PL-2.01 'Plans', the remaining private garden is 27 sq.m.
- 2.2. I note that there are discrepancies in the submitted drawings in respect of the dimensions of the static caravan and the remaining rear garden. In Drawing No. 23015-PL-1.02 'Site Plan' the static caravan is shown as 8.848 m long and the remaining open space is 2.142m wide, while in Drawing No. 23015-PL-2.01 'Plans' the caravan is 9.04m long and the open space is 2.207m wide. I do not consider that these inaccuracies prevent the assessment of the development.
- 2.3. At the time of the site visit the caravan comprised a kitchen/living room, 2 no. bedrooms and a WC. The Appeal Statement refers to the caravan as both an extension to the existing dwelling and the Applicant's home. Having undertaken a site visit I consider that the caravan is a self-contained dwelling. On this basis, I have assessed the existing caravan on its merits as an additional dwelling to the rear of No. 1214 St. Patrick's Park.

3.0 Planning Authority Decision

3.1. Decision

On the 18 July 2023 Kildare County Council issued a notification of their decision to refuse retention planning permission for the development. 1 no. reason for refusal was given as follows:

1. Having regard to the scale and location of the development, it is considered that the caravan to the rear of the existing dwelling represents over development of a restricted site. It is considered that the structure represents a substandard form of development that would not be consistent with the minimum floor requirements set out within Table 15.2, while also failing to provide an adequate amount of private open space to serve the existing dwelling in conjunction with the caravan. If granted the development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be injurious to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 13 July 2023 forms the basis of the P.A. decision. I consider that the following matters raised are of relevance.

- The principle of development is unacceptable.
- Overbearing impacts and excessive scale of development relative to the size of the site.
- Proposed canopy linkage from the caravan to the house could characterise the caravan as a granny flat/family accommodation.
- The total floor area of the caravan is below the minimum floor area for 1-bedroom dwellings set out in the Development Plan.

- The remaining 27 sq.m. rear garden is shared by the caravan and the house and is below the requirements for private amenity space for 1-bedroom dwellings set out in the Development Plan.
- Negative impacts on residential amenity in the area.

3.2.2. Other Technical Reports

Roads, Transportation & Public Safety: Report dated 13 December 2023: No Objection. I note that the date shown on this report may be incorrect as this report is referred to in the P.A. Report dated 13 July 2023.

Maynooth Area Office: Report dated 20 June 2023: No objection subject to conditions.

Water Services: Report dated 20 June 2023: No objective subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

2 no. observations were made in respect of the application. All of the issues raised in the observations are contained in the observation to the appeal.

4.0 Planning History

There are no recent or relevant planning applications at or in the immediate vicinity of the site. The site is the subject of ongoing planning enforcement under File Ref. UD7564 in respect of erecting a mobile home within the curtilage of the house and the use of the mobile home for permanent habitation purposes.

5.0 Policy Context

5.1. Development Plan

The Kildare County Development Plan 2023-2029 is the relevant Statutory Plan. Policies and objectives of relevance to the proposal include the following:

- Table 2.7 Settlement Hierarchy and Typology County Kildare lists Celbridge as a Self-Sustaining Town, the third of four tiers in the hierarchy.
- Table 2.8 Core Strategy Table designates Celbridge a Housing Target 2023-2028 of 914 no. units.
- Table 15.2 Minimum Floor space and Open Space Requirements for Houses states the following:
 - 1-bedroom units shall have a minimum floor area of 55 sq.m., 3 sq.m. of storage, and a minimum private open space of 48 sq.m..
 - 2-bedroom units shall have a minimum floor area of 85 sq.m., 6 sq.m. of storage, and a minimum private open space of 55 sq.m..
- Section 15.4.6 House Design requires a minimum distance of 2.5 metres between semi-detached and detached housing. Screened storage for at least 3 no. wheelie bins shall be provided.
- Section 15.4.12 Extensions to Dwellings requires that extensions are suitably designed and scaled with reference to the existing house and should not overbear or overlook on adjoining properties. Not less than 25 sq.m. of private open space should be retained.
- Section 15.4.14 Family Flat requires that applications demonstrate a genuine need for the family flat, that the unit is directly linked to the main dwelling by a connecting door, will typically be 1-bedroom, and shall accord with relevant design standards. A condition is typically attached to prevent the family flat from being sold, conveyed, or leased separately from the main residence.

The site falls within the Celbridge Local Area Plan 2017-2023 (the LAP). This LAP has not been formally extended and, therefore, appears to have expired. For reference, noteworthy policies and objectives of the LAP include the following:

- The subject site is zoned B: Existing Residential/Infill – To protect and enhance the amenity of established residential communities and promote sustainable intensification.
- Section 13.4 Land Use Zoning Matrix lists Dwelling as Permitted in Principle on zoned B1 lands.

Given the status of Celbridge in the County Settlement hierarchy and the housing target attributed to the town in the Core Strategy, discussed above, I do not consider it likely that the zoned status of the site would be altered under a subsequent plan or review.

5.2. Section 28 Guidelines

5.2.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage (2024) post-dates the adoption of the Development Plan. Relevant provisions of the Compact Settlements Guidelines include the following:

- Section 5.3 facilitates innovation and a flexible approach to the application of design standards, particularly in respect of separation distances, open space provision, and car and bike parking.
- SPPR 2 – Minimum Private Open Space Standards for Houses: 1-bed houses require 20 sq.m. of private open space, 2-bed houses require 30 sq.m. of private open space. Reductions are facilitated where high quality semi-private open space is provided, at a rate of up to 50% of the open space requirement. Under Table 5.1, 1-bed houses can have up to 10 sq.m. semi-private open space in lieu, and 2-bed houses can have up to 15 sq.m. of semi-private open space in lieu. Infill schemes on sites up to 0.25 ha may provide less private open space subject to the proximity and design quality of public open space.

5.2.2. The Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) pre-dates the Kildare County Development Plan. Policy HO P1 states that regard should be had for these guidelines.

5.3. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. The site is circa 3 km north of the Grand Canal proposed Natural Heritage Area (pNHA) (Site Code 002104), and circa 4 km to the south of the Rye Water Valley/Carton Special Area of Conservation (SAC) and pNHA (Site Code 001398) and the Royal Canal pNHA (Site Code 002103). The site is circa 14 km to

the north of the Glenasmole Valley SAC (Site Code 001209). The site is over 15 km from the Ballynafagh Bog SAC (Site Code 000391), the Wicklow Mountains Special Protection Area (SPA) (Site Code 004040), the South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).

5.4. EIA Screening

See completed Form 1 and Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal against the P.A. decision was lodged on 14 August 2023. The substantive planning issues have been summarised below as follows:

- Cladding, insulation, and structural moorings have converted the static caravan into a permanent structure.
- The structure is an extension to the existing house, and at 24.9 sq.m. is smaller than the 40 sq.m. exempted development provisions.
- The structure does not constitute over development.
- The development complies with the criteria for house extensions under Section 15.4.12 of the Plan, including the minimum requirement for 25 sq.m. of remaining private open space.
- There are numerous precedents for rear domestic extensions in the locality.
- Refusing planning permission would make the Applicant and his family homeless.

6.2. **Planning Authority Response**

A response has been received from the Planning Authority dated 08 September 2023, which states that the P.A. has no further comments or observations to make.

6.3. **Observations**

1 no. observation to the Appeal was lodged by Michael Byrne and Josephine Byrne on 12 September 2023. The key issues raised are summarised below:

- The unauthorised caravan has been in place for 3 years and is subject of planning enforcement proceedings under File Ref. UD 7564.
- Fire and safety hazard.
- Car Parking.
- Dangerous and undesirable precedent.
- Development such as this is not a solution to homelessness.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the substantive planning issue in this appeal is residential amenity.

7.1. **Residential Amenity**

- 7.1.1. The static caravan has a stated area of 24.9 sq.m. and accommodates 2 no. bedrooms, a WC, and a kitchen/living area. Private outdoor amenity space serving both the house and the caravan is 27 sq.m. in extent. No additional car parking is proposed.
- 7.1.2. Notwithstanding the proposed canopy, there is no internal connection with the house. In this way, the subject development does not constitute a family flat. Owing to its layout and residential use, I do not consider that the subject caravan

constitutes a rear extension to the house. In this way, I have assessed the caravan as a standalone dwelling.

- 7.1.3. The subject caravan fails to meet the minimum floor area standards for 2- bedroom dwellings under Table 15.2 of the Plan. Neither bedroom meets the minimum 7.1 sq.m. floor area or 2.1 metre width requirements for single bedrooms under Section 5.3.2 of the Quality House Guidelines (2007). I note that the kitchen/living area does not provide the minimum 3.6 metre unobstructed living room width required for 2- bedroom units. Drawing from the above, I consider that the caravan falls substantially short of the minimum internal dimensions and floor area requirements of the Guidelines and, therefore, fails to provide sufficient amenity value for a permanent dwelling.
- 7.1.4. On the basis that the rear garden of 27 sq.m. is shared between the 2 no. separate households; I consider that neither the existing house nor the subject caravan have access to fully private outdoor amenity space. In addition, I note that the garden shed occupies much of the rear of the garden, which further reduces the available open space. Notwithstanding the above, the stated rear garden of 27 sq.m. falls below the minimum private open space requirements for 2-bedroom units outlined in Table 15.2 of the Development Plan and SPPR 2 of the Compact Settlement Guidelines (2024). In this way, I consider that the existing rear garden fails to provide adequate amenity value to residents.
- 7.1.5. In respect of impacts on adjoining properties, I note that the caravan is single storey in height and there are no windows overlooking adjoining properties. Owing to its reduced height, I do not consider that the structure is visually overbearing at this location or has potential to overshadow adjoining properties. The caravan has an unkempt appearance when viewed from outside the site, which has a detrimental impact on the visual amenity of the area, in my opinion.
- 7.1.6. Drawing from the above, I consider that the subject caravan owing to its small size and lack of private open space fails to provide sufficient residential amenity value for residents. Owing to its outward appearance, I consider that the caravan has a negative impact on the amenity value of the locality. Based on the foregoing, I recommend that planning permission is refused.

8.0 Appropriate Assessment Screening

- 8.1. The nearest designated sites to the subject site are the Rye Water Valley/Carton SAC (Site Code 001398), which is circa 4 km to the north of the site, and the Glenasmole Valley SAC (Site Code 001209), which is circa 14 km to the south.
- 8.2. Owing to the small size of the proposed development, the distance of the site from the Glenasmole Valley SAC, and lack of direct hydrological or over-land connections, I consider that this site can be screened out from further assessment. The Qualifying Interests and conservation objectives for the Rye Water Valley/Carton SAC are set out below.

Natura 2000	Site Code	Qualifying Interests	Conservation Objectives
Rye Water Valley/Carton SAC	001398	Petrifying springs with tufa formation (Criterion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	To maintain and restore the favourable conservation status of habitats and species of community interest in the Rye Water Valley/Carton SAC.

- 8.3. The subject site is separated from the Rye Water Valley/Carton SAC by existing urban development, and there are no direct hydrological connections between these sites and the subject site. I note that the site is served by mains surface and foul water infrastructure. In this way, there are no direct source receptor pathways between the subject site and any designated areas.
- 8.4. The subject development is within the rear garden of an existing suburban dwelling therefore, direct habitat loss or ex-situ disturbance of QIs (habitats and species) would not occur at the site. Given the existing pattern of development in the locality, and the size and nature of the proposal, I consider that likely significant ex-situ effects on QIs (habitats and species) will not occur.
- 8.5. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be

likely to have a significant effect on the Rye Water Valley/Cartron SAC or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

- 8.6. This determination is based on the following: the lack of hydrological connections to the designated sites, the fully serviced nature of the site and the urban character of the surrounding area.
- 8.7. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

9.0 Recommendation

- 9.1. I recommend that retention planning permission be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. The subject development, by reason of its small size and failure to provide adequate amenity space would conflict with the provisions of Table 15.2 of the Kildare County Development Plan 2023-2029, SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and Section 5.3.2 of the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). Failure to comply with these standards and Guidelines has resulted in substandard residential development, and seriously injures the amenity of residents. The subject development creates a highly undesirable precedent for future similar types of development and, therefore, is contrary to the proper planning and sustainable development of the area.

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.

Sinéad O'Connor

Sinéad O'Connor
Planning Inspector

29 February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317788-23		
Proposed Development Summary	Retention of caravan in garden and conversion to permanent structure with connection to dwelling.		
Development Address	1214 St. Patrick's Park, Aghards, Celbridge, Co. Kildare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes	X	10. Infrastructure Projects (b) (i) Construction of more than 500 dwelling units.	Proceed to Q.4

		(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
--	--	---	--	--

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector. Sinead O'Connell

Date: 29 February 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317788-23	
Proposed Development Summary	Retention of caravan in garden and conversion to permanent structure with connection to dwelling.	
Development Address	1214 St. Patrick's Park, Aghards, Celbridge, Co. Kildare	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises residential development in an area characterised by residential development. In this way, the proposed development is not exceptional in the context of the existing environment.</p> <p>The subject structure comprises a static caravan therefore, construction wastes at the site are minimal. No significant waste, emissions or pollutants would arise during the operational phase due to the residential nature of the proposal.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing</p>	<p>The subject structure has a stated area of just 24.9 sq.m. and is not exceptionally large with reference to standard house types.</p> <p>Owing to the serviced urban nature of the site and residential character of the scheme I do not think that there is potential for significant cumulative impacts.</p>	No

and/or permitted projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The subject site is not located within or immediately adjoining any protected area. There are no waterbodies at the site and there are no hydrological links between the subject site and any designated site. Therefore, there is no potential for significant ecological impacts as a result of the proposed development.</p> <p>The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>X</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector. Sinead O'Gara

Date: 29 February 2024