



An  
Bord  
Pleanála

## Inspector's Report ABP317825-23

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<b>Development</b>	Construction of a detached two storey dwellinghouse, new site entrance and all ancillary site works.
<b>Location</b>	7 Granby Terrace, Granby Road, Carlow.
<b>Planning Authority</b>	Carlow County Council.
<b>Planning Authority Reg. Ref.</b>	235.
<b>Applicant</b>	Joseph Curran.
<b>Type of Application</b>	Planning permission.
<b>Planning Authority Decision</b>	Permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Maria Finn.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	31st October 2023.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

- 1.1. The proposed site is located in the town of Carlow in an established residential area to the south of the town centre. The site forms part of an existing residential site on which there is a two storied semi-detached dwelling and the appeal site is in effect a subdivision of the property. The site fronts onto Granby Row/Terrace which defines the western boundary of the site and the remaining boundaries to the north, south and east adjoin the sites of residential properties. The site has a stated area of 0.0449 hectares. The dwellings on both sides of Granby Row are two storied with a terrace of two storied dwellings on the opposite (western) side of the road to the appeal site.
- 1.2. To the rear (east) of the appeal site there are rear gardens of terraced two storied dwellings fronting onto a residential estate Avondale Drive. The rear eastern garden boundary of the appeal site is defined by a masonry wall.

## 2.0 Proposed Development

The proposed development is for the construction of a detached two storey dwellinghouse to the side of an existing two storey dwelling, the provision of a new site entrance to access the existing dwelling and all ancillary site works erection of dwelling with services, domestic garage and stables with all associated site.

The dwelling is of a modern design and construction with gardens to the front and rear of the proposed dwelling and maintains the same front building line as the dwelling to the south. The dwelling has a stated floor area of 112m<sup>2</sup> and a maximum height to roof ridge level of 7534mm above finished floor level. There is a single storey annexe area to the rear of the property. The rear garden area has a maximum depth of 7.525 metres reducing to 5.082 metres at the rear of the annexe extension to the rear (eastern) boundary.

Further information was submitted on the 7<sup>th</sup> July 2023 in a response to a request from the planning authority with a revised design reducing the first floor plan which allows for a chamfered setback to provide for 22 metre separation at first floor level with properties to the rear reducing the floor area to 117.59m<sup>2</sup> and overall height to 7489mm; the provision of frosted glazing along the side elevation at first floor level and also provides for a separation of 2.5 metres from the adjoining semi-detached

property, details relating to boundary treatments, a shadow diagram analysis and revised details relating an agreement application to Irish Water.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The decision of the planning authority was to grant planning permission subject to thirteen conditions.

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

##### **3.2.1. Planning Reports**

The planning report dated the 22<sup>nd</sup> February 2023 refers to submissions received the provisions of the current Development Plans and that that the development is acceptable in principle and that the site is located within the village on lands zoned low density residential and acceptable in principle but there were issues in particular in relation to the rear building line and potential impacts on neighbouring properties and compliance with standards set out in the development plan. Further information was requested in relation to a range of matters.

The Planning Report dated the 26<sup>th</sup> July 2023 refers to the further information and recommends planning permission.

##### **3.2.2. Other Reports**

Fire Officer Report dated the 14<sup>th</sup> February 2023 indicates no objections to the proposed development.

Environment Report 31<sup>st</sup> January 2023 indicates no objections.

Roads Report 20<sup>th</sup> January 2023 indicates no objections.

Uisce Éireann/Irish Water requested further information in relation to the sewer and agreement in relation to building over a sewer at the rear of the property.

## 4.0 Planning History

There are a number of applications in relation to the site including a previous permission P.A. Ref. No. PD 08.6007 to construct a detached two storey dwelling to the side of the existing two storey dwelling.

There was an application P.A. Ref 23/6 for permission to demolish a garage on 8 Granby Road and construct a two storey dwelling to the side of the dwelling on the site. Planning permission was granted on the 29<sup>th</sup> August 2023 subject to 14 conditions with no appeal.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The relevant plan is the Carlow County Development Plan 2022-2028.
- 5.1.2. The site is zoned existing/infill residential in the Carlow Town Land Use Zoning map and the use as proposed is a permitted use.
- 5.1.3. Chapter 3 refers to housing and section 3.15 to urban Infill and backland development and that the development of underutilised infill, large corner sites and planned co-ordinated backland development in existing residential areas is generally encouraged with a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. Policy UI P1 is to encourage and promote the development of underutilised infill, corner and planned co-ordinated backland sites in existing urban areas subject to appropriate siting, compliance with development management standards for dwellings and the character of the area and the environment being protected.
- 5.1.4. Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018 comprising the Carlow Town Development Plan 2012-2018 as extended.

Section 10 refers to Urban Design and Built Form and Policy DBF P11 (B) Corner / side garden sites outlines criteria in assessing proposals for the development of corner/side garden sites; including does it reflect the character of the street; integration and compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and

materials of adjoining buildings; the maintenance of the front and side building lines where appropriate; impact on the residential amenities of adjoining sites; impact on the character of the streetscape; the maintenance of open space standards and refuse storage for both existing and proposed dwellings; the provision of a safe means of access to and egress from the site which does not result in the creation of a traffic hazard and the provision of appropriate car parking facilities.

DBF P16 refers to Infill Development and DBF P16 encourages infill development, particularly within the town centre where proposals have regard to the character of the site and area and are not detrimental to the visual or residential amenity of the area.

Chapter 16 refers to Development Management Standards and outlines standards on a range of criteria including plot ratio and site coverage. Section 16.8.5 refers to residential amenity in terms of residential amenity proposed residential schemes shall be designed having regard to the need to protect amenities of existing residents in the locality of the subject development and that a minimum 22m separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. Other requirements are outlined relating to parking, minimising overshadowing; table 16.3 outlines minimum private open space standards for houses and section 16.8.8 in relation to private open space that all houses should have an appropriate and useable area of private open space to the rear of the dwelling and that exceptions may be only considered in relation to the redevelopment of inner urban infill where there is a need to protect the established pattern of streets.

## **5.2. Natural Heritage Designations**

None relevant.

## **5.3. EIA Screening**

5.4. The proposed development 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

6.2. The main grounds of appeal can be summarised as follows:

- Reference is made to proposed development being located to the rear of the appellant's property.
- Reference is made to building a property for the rental market.
- Concern is raised in relation to the loss of privacy and loss of light.
- Reference is made to a change in the rear building line with a greater depth impacting on her property.
- A single storey property would have been more appropriate and prevented overlooking, overshadowing and been in keeping with the area.
- Photographs to indicate effects of overshadowing are included.

### 6.3. First Party Response

The applicant in a response indicates in summary that many of the concerns were addressed in the processing of the application in particular the revised details submitted by way of further information and requests the decision of the planning authority be upheld.

### 6.4. Planning Authority Response

The response of the planning authority in a response indicate that it has no further comments and that the position of the planning authority is addressed in the planning reports.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised by the third party in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Issues raised in the grounds of appeal largely relating to impact on residential amenities.
- Appropriate Assessment

## **7.2. Principle of the development.**

7.2.1. The site is zoned existing/infill residential in the Carlow Town Land Use Zoning map and use as proposed is acceptable in principle. The site and the immediate area is overwhelmingly residential comprising two storied dwelling housing semi-detached and terraced properties. The type of dwelling as proposed would not be at variance with the overall character of the area.

## **7.3. Issues raised in the grounds of appeal largely relating to impact on residential amenities.**

7.3.1. Reference is made by the appellant to the proposed development being located to the rear of the appellant's property to concerns in relation to the loss of privacy and loss of light; to a change in the rear building line with a greater depth impacting on her property and that a single storey property would have been more appropriate and prevented overlooking, overshadowing and been in keeping with the area.

7.3.2. For the purpose of this assessment, I will consider the amended design submitted as a response to a request for further information and received by the planning authority on the 7<sup>th</sup> July 2023.

7.3.3. As already indicated, I would have no objection in principle to a two storied dwelling subject to considering impact on residential amenities. The area is predominantly two storied and two storied dwellings backing onto each other is a generally accepted norm of urban design in an urban area subject to not adversely impacting on existing residential amenities.

7.3.4. The further information as submitted on the 7<sup>th</sup> July 2023 included a revised design reducing the first floor plan which allows for a chamfered setback to provide for 22 metre separation at first floor level with properties; the provision of frosted glazing along the side elevation at first floor level and also provides for a separation of 2.5

metres from the adjoining semi-detached property, details relating to boundary treatments and a shadow diagram analysis.

- 7.3.5. The reduction with the chamfered setback to provide for 22 metre separation at first floor level with properties addresses in particular development management standards specified in section 16.8.5 of the County Development Plan and general guidance. Other standards including separation distances between dwellings, private amenity open space, on-site parking, plot ration and site coverage comply with the development management standards of the County Development Plan.
- 7.3.6. The siting and overall design as submitted is acceptable in the context of the site and development in the vicinity
- 7.3.7. In relation to potential increased overshadowing arising from the proposed development shadow diagrams were submitted. The proposed development is located to the west of the appellants property and the documentation submitted does not indicate a material significant change arising from the proposed development to the current situation.
- 7.3.8. Having reviewed the details as submitted I would have no objections to the revised design.
- 7.3.9. The reference to the proposal being used for letting is not material to considering this proposal.

#### **7.4. Appropriate Assessment Screening**

- 7.5. 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 it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

### **8.0 Recommendation**

- 8.1. I recommend that outline permission be granted.



## 9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary of the town of Carlow, the zoning of the site and other provisions of the Carlow County Development Plan 2022-2028 and the pattern of existing and permitted development in the vicinity it is considered that the proposed development would be in accordance with the stated provisions of the current Carlow County Development Plan 2022-2028. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13<sup>th</sup> January 2023 and 7<sup>th</sup> July 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<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>
4.	<p>External finishes to the proposed development shall be in accordance with the details received by the planning authority on the 7<sup>th</sup> July 2023.</p>

	<b>Reason:</b> In the interest of visual amenity.
5	<p>The provision of the entrances, the height of entrance piers and boundary walls and the restoration of the public footpath shall be in accordance with the detailed standards of the planning authority for such works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
6	<p>The glazing of all bathrooms and en-suite windows shall be finished in opaque or frosted glass.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
7	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
8	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will 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>
9	<p>The applicant/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.</p>

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.

**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.

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.

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Derek Daly  
Planning Inspector

10<sup>th</sup> November 2023