



An
Bord
Pleanála

Inspector's Report ABP 318539-23

Development

Construction of a storey and a half extension to the existing single-storey dwelling with single storey link corridor, demolition of existing outbuildings and replacement with new domestic garage and all associated site works.

Location

Old Grange, Monasterevin. Co Kildare.

Planning Authority

Kildare Co. Council.

Planning Authority Reg. Ref.

221511

Applicant

Joe Higginbotham

Type of Application

Permission.

Planning Authority Decision

To Grant Permission.

Type of Appeal

Third Party.

Appellant

Craig & Noreen Ennis.

Observer(s)

None.

Date of Site Inspection

February 13th, 2024

1.0 Site Location and Description

- 1.1. The site is located in the townland of Old Grange c 1.2km north of Monasterevin. Co. Kildare. It occupies a corner site at the junction of the Rathangan Road (R414) and Hawthorn Drive. The site, which has a stated area of 0.0657 Ha, accommodates a small single-storey house with a flat roofed extension to the side. There are 2 no. sheds located along the southern boundary and the remainder of the site is covered in grass. Immediately to the rear (west) of the house there is a single storey house in close proximity to the site boundary. Two-storey dwellings associated with Ferns Dale housing development adjoin to the south. The site boundaries are defined by concrete walls and vehicular access is provided directly off the R414 at the front of the site.
- 1.2. Hawthorn Drive adjoins the site to the north and west and this short cul de sac accommodates a number of single-storey dwellings. The wider area is residential in character with a number of housing estates close by. Opposite the site houses are predominantly single storey on large site bounding the regional road. House types in the area vary significantly in terms of design and scale.

2.0 Proposed Development

- 2.1. The application as described in the public notices submitted with the application seeks the construction of a storey and a half type extension (162 m²) to the existing single storey dwelling (45 m²) with single storey link corridor, demolition of the existing outbuildings and replacement with a new domestic garage (49m²) and all associated site works.
- 2.2. The planning authority sought further information on the application on February 21st 2023, on matters relating to the design of the proposed extension, potential impacts on adjoining property, the excessive scale of the proposed shed, excessive provision of hard surfacing within the site and proposals for surface water disposal.
- 2.3. The response of 12th July 2023 included revised drawings to address the concerns raised by the planning authority and provided for the following:
 - Reduction in the ridge height of the first-floor element from 7.13m to 6.325m to reduce the overall mass of the extension.

- Redesign of front facing southeast elevation
- Redesign of rear facing northwest elevation.
- Reduction in the floor area of the first-floor element from 81 sq.m to 46 sq.m, stepping it back by c 5.2m and omitting the roof lights to the northwest elevation.
- Rebuilding the shed over the existing outbuilding footprint and use of natural stone cladding with limestone capping.
- Use of permeable Resin bound surface to allow surface water to penetrate to ground with suitably designed soakaways to be provided on the site.

The response included a sun path analysis for the proposed development.

- 2.4. On 31st July 2023, the planning authority sought clarification of the further information. It noted that the revised proposals did not respect the form and character of the existing cottage. The applicant's response of 12th October 2023 included revised drawings which provided for a reduction in the number of finishes to the elevations, removal of dormer windows and replacement with a rooflight (Bedroom No 2), a smaller rooflight over the stairwell, and a reduction in the height of the first-floor window to the front elevation. The response was to the satisfaction of the planning authority.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 9 no. conditions. The decision includes the following conditions of note:

Condition 2: Prior to commencement of development and for written agreement of the planning authority, the applicant shall submit revised plans and drawings:

- a) Omitting the proposed external door on the existing porch of the cottage and replacing same with an appropriate window.
- b) Reducing the size of the proposed garage to a maximum ground floor area of 40sqm.

- c) On a revised site layout plan, the precise location of the proposed garage on site shall be indicated to the satisfaction of the planning authority.

Reason: In the interest of clarity and to regulate the use of the development.

Condition No 3: Specifies that the existing dwelling and the proposed extension shall be jointly occupied as a single dwelling unit. The house shall be used for domestic related purposes only. The garage shall be used for domestic purposes only and shall not be used for human habitation or any commercial use or carrying out of any trade.

Reason: In the interest of clarity and to regulate the use of the development in the interests of the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planning Officer's report of 20/2/23 raised concerns regarding the potential impacts of the development on the residential amenity arising from overlooking and overshadowing. Concerns were also raised regarding the design of the extension and lack of coherent integration with the existing single-storey dwelling on the site. Other matters related to the position and scale of the proposed garage, the amount of hard surfacing proposed on site and the implications for surface water discharge.

Following the receipt of further information of 12/7/23 and 12/10/23, the Planning Officer's report of 2/11/23 concluded that all the matters raised had been satisfactorily addressed and recommended that planning permission be granted subject to conditions.

3.2.2. Other Technical Reports

Roads, Transportation & Public Safety Dept: No objection to the proposed development subject to conditions.

Environment Section: No objection subject to conditions.

Water Services: No objection subject to conditions.

4.0 Planning History

4.1.1. No details of any relevant planning history relating to the subject site have been submitted.

4.1.2. The following relates to the adjoining site to the west (appellants' property).

- **06/2326:** Permission granted for the erection of a bungalow on the adjoining site to the west at Hawthorn Drive.
- **16/215:** Permission granted for an attic conversion on the adjoining site to the west at Hawthorn Drive.

4.2. Development Plan

The **Kildare County Development Plan 2023-2029** came into effect on 28th January, 2023.

Section 5.4.12 Extensions to Dwellings sets out the basic principles that should be applied to development proposals.

The site is located within the development boundary of the **Monasterevin Local Area Plan 2016-2022**. The site is zoned 'B'-Existing Residential/Infill with the following objective:

'To protect and improve residential amenity: to provide for appropriate infill residential development and to provide for new and improved ancillary services'.

4.3. Natural Heritage Designations

The River Barrow flows through the town and is part of the River Barrow and River Nore SAC (Site code 002162).

4.4. EIA Screening

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.

5.0 The Appeal

The appellants reside on the adjoining site to the west (No 4 Hawthorn Drive) and shares a 30m common boundary wall with the appeal site. The following summaries the grounds of appeal.

- Visual impact on appellants property arising from the position, scale, height, massing and materiality of the proposed development.
- The area of appellants property is c 320 sq.m and the private open space to the rear of the house is restricted to 55.5 sq.m It is the only private external space available to the family.
- There will be a substantial negative impact on the property due to overshadowing and loss of privacy from the two-storey element of the design. This will impact on the limited external private garden, the main living/dining area and side windows of the family home.
- There is no analysis of the impact of overshadowing on appellants property both externally and internally and the local authority's decision is therefore flawed.
- The application provides misleading information on eave and ridge heights, artificially reducing the impact the proposed development will have on appellants property.
- The response to further information includes a 'sunpath analysis report', which provides no data relevant to the application and relates only to the single storey structures on the site. It fails to describe the impact the two-storey element would have on appellants property. The scale at which the report was presented also results in the findings being meaningless and irrelevant.
- Inconsistencies and missing dimensions in the planning application drawings illustrating the existing and proposed elevations and section.
- The proposed development does not integrate with existing adjoining properties.

5.1. First Party Response

Visual Impact

- The applicant has made a concerted effort to minimise the impact on the amenity of neighbouring property in terms of overbearing impacts while at the same time trying to provide sufficient new floor area to provide a dwelling of a size to suit modern day living standards.
- The somewhat unusual design and layout of No 4 Hawthorn Drive with windows so close to the site boundaries provides a challenge, but this has been addressed by providing a flat roofed link between the original cottage and the proposed two-storey element so as to minimise visual impact.
- The higher ground level of the neighbouring property also helps to minimise impacts.
- The kitchen window in No 4 is located just beyond the side extension to the cottage. The flat roof portion of the proposed extension will be opposite the kitchen window in No 4.

Incongruous

- Any matters relating to potential damage to the shared boundary is a civil and not a planning matter.
- There are a variety of house types in the locality including bungalows, dormer bungalows and two-storey dwellings. There is no singular design type.
- Given that the cottage on the site is different to surrounding dwellings in the vicinity, it would be entirely unreasonable to limit or restrict the proposed design to any particular type.
- The proposal is a contemporary design so as to differentiate it visually from the original cottage, but includes key features of dwellings in the area including gable end treatments, render finishes and similar sized window openings.

Loss of privacy

- The proposed development does not contain any rooflight which would face towards appellants' property.
- There is a rooflight proposed in the southwest elevation of the extension at first floor level. The majority of this rooflight is at a lower roof level with a small portion at the upper wall level. The window is orientated to face towards applicant's

proposed new patio area. As the average eye level is generally accepted to be 1.5m high, there is no possibility for any overlooking from this window. The purpose of the rooflight is to provide natural light to the room.

- There is also a rooflight proposed over the flat roof of the living/dining area to allow light access, but this cannot be seen from neighbouring property.
- The first-floor balcony was omitted at further information stage. There is no access to the flat roof which replaces the balcony.

Shadow impact

- No 4 Hawthorn Drive is located to the west of the proposed extension. The primary shadow impact will be to the north of the extension and therefore limited to the site itself and/or the front garden of No 4. It is likely that much of the shadow will be contained within the shadow cast by the boundary wall.
- It will only be in early morning when the sun rises to the east, that shadows from the proposed development would potentially impact on No 4. Shadows are already cast by the shared boundary wall and much of the shadow from the new extension would be contained within this existing shadow. The impact will be temporary as the sun moves to the south in the later morning and to the west in the afternoon.

Planning drawings

- It is difficult to respond to appellants concerns regarding the planning drawings as there is no information provided on alleged inconsistencies and missing dimensions. The proposed extension will be set back 6.13m from the window at No 4 Hawthorn Drive.

Conclusion

- The proposed development will not have a material impact on the residential amenity of the adjoining property to the west and will be in accordance with the proper planning and sustainable development of the area.
- Requests that the Board upholds the planning authority's decision to grant permission for the development which was subject to a rigorous and detailed

planning assessment in order to arrive at a design which was deemed acceptable.

5.2. Planning Authority Response

The Planning Authority confirms its decision and refers the Board to the assessment reports.

5.3. Observations

- None.

6.0 Assessment

6.1. Introduction

6.1.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

6.1.2. I consider that the main issues that arise for determination by the Board in relation to this appeal relates to the following:

- Principle of the development
- Impacts on residential amenity..
- Impacts on visual amenity.
- Appropriate Assessment.

6.2. Principle of the development

6.2.1. The site is located in an area zoned for residential purposes and accommodates an existing dwelling. The proposal to extend the house is therefore acceptable in principle in this location, subject to compliance with normal planning criteria, including the protection of residential and visual amenities.

6.3. Impacts on residential amenity

6.3.1. The appellants main concerns relate to the potential impacts of the proposed development on the residential amenity of their property arising from overlooking, overshadowing and overbearing impacts. Their property lies to the west of the

appeal site and includes a door and kitchen window facing the site with 4 no. roof lights in the attic space. They share a common boundary wall with the appeal site, which is c 1.8m high.

- 6.3.2. The existing house on the appeal site is a small-scale structure positioned c 1.8m from the common boundary. Its floor level is below that of appellants house and there is one window in the rear elevation serving a kitchen. Due to the height of the boundary wall and the difference in floor level, this window creates no potential for overlooking of appellants property.
- 6.3.3. The proposed new extension will be positioned closer to the common boundary wall, c 1.2m at the closest point. The original proposal included a number of new windows in the ground floor facing appellants' property, in addition to roof lights at first floor level and a balcony to the side.
- 6.3.4. The revised drawings submitted in response to further information provided for a reduction in the floor area of the first-floor extension, resulting in an increased set back from the boundary wall. All windows at ground floor level would be fitted with opaque glass and the 3 no. rooflights at first floor level together with the balcony have been omitted from the development. Light and ventilation to the proposed living/dining area would be provided in the form of a roof light fitted within the flat roof section of the extension, which offers no potential for overlooking of the neighbouring property.
- 6.3.5. I consider that the revisions to the proposal address the concerns raised regarding overlooking of the appellants property. The ground floor windows will be largely concealed by the boundary wall and will be fitted with opaque glass. There are no first-floor windows directly facing appellant's property. One first floor window is proposed in the southwestern elevation, which will serve a bedroom. Any views over appellants property will be oblique which minimises the potential for significant impacts and would not be unreasonable in this urban context.
- 6.3.6. I would therefore conclude that the revisions to the proposed development completed in response to the request for further information/clarification of further information significantly reduces the potential for overlooking. I consider that the appellants concerns that the privacy of their dwelling will be significantly impacted,

such that their level of amenity would be seriously diminished, is therefore unfounded.

- 6.3.7. With regard to overshadowing, I acknowledge that a more comprehensive analysis of sunlight/daylight effects would have been useful. This being said, I accept that there would be a degree of overshadowing of appellants property in the early morning, which would dissipate quickly. The property including the rear garden would continue to enjoy good levels of sunshine without overshadowing effects for the remainder of the day. I note that the kitchen window facing the appeal site lies opposite the flat roof section of the extension and I would not, therefore, accept that the proposed development would result in a significant decrease in sunlight or daylight entering the house.
- 6.3.8. While I acknowledge the proximity of the development to the adjacent property, I consider that potential overbearing effects have been overcome by the redesign revisions such that no significant effects will be experienced by the appellants on their residential amenity.
- 6.3.9. To conclude, I consider that the issues raised regarding overlooking, overshadowing and overbearing impacts have been adequately addressed by the applicant and the proposed development will not result in significant adverse effects on their property, which would seriously compromise the residential amenity they currently enjoy.

6.4. Impacts on visual amenity

- 6.4.1. It is contended by the appellants that the proposal is not capable of effective integration with the established form of development and would detract from the character and visual amenities of the area.
- 6.4.2. I note the provisions of the development plan (Section 15.4.12 Extension to Dwellings) which states that 'it would not be practical to set a prescriptive approach to the design of extensions that would cover every situation, and it is not desirable to inhibit innovation or individuality'. It also requires that the extension should be sensitive to the appearance and character of the house, local properties and the local area. Any proposed extension should have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure.
- 6.4.3. The proposed development will include single and two storey components connected by a flat roofed link. The revisions to the proposal including variations in building

lines, roof levels and profiles adds interest to the design, which together with greater uniformity in the external finishes ensures that the development does not present as an overly dominant feature within the site.

- 6.4.4. The existing dwelling is small in scale and the level of accommodation is severely restricted. The single storey link corridor provides a transition between the scale and form of the existing dwelling and the new extension. The design changes incorporating a reduction in the two-storey element and an increase in the area of flat roof ensures that the proposal integrates with the adjacent single storey dwelling while at the same time ensuring that the dwelling can be brought back into active use and meet modern day living standards.
- 6.4.5. I consider that the site has the capacity to accommodate the development and having regard to the significant variations in house type and design in the surrounding area, I do not accept appellants contention that the proposal would be incongruous or out of character with the existing pattern of development in the area.
- 6.4.6. The proposed garage will replace the existing shed on the site, which offers little in terms of design and finish. Whilst it would be forward of the building line of the dwelling, it would be on the same footprint as the existing shed. I consider that its location in the southern corner of the site coupled with its design and finish would be a significant improvement and contribute positively to the visual amenities of the area.

6.5. Appropriate Assessment Screening

- 6.6. Having regard to the nature and scale of the proposed development, its location in an urban area connected to public services and the distance from any European site, 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.

7.0 Recommendation

On the basis of the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below.

8.0 Reasons and Considerations

Having regard to the established use of the site for residential purposes and the design and scale of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not result in significant impacts on the residential amenity of adjoining property, or the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of July, 2023 and the 12th day of October, 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>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of any development on the site, the developer shall submit revised drawing for the written agreement of the planning authority incorporating the following:</p> <p>(a) omitting the proposed external door on the existing porch of the cottage and its replacement with a suitable window</p> <p>(b) a reduction in the size of the proposed garage to 40 sq,m</p> <p>(c) the precise location of the proposed garage on the site.</p> <p>Reason: In the interests of clarity and to regulate the proposed development on the site.</p>

3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling.</p> <p>Reason: To restrict the use of the extension in the interests of residential amenity.</p>
4.	<p>The proposed garage shall be used solely for purposes associated with the use of the dwelling house and shall not at any time be used for commercial, industrial or agricultural purposes.</p> <p>Reason: In the interests of residential amenity.</p>
5.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Details of the external finishes of the proposed development, including the garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>The developer shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from the site shall be drawn or deposited onto the public road. Any damage to the public road during construction works shall be repaired at the developer's expense.</p> <p>Reason: To avoid a traffic hazard and protect public property.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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>

	Reason: To safeguard the amenities of property in the vicinity.
10.	<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. 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>Reason: 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>

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.

Breda Gannon
Planning Inspector

05 March 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 318539-23		
Proposed Development Summary	Construction of a storey and a half extension to the existing single storey dwelling with single storey link corridor, demolition of existing outbuildings and replacement with new domestic garage and all associated site works.		
Development Address	Grange, Monasterevin. 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	Yes
		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		No	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)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

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

Inspector: _____

Date: 5/3/24