



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319552-24

<b>Development</b>	Attic conversion to include dormer window, Velux rooflight, all associated works.		
<b>Location</b>	8 Racecourse Gate, Naas, Co Kildare, W91 FT80		
<b>Planning Authority Ref.</b>	2360218		
<b>Applicant(s)</b>	Emer and Barry McCarthy.		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant permission.
<b>Type of Appeal</b>	First Party	<b>Appellant</b>	Emer and Barry McCarthy
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	11/8/2024	<b>Inspector</b>	Leah Kenny

#### Context

##### 1. Site Location/ and Description

The site is located within the Racecourse Gate housing development located to the northeast of Naas town centre. The housing development comprises a mixture of 13no. semi-detached and detached two-storey houses which back directly onto Naas Racecourse.

No. 8 Racecourse Gate is a detached dwelling located mid-way along the Racecourse Gate development. Solar panels are located on the front and side roof hips.

## **2. Description of development**

The development comprises the conversion of an attic into a habitable bedroom and en-suite. The dormer is to be finished in zinc / lead cladding. The front of the dormer is to be glazed and includes inward opening double doors immediately fronted by a glazed guarding screen. A Velux rooflight is proposed to the side over the proposed en-suite. The gross floor area of the additional floorspace is stated as 19sq m.

## **3. Planning History.**

There is no relevant planning history relating specifically to the subject property aside from the original permission for the Racecourse Gate housing development.

## **4. National/Regional/Local Planning Policy**

The Naas Local Area Plan 2021-2027 was adopted by the Planning Authority on 21<sup>st</sup> October 2021. The subject site is zoned Objective 'B: Existing / Infill Residential' with the objective *"to protect and enhance the amenity of established residential communities and promote sustainable intensification"*.

Relevant policies and development management standards for extensions to existing dwellings are contained in the Kildare County Development Plan 2023-2029 (adopted on the 9<sup>th</sup> of December 2022).

Section 15.4.12 Extensions to Dwellings acknowledges that extensions can sustainably accommodate the changing needs of occupants and outlines several basic principles to protect residential and visual amenities, including:

- 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.
- The extension should not provide for new overlooking or loss of privacy below reasonable levels to the private area of an adjacent residence.

- The extension should not have an overbearing impact on neighbouring properties.

## 5. Natural Heritage Designations

There are no designated sites within the immediate vicinity of the site.

## Development, Decision and Grounds of Appeal

### 6. PA Decision.

On the 6<sup>th</sup> of November 2023 Kildare County Council requested Further Information in respect of the proposed development, as follows:

1. The Planning Authority have concerns and are not favourably disposed to the scale and design of the proposed development. The Applicant is thereby invited to submit revised drawings addressing the following:
  - (a) A revised pitched roof profile for the dormer that matches the existing dwelling in terms of design, scale and finish.
  - (b) Revised drawings should be submitted which omits the balcony

Further Information was received by Kildare County Council on 6<sup>th</sup> March 2024. In respect of item 1(a) the Applicant's Agent provided background to the design of the pitched roof profile as originally proposed to meet the requirement of *Building Regulations 2019 - Technical Guidance Document F - Ventilation* and provided arguments that the new dormer would not distort the scale and mass of the house. In respect of item 1(b) the Applicant's Agent clarified that there is no balcony proposed rather a glazed screen runs across/immediately in front of the proposed door (an architectural feature known as a 'Juliet balcony').

The Planning Authority granted planning permission on 25<sup>th</sup> March 2024 subject to 6no. conditions. Condition No.1 and Condition No. 2 are of relevance to the appeal and set out:

**Condition 1.** The development shall be carried out in its entirety in accordance with the plans, particulars and specifications received by the Planning Authority on

18/09/2023, as revised by further information received on 06/03/2024, except as amended by conditions of this permission.

**Reason:** To ensure that the development shall be in accordance with the permission and that effective control be maintained.

**Condition 2.** The development shall be revised as follows and the applicant shall submit revised drawings for the written approval of the Planning Authority, within 3 months of the grant of this permission:

(a) The proposed door shall be omitted from development and replaced with a window.

(b) The glazed guarding to the front of the dormer shall be omitted from the development.

(c) The rakes of the dormer shall be revised and angled to match those of the existing hip roof profile.

**Reason:** In the interest of visual amenity and proper planning of the area.

#### **7. First Party Appeal.**

The First Party grounds of appeal solely relate to Condition No. 2 which they have requested be removed for the following reasons:

- The inclusion of Condition No. 2 does not allow the attic and the dormer extension to provide a habitable room, in that a 50% floor area with a ceiling height of 2.4m within the attic space can only be achieved with a 10% pitch.
- The changes being sought by Kildare County Council will not affect the true visibility of the dormer from the front of the property.
- The Council is not being open to individuality or alternative design concepts for a dormer design.

#### **8. PA Response**

There is no response from Kildare County Council on file.

## **Environmental Screening**

### **9. EIA Screening**

Having regard to the limited nature and scale of development (dormer accommodation within an existing dwelling) 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.

### **10. AA Screening**

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.

## **2.0 Assessment**

- 3.0 I have examined the application details and all other documentation on file, including the First Party appeal, inspection of the site, and relevant local policies and guidance.
- 3.1. Having regard to the zoning of the site (i.e., Objective 'B: Existing / Infill Residential') I am satisfied that the proposed attic conversion is acceptable 'in principle' subject to compliance with the necessary development management requirements within the development plan and government guidance. I further consider the proposed development, which facilitates an additional ensuite guest bedroom, also complies with the spirit and intention of Section 14.4.12 of the Kildare County Development Plan 2023 – 2029 which acknowledges that extensions to existing dwellings can sustainably accommodate the changing needs of occupants.
- 3.2. I am also satisfied that the rear extension respects the amenity of the neighbouring properties as it will not result in any over shadowing or new and/or unreasonable loss of privacy by means of overlooking. The rear of the subject property, and indeed the adjoining properties in Racecourse Gate, all back directly onto the warmup track of Naas Racecourse with open land further afield and there are no sensitive

receptors to overlook. I do note that open land on the other side of the warmup track, (accessed from Fishery Lane) is zoned Objective Q6 Enterprise & Employment.

- 3.3. Having regard to the nature of the proposed development I consider the kernel issue to be the design and scale of the dormer to the rear, and its visual impact.
- 3.4. In the first instance, this is a modest proposal with the additional guest bedroom and ensuite resulting in an additional gross floor area of 19sq m.
- 3.5. It is evident from the application documentation that the rationale and basis for the application is for the dormer accommodation to comprise habitable accommodation. This requires the accommodation to meet necessary building regulation standards including ensuring that ventilation within the accommodation should be capable of providing a satisfactory indoor air quality for human respiration. Ceiling height and windows are some of the factors which affects ventilation of habitable rooms specifically addressed in *Building Regulations 2019 - Technical Guidance Document F - Ventilation*.
- 3.6. I consider the form of the new dormer and specifically its slope/profile is dictated by the requirement to provide a minimum ceiling height of 2.4m for 50% of the attic accommodation within the confines of the existing pyramid hip roof.
- 3.7. I note that the Council's concerns regarding the scale and design of the proposed development were not addressed to its satisfaction in the Response to Further Information and hence its inclusion of Condition 2(c) requiring the rakes of the dormer to be revised and angled to match those of the existing hip roof profile. From the Planner's Reports it is not clear whether it is just the rakes (i.e., the inclined, usually projecting edges of the roof) or the dormer roof profile / slope main that this condition is intended to address. However, the reference in the Further Information report that "*the Planning Authority are not satisfied with the response to the further information request*" and the requirement in Condition 2(c) for the need for them (the rakes) to be revised and angled "*to match those of the existing hip roof profile*" would lend itself to the latter interpretation.
- 3.8. The other concerns of the Planning Authority relate to the proposed 'door' (Condition 2(a) requires it to be omitted from the development and replaced by a window) and the related glazed guarding (Condition 2(c) requires this to be omitted from the development).

- 3.9. I agree with the First Party that the inclusion of Condition No. 2 would impact achieving an appropriate level of habitable accommodation (the reason for the development as proposed). I also consider it has the potential to impact more generally on the quality of the attic accommodation.
- 3.10. I consider the appropriateness or otherwise of the proposed development, including potential modifications such as those required by Condition No. 2, relates to potential to impact visual amenity, generally in terms of the scale, massing and design of the proposed dormer itself and more specifically in terms of the proposed 'door' and associated glazed guarding.
- 3.11. These matters are considered below.
- 3.12. In terms of general visual impact, I note the differing house types and roof profiles within the Racecourse Gate development and in particular the fact that:
- The detached dwellings have a pyramid hip roof; and
  - The semi-detached dwellings have a gable roof.
- 3.13. I also note how the detached dwellings (Nos., 3,8 and 13) are intermixed among the semi-detached units. This establishes a varied roof profile when viewing the development from the front and also when viewed from an angle (as the lower profile of the pyramid hipped roof is clearly seen against the gable elevation of the adjoining properties). Other features such as the hipped gable features to the front of the dormer units, chimneys and the solar panels on the front hip roof of the subject property, also add variety to the roofscape profile when viewing the Racecourse Gate development from the front.
- 3.14. I also have regard to the visual impact exercise undertaken by the Applicant in its Response to the Request for Further Information when it compared the likely impact of the proposed design against a 'traditional' dormer where the ridge height of the dormer mirrors that of the main roof from various viewpoints. Accepting the exercise is focused on massing and does not provide rendered imagery, it does show there is a detectable difference between the two options when you focus in on the subject property; however, when you look at it in a wider roofscape context, both options only provide glimpses of the form of a rear dormer, and I do not consider either option would result in any material visual impact. Having regard to the foregoing I do

not consider that the proposed rear dormer would adversely distort the scale or mass of the existing dwelling or impact on the appearance and character of the dwelling and the wider Racecourse Gate development when viewed from the front (addressing requirements of Section 14.4.12 of the Development Plan).

- 3.15. The rear of the properties at Racecourse Gate can be seen across open land and the racecourse track from Fishery Lane (to the north-east). From here the different roof types and profiles, and other roof paraphernalia are visible, meaning the roofscape is reasonably busy from a visual perspective.
- 3.16. I do accept that the introduction of the dormer will introduce a new, clearly discernible feature at roof level to the rear of the property. However, I do not consider it would result in a discordant feature in the context of the character of this large-detached property; the wider Racecourse development (with its mixture of roof profiles) and the wider ever-evolving suburban context. I also consider the absence of any existing development to the rear and the lack of issues relating to new overlooking or loss of privacy negate obvious grounds for impacting visual amenity (addressing requirements of Section 14.4.12 of the Development Plan).
- 3.17. I note the Council maintained its original concerns regarding the proposed inward opening double doors within the glazed dormer frontage in its inclusion of Condition 2(a) and 2(b) without specifically addressing the clarification offered by the Applicant as part of its Further Information response that no balcony is proposed *per se* rather a glazed guard screen is located immediately in front of the doors.
- 3.18. I consider the doors to be a reasonable design solution to maximise getting air and light into the proposed attic accommodation with the Juliet style glazed guarding screen providing necessary safety. I do not see any benefit of the doors being replaced by a window from a visual amenity perspective (either on its own or as part of larger redesign solution) as it would not change the lack of potential for new overlooking or loss of privacy having regard to the location of the dormer to the rear of the property.
- 3.19. I am also satisfied with the materials proposed for the dormer and consider the zinc/lead cladding solution will lend a modern and lighter materiality compared to materials which would match the existing building.



3.20. In conclusion, I am satisfied that the proposed attic conversion would sustainably accommodate the changing needs of the applicants and their family, would not have any significant adverse impact on the amenities of adjoining residential properties, would not be unduly out of character with the pattern of development in Racecourse Gate and the wider area, or result in significant negative visual impact.

## 4.0 Recommendation

I recommend that permission for the development be granted.

## 5.0 Reasons & Considerations

Having regard to the nature and limited scale of the development it is considered that, it would not adversely impact the residential amenities of adjoining properties, would be compatible with the design, form and character of properties in the vicinity, would be consistent with the provisions of the Kildare County Development Plan 2023-2029 including Section 15.4.12 which relates to alterations to existing dwellings, and would otherwise be in accordance with the proper planning and sustainable development of the area.

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 18<sup>th</sup> September 2023, as amended by the Further Information submitted on the 6<sup>th</sup> March 2024, 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>Site development and building works shall be carried out only between the hours of 7.00am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and public holidays.</p>

	<p>Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been obtained from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
3.	<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 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><b>Reason:</b> 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.**



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*Leah Kenny*

*Planning Inspector*

2<sup>nd</sup> September 2024