



An
Bord
Pleanála

Inspector's Report

ABP-320103-24

Development	Construction of extension to side and rear, porch to front, attic conversion to home gym and all associated site works.
Location	Hillview, 85 Newtown Road, Maynooth, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	24/129
Applicant(s)	Áine and Mark Cooney.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	First Party
Appellant(s)	Áine and Mark Cooney.
Observer(s)	None.
Date of Site Inspection	6 th September 2024.
Inspector	Heidi Thorsdalen

1.0 Site Location and Description

- 1.1. The appeal site is located within the Newtown area of Maynooth, c. 700 m southwest of Main Street, Maynooth. The appeal site lies c. 1 km to the northwest of Junction 7 of the M4 and the R406, and c. 85 m south of the Royal Canal. The appeal site has road frontage onto the R408 Newtown Road. The surrounding area is residential, predominately single and two-storey detach and semi-detached housing.
- 1.2. The appeal site is flat and has a stated area of 0.0410 ha. It consists of a semi-detached bungalow with a stated gross floor space of 124.4 m². The dwelling is orientated in a north south direction, with private parking to the front and south facing private amenity space to the rear. The front boundary is defined by the splayed vehicular entrance and a low brick wall with pedestrian entrance. A mix of rendered and unrendered block walls define the side access and the rear garden. The house has a render finish with brown/black tiles.

2.0 Proposed Development

- 2.1. Planning permission was sought for the construction of a side and rear extension, attic conversion with alterations to existing hipped roof, and a front porch extension. The following is noted:
 - The stated gross floor area of the extension is 47.4 m².
 - The porch has a pitched roof, an external footprint of 2,980 mm by 1,850 mm, and with clay brick finish.
 - The side/rear extension is setback 2 m from the existing front elevation and extends 2 m beyond the existing rear elevation, has a hipped roof to the front and side and gable end and mono pitch roof to the rear.
 - The proposed ridge height of the roof over the side/rear extension is 905 mm above the main ridge line of existing dwelling, and the mono pitch to the rear is 145 mm above the existing main ridge line.
 - The side/rear extension has an external footprint of 2,900/3,250 mm by 10,775 mm, and the internal layout contains two bedrooms, an en-suite and a hallway access from the kitchen.

- The attic conversion contains a home gym and storage room with a triangular shaped first floor window at 2,700 mm in width at the rear gable end, and the floor to ceiling height is 2,275 mm at the ridge line.
- The side/rear extension is to be finished in pebble dash render and blue/black slate roof tiles to match existing.
- A 1 m wide external side access to the rear is retained.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission for the proposed development on 10th June 2024, subject to 14 no. conditions, and generally standard in nature.
- 3.1.2. Condition No. 2 is directly relevant to this appeal, and it states (emphasis as per condition):

“The roof height of the proposed side/rear extension shall not exceed the roof ridge height of the original dwelling i.e. 5.055m.

Reason: *In the interest of proper planning.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report (signed 7th June 2024): Extension is setback 2 m from the front elevation. The increased ridge height would fail to respect the existing scale and appearance of the original dwelling, would set a poor precedent and is not acceptable. No potential for significant impact in terms of overlooking or overshadowing given the single storey nature of the proposed. The front porch would remain visually subordinate to the main dwelling. The development considered acceptable subject to condition reducing the ridge height and adheres to local planning policies and objectives.

3.2.2. Other Technical Reports

- Transport, Mobility and Open Spaces Department (21st May 2024): No objection subject to conditions.
- Area Engineer (23rd May 2024): No objection subject to conditions.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1. Appeal Site:

- PA ref. 03/2253: Permission granted for a detached bungalow to the side.

4.2. Adjacent Site(s):

- PA ref. 22/151: Permission granted for an attic conversion to the main roof with two zinc clad dormer windows to the side roof slope at Windhurst, no. 84 Newtown Road.
- PA ref. 21/297: Permission granted for a detached two-storey dwelling at no. 524b Newtown Road.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029

5.1.1. The current Kildare County Development Plan came into effect on 28th January 2023.

5.1.2. Section 15.4.12 Extensions to Dwellings is specifically applicable to the appeal and provides basic design principles, as follows:

- *“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.*
- *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. Maynooth Local Area Plan 2013-2019 and Draft Maynooth and Environs Joint Local Area Plan 2025-2031

- 5.2.1. The Maynooth Local Area Plan 2013-2019 (LAP) came into effect on 26th August 2013, and the plan as amended came into effect on 5th November 2018. Whilst it is

noted that Kildare CC confirms that regard will be given to the Maynooth LAP until it is reviewed, or another plan made, the LAP is noted to have lapsed. The Maynooth and Environs Joint LAP 2025-2031 as prepared by Kildare CC and Meath CC is currently at Draft stage, and consultation closed on 1st August 2024. The appeal site, as per both the LAP and the draft Joint LAP, is located within zoning objective B: Existing/Infill Residential, seeking to protect and enhance residential amenity, whilst accommodating appropriate infill development.

5.3. Natural Heritage Designations

- Royal Canal Proposed NHA, c. 65 m to the north.
- Rye Water Valley/Carton SAC, c. 2km to the northeast.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and small scale of the proposed development, which is for extensions and attic conversion to an existing dwelling within a fully serviced urban area, and its proximity to the nearest sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The First Party appeal relates solely to Condition No. 2 of the Notification of Decision to Grant under PA ref. 24/129 for development at Hillview, 85 Newtown Road, Maynooth.
- 6.1.2. The main grounds of the appeal as submitted by the applicant can be summarised, as follows:
- Wishes to be allowed to raise roof height by maximum 1 m to allow proper head height in the upstairs room for which permission has been granted to use as a home gym.

- It is submitted that the ridge height at 84 & 85A Newtown Road, and the veterinary surgery to the rear in Newtown Grove, all exceeds the ridge height of the existing appeal site.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response (dated 2nd August 2024) is summarised as follows:

- The Planning Authority confirms its decision.
- Requests that the Planning Reports, internal department reports and prescribed bodies reports in relation to the assessment of the planning application are referred to.

6.3. Observations

- None

7.0 Assessment

7.1. The First Party appeal relates to Condition No. 2 only attached to the Planning Authority's Notification to Grant Permission, PA ref. 24/129. Having examined the application and appeal documentation, and inspected the site, I am not satisfied that the determination of this appeal can be restricted to the terms of Condition No. 2 as per the provisions under Section 139 of the Planning and Development Act 2000 (as amended) and a de novo assessment is necessary. The reduction in roof height of the extension required under Condition No. 2 would, due to restricted floor to ceiling height, eliminate the proposed attic conversion for gym/storage space which use is restricted under Condition 3 of the Notice to Grant Permission. I further note the applicant's comments regarding permission granted for the use of the attic space as a gym. Notwithstanding this, I am satisfied that the main issue remains visual impact and the other matters to consider is development contribution.

7.2. I note that the proposed roof accommodating both the extension and rear of the existing dwelling will extend above the existing ridge line of the semi-detached bungalow and the adjacent ridgelines of Nos. 84 and 85A Newtown Road (see

planning application drawing ref. P06, Contiguous front elevation). The height of the proposed roof appears to closely align with the height of the two chimneys within the roof of the main dwelling, although in this regard, I note that there are inconsistencies in the detailing of the chimneys on the existing and proposed elevation drawings (planning application dwg. ref. P04 & P05). Whilst I note that the roof profiles and ridge heights within the local area vary, I do not consider the variations in roof height immediately adjacent to the appeal site as apparent or prominent as the proposed.

- 7.3. Given the height of the proposed roof, I do not consider it subordinate to the existing dwelling or the design sensitive to the appearance of the dwelling or the character of the adjacent properties. I, therefore, consider that the roof of the side/rear extension by reason of its height to be contrary to Section 15.4.12 of the Kildare County Development Plan 2023-2029. I am however, satisfied that the matter can be addressed by condition requiring the roof of the extension to match the height of ridge line of the main dwelling. By omitting the part of the extension roof that protrudes above the ridge line of the main dwelling, the ensuing flat roof section would read as a continuation of existing ridge line from the front, and the changes to the rear gable would be acceptable.
- 7.4. Having regard to the above, I note the reduced floor to ceiling height at attic level would be insufficient to facilitate the head height required for permanent access stairs. I would consider the latter a minimum requirement for an attic conversion. I am satisfied that the proposed attic conversion can be omitted by condition.
- 7.5. By omitting the attic conversion, the reduced proposed gross floor area is noted as less than 40 m² which is the exemption threshold for an extension to a house under Kildare County Council Development Contribution Scheme 2023-2029. The development contribution as per Condition 14 of the Notice to Grant Permission is no longer applicable.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development, which is for extensions and attic conversion to an existing dwelling in an established and serviced urban area, the distance from the nearest European site, no Appropriate

Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

9.1. Grant of permission is recommended.

10.0 Reasons and Considerations

10.1. Having regard to the design, layout and scale of the proposed development which comprises the construction of a single storey side/rear extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 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>
	<p>The proposed development shall be amended as follows:</p> <p>(a) The roof of the extension shall be reduced in height to match, and not exceed, the ridge line height of the main dwelling.</p> <p>(b) The attic conversion shall be omitted.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
4.	<p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
5.	<p>a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health.</p>

6.	<p>Site development and building works shall be carried out between the hours of 07:00 to 18:00 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
7.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of reducing waste and encouraging recycling.</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.

Heidi Thorsdalen
Senior Planning Inspector

26th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Construction of extension to side and rear, porch to front, attic conversion to home gym and all associated site works.		
Development Address	Hillview, 85 Newtown Road, Maynooth, 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	✓
		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	✓		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: 26th September 2024