



An
Bord
Pleanála

Inspector's Report ABP-321516-24

Development	Demolition of house and reconstruction of two-storey house.
Location	13 Walshestown Abbey, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2461045
Applicant(s)	Gerard Halligan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Neil Cash
Observer(s)	None
Date of Site Inspection	24 th February 2025
Inspector	Aoife McCarthy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.073 Ha and is located at 13 Walshetown Abbey, Newbridge, Co. Kildare.
- 1.2. The property is accessed from Walshetown Abbey (access road).
- 1.3. Walshetown Abbey is a small estate comprising detached 2 storey residential dwellings, and is located to the southeast of Newbridge village, and c.80m from the M7 motorway.
- 1.4. The site is bound by Walshetown Abbey to the south, the grounds of No. 12 Walshetown Abbey to the north-east, No. 14 to the south-west, and No.23 to the rear (north-west).
- 1.5. The site includes a detached 2 storey 4 bed (6 person) house, with garden to front and rear.

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2.0 Proposed Development

- 2.1. The proposed development consists of:
 - (a) the demolition of existing fire damaged house, with total area 231m² GFA (117m² at ground floor level and 114m² at first floor level).
 - (b) the reconstruction of the two storey house with minor internal alterations; alteration with additional floor area to the rear (north-west) and side (north-east) elevations, with a total GFA 279m² (141m² at ground floor level and 138m² at first floor level).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification to Grant Permission on 28th November 2024, subject to 10 no. conditions. Condition 2 requires,

“The existing dwelling and extension to be jointly occupied as a single housing unit, and that the extension shall not be subdivided from the remainder of the dwelling or site and shall not be used, sold or let as a separate dwelling unit.

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

3.1.2. All other conditions are standard in nature.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

- **Planning Report (dated 28 November 2024):**
- The report provides a brief description of the site and proposed development.
- The site is located within the boundaries of the Newbridge Local Area Plan 2011-2019. Development is also guided by policies relating to extensions to dwellings within the Kildare County Development Plan 2023-2029.
- The planning authority conclude that the scale and nature of the works are appropriate with respect to character of the houses and the wider estate.
- The report recommends that planning permission should be granted, subject to 11 no. conditions.
- Development contributions under s.48 shall not apply as the application relates to reconstruction within the same footprint of the original building (Section 10.10 of the Development Contribution Scheme 2023-2029 refers.)

3.2.2. **Other Technical Reports**

- **Environment Section (31 January 2024):** No objection subject to conditions.
- **Water Services Department (31 October 2024):** No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. No submissions received.

3.4. **Third Party Observations**

3.4.1. A single submission was received from the resident of the adjoining property, No. 14 Walshetown Abbey. The grounds of the submission relate to:

- Impacts on natural daylight to their dwelling as a result of the additional floor area;

- the widening and extension of the dwelling; and
- the loss of privacy as a result of the addition of a window at ground floor level.

4.0 Planning History

4.1. Subject Site

- 4.1.1. **P.A. Reg. Ref.: 99/2265** – Permission granted for 50 no. houses comprising of a mix of five bedroomed, four bedroomed and three bedroomed house types and associated site development works, access roads, outfall drains and services.

5.0 Policy and Context

5.1. Draft Newbridge Local Area Plan 2025 -2031

- 5.1.1. The planning authority invited submissions on the *Draft Newbridge Local Area Plan 2025 -2031* on 10th October 2023, replacing the *Newbridge Local Area Plan 2013-2019 (as extended to December 2021)*, which has now expired. Development at the subject site is therefore guided by the *Kildare County Development Plan 2023-2029*, as detailed below.

5.2. Kildare County Development Plan 2023-2029

- 5.2.1. The Plan includes the following relevant standards;

Development Management Standards – Extensions to Dwellings (s.15.4.12)

Adapting residential units through extensions can sustainably accommodate the changing needs of occupants subject to the protection of residential and visual amenities. A well-designed extension can provide extra space, personalise and enhance the appearance of a dwelling. It would not be practical to set out a prescriptive approach to the design of extensions that would cover every situation, nor is it desirable to inhibit innovation or individuality. The following basic principles shall be applied:

- 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.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within or adjacent to any designated European Site. The nearest European site is the Pollardstown Fen SAC (Site Code: 000396) located c.3.3km to the north-west of the site at it's closest point.
- 5.3.2. The Curragh (Kildare) pNHA (Site Code: 000392) located c.1.45km to the south-west of the site.

5.4. EIA Screening

- 5.4.1. 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. (Form 1, Appendix 1 refers).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A single Third Party Appeal has been received from Neil Cash, as summarised below:
- The proposed development would reduce the separation distance between the properties, reducing natural daylight to the ground floor level kitchen.
 - The proposal would block the Appellant's view from the subject dwelling to the surrounding area.
 - The proposal includes a window from the kitchen, with direct views to the Appellant's property, affecting overall privacy and amenity of the appellant's home.

6.2. Applicant Response

- 6.2.1. A response from the First Party was received on 23rd January 2025, which can be summarised as follows:

- There is no direct overlooking between the subject proposed development and this adjoining property.

A single storey extension was constructed to the rear of No. 14, with glazing to the rear (north-west) and western elevation. There are in addition, windows on the side (north-east) elevation of No. 14. There is no direct overlooking to this window.

- There are no additional windows to this side of the property, with new windows and glazed door to the rear (north-east) and eastern elevations.
- Boundary treatment, including established hedge planting provides additional screening between the properties.

- Shadow Analysis has been undertaken for both previous as built house and the subject application, with a limited impact to No. 14.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority confirmed that they have no further comment with respect to the subject appeal.

6.4. **Observations**

6.4.1. No observations have been received on the application.

6.5. **Further Responses**

6.5.1. None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the substantive issues in this appeal are as follows:

- Principle of Development
- Design and Layout
- Residential and Visual Amenity

7.2. **Principle of Development**

7.2.1. The proposed development relates to the demolition of a fire damaged dwelling, and the reconstruction, with an increase in floor area from within both levels of the house. This relates to an increase from 231m² to 279m², an increase of 48m².

7.2.2. The increase in area reflects the substantial size of the original dwelling, and the increase to the floorplate at both levels; rather than consisting of new or alternate extension to the original dwelling. The subject site is located within a cul-de-sac of 4 bed detached 2 storey houses, with gardens to front and rear.

7.2.3. The site is broadly consistent with the policies relating to the extension to a dwelling; albeit noting that the proposal relates to reconstruction of a fire damaged dwelling (s15.4.2 refers).

7.2.4. In my opinion, the proposed development is acceptable in principle, subject to assessment with respect to relevant planning considerations, as set out below.

7.3. Design and Layout

7.3.1. The proposed development includes the demolition and reconstruction of a 2 storey 4 bed house reflects in full the design of the original dwelling, and is consistent with the character and appearance of adjoining properties, albeit noting the marginal increase in the width of the house (by 0.9m) to the front of the property.

7.3.2. The proposed dwelling includes an extension to the rear of the property, by 1m on the western side, and 1.05m to the east, combining pantry/dining room to accommodate a larger dining room. Associated elevational changes are limited to the replacement of a single door and window with double glazed doors to the rear. The proposal includes the replacement of the side window with a door.

7.3.3. At first floor level, there are no changes in principle to the internal layout and with the respective rooms increasing in size marginally. There are in addition, no changes to the design / fenestration at this level.

7.3.4. Further to a site visit, I consider that the proposed dwelling is consistent with the established design of adjoining properties, and that the proposal would not result in any adverse impacts to the amenities of the subject dwelling and adjoining properties. Having regard to the above, in my view, the design and layout of the subject proposal is acceptable.

7.4. Residential Amenity

7.4.1. The Appellant considers that the enlarged dwelling would result in a loss of daylight to the kitchen windows within his property. Due to the fire damaged status of the subject house, I was unable to access the rear of the property on the site visit. Notwithstanding, I refer the Board to photographs of this side and rear elevation ~~submitted as part of~~ the First Party response to the third party appeal.

7.4.2. No. 12 (to the north-east) is noted to comprise a single storey flat roof extension to the rear, with windows to the rear and north-east only. The kitchen has windows in the side (gable elevation only). As such, in my view, the proposed development would not adversely affect daylight to the appellant's ground floor extension.

- 7.4.3. I also consider that the proposed development would have a minimal additional impact to daylight to the kitchen windows, noting that windows and doors to the rear and front of the house to the principal habitable rooms, would not be affected by the subject proposal.
- 7.4.4. In addition, as referenced by the First Party, the retention of the existing boundary treatments with established hedging to front and rear (on the south-west boundary) would enhance the privacy and amenity of both areas of private open space.
- 7.4.5. The first party has submitted a shadow analysis of the subject dwelling and the adjacent property. Whilst this is somewhat difficult to read, due to a lack of sheet titles, having regard to the limited increase in the house width and length, in my view, the proposed development would not result in adverse impacts to the adjoining properties by way or overshadowing.
- 7.4.6. Having regard to the above, I am satisfied that the proposed dwelling will not result in significant adverse impacts to the adjoining properties by way of overlooking, or overshadowing, principally having regard to the minimal increase in footprint, associated with this development.
- 7.4.7. The proposed development would include reconstruction works within an established estate. In this context, I recommend the inclusion of measures to protect the amenities of the adjoining properties during the construction phase; notably ensuring that noise levels do not exceed 70dBA (LAeq 1 hour) during construction hours, and 45dBA at any other time.

Visual Amenity

- 7.4.8. From a review of the drawings, in my view, the proposed development is consistent with the design and character of the street, adjoining properties and the wider estate; and would enhance the visual amenities of the site and immediate site context, through the replacement of a fire damaged structure. In addition, by reason of design and scale, I am also satisfied that the proposed development would not have an overbearing impact on adjoining properties within this street. This has been achieved without additional overlooking or overshadowing to adjoining properties.
- 7.4.9. I therefore consider that the proposal accords with the Development Management Standards (S.15.4.2) of the Development Plan, and would in my view, enhance the

visual amenities of the site wider site context. I therefore recommend that, subject to conditions, planning permission is granted in this instance.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed demolition and reconstruction of a dwelling in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The Pollardstown Fen SAC (Site Code: 000396) is located c3.3 km to the north-west, the closest European Site to the subject site.
- 8.3. The proposed development comprises Permission for the demolition and reconstruction and extension of a 2-storey detached 4 bedroom dwelling (289m² GFA), and all ancillary works at 13 Walshetown, Newbridge, Co. Kildare.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion relates to:
 - The limited extent of works forming part of this project, within an established residential development.
 - The distance of the project to the closest European Site.
- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, for the reasons and considerations set out below, and subject to the attached conditions.

10.0 Reasons and Considerations

Having regard to the nature of the proposed development, which is a replacement dwelling, and its design which is broadly consistent with the original dwelling, the established character and appearance of adjoining properties, policy objectives of the Kildare County Development Plan 2023-2029, it is considered that, subject to conditions, the proposed development would not adversely affect the residential and visual amenities of the area, of properties in the vicinity, and would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application by the planning authority on the 11th October 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.

Reason: In the interest of clarity.

2. 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.

Reason: To restrict the use of the extension in the interest of residential amenity

3. 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. The roof shall be blue/black or slate grey in colour. Orange or red

coloured roofing shall not be used. No dry (pebble dash) or reconstituted stone shall be used.

Reason: In the interest of visual amenity.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer system as per the submitted plans.

(b) Only clean uncontaminated surface water from the development shall be discharged to the surface water system.

(c) All surface water shall be collected and disposed of to either rainwater harvesting, soakways designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365 and provided with inspection manhole covers.

(d) The entrance shall be drained to the surface water system in order that no water discharges off to the public roadway.

(e) Existing land and roadside drainage shall not be impaired.

Reason: In the interests of public health.

5. Existing hedgerows, trees and shrubs within the property boundary shall be retained, preserved and maintained.

Reason: In the interest of visual amenity.

6. The following limits shall apply to the construction phase of the development:
 - (i) 70 dB(A) (LAeq 1 hour) between 08:00 hours and 18:00 hours Monday to Friday inclusive (excluding bank holidays) and between 08:00 hours and 13:00 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site.
 - (ii) Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

Reason: In the interest of public health, to reduce the impact of construction activities on surrounding properties.

7. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 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

Reason: To safeguard the amenity of property in the vicinity.

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.

Aoife McCarthy
Planning Inspector

11th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321516-24		
Proposed Development Summary	Demolition of house and reconstruction of two-storey house		
Development Address	13 Walshetown, Newbridge, 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	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X	Reconstruction of an existing house within an established urban area.	No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	N/A	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	N/A	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____