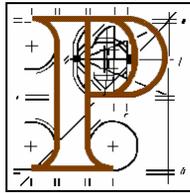


An Bord Pleanála Ref. No.: PL 04.243355

An Bord Pleanála



Inspector's Report

Proposed Development: Permission for the demolition of existing side annex and construction of new two storey side extension, combined with front and rear single storey extensions to existing semi-detached dwelling, all at 67 Beech Park, Ballincollig, Co. Cork

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 13/06200

Applicant: David & Aoife Buckley

Type of application: Permission

Planning Authority Decision: Grant permission subject to conditions

Planning Appeal

Appellants: Christopher Costelloe

Observers: None

Type of appeal: Third Party against permission

Date of Site Inspection: 9th July, 2014

Inspector: A. Considine

1.0 THE SITE

- 1.1 The site, the subject of this appeal, is located within the Beech Park Estate in Ballincollig, Co. Cork. The estate comprises a variety of houses including terraced and semi-detached. The subject site currently comprises a semi-detached house and the information submitted indicates that there is accommodation provided over two floors. There is an existing single storey side annex to the east of the house which is visible from the front of the house.
- 1.2 The site occupies a stated area of 0.02ha, and the existing house has a stated floor area of 107m². The existing house has a number of external finishes including plaster/ pebble dashed finish. The original house plans have not been provided, but it is noted, following my site inspection, that the house currently has 3 bedrooms and bathroom at first floor level and a kitchen / dining area with utility and sitting room at ground floor level.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the demolition of existing side annex and construction of new two storey side extension, combined with front and rear single storey extensions to existing semi-detached dwelling, all at 67 Beech Park, Ballincollig, Co. Cork. The planning application was accompanied by the relevant planning, architectural and engineering drawings.
- 2.2 The proposed development will result in the removal of the existing single storey annex to the east side of the house, with a floor area of 15m², and its replacement with a two storey structure. The original proposal provided that this new extension would extend across the existing side passage and up to the boundary with the adjacent house. The Board will note that the adjacent house has been extended upto and including this party boundary. At first floor level, it is proposed to create a new en-suite bedroom while the ground floor extension will incorporate a new kitchen / dining room, utility and WC. The proposed two storey extension will rise to approximately 8m, in line with the existing height of the house. The floor area of the proposed extension is indicated as covering 54m².

2.3 During the course of the PAs assessment of the proposed development, the extension was amended to reduce the height, width and length. The height was reduced by 1m while the width has been reduced by 250mm in order to maintain a gap between the two houses. The length has been reduced by 200mm. The internal floor plan has not been altered by these amendments.

3.0 REPORTS ON PLANNING AUTHORITY FILE

3.1 The planning application was lodged with Cork County Council on 20th November, 2013 and it is indicated that no pre planning consultation was undertaken.

3.2 In terms of the Planning Authority's assessment, 1 no third party objection was noted on the planning file from the adjacent home owner. The issues raised are summarised as follows:

- The development will have an injurious impact on the existing amenities of the adjacent house.
- The development is over intensive given site conditions.
- The scale, mass and height of the development will result in over shadowing of the adjacent property and will dominate the adjacent house.
- The development will result in a diminution in the use and enjoyment of property and residential amenities.
- Devaluation of property
- The development would be contrary to the proper and orderly planning and sustainable development of the area.

3.3 There are no external reports noted on the planning file.

3.4 There is 1 no report noted from internal departments within Cork County Council as follows:

- Area Engineer: No objection subject to compliance with condition.

3.5 The Planning report on file address issues relating to the proposed development, policy context, third party submission and consultations. The report, in its assessment, deals with the principle of the development and concludes that the principle of the proposed development is considered acceptable, but raises concerns regarding the potential impact of the two storey extension on the neighbouring dwelling in terms of overshadowing and reduction in light. As part of the report, the Planning Officer considers the siting and design of the extension, the potential impact on neighbouring property concluding that further information is required.

3.6 Further information was sought in relation to overshadowing and the fact that the proposed extension will join the existing extension of the adjacent property. It is requested that a minimum of 0.5m be maintained between the extension and the boundary.

The Board will note that on the day that the further information request issued from Cork County Council, the applicant submitted a response to the issues raised in the third party submission which essentially sought to address issues raised in the FI request.

3.7 The applicant submitted a response to the FI request advising that the two storey extension has been scaled down to a dormer type structure and is completely separate from the adjoining property. A shadow analysis is also submitted which suggests that the impact of the proposed development will not be excessive. Similar type developments are also advised.

3.8 The Planning Officers final report considered the information submitted in response to the further information request and concludes that the development as amended is acceptable. Comments are made in relation to the requirements for a revised site layout plan which includes the adjoining property.

4.0 DECISION OF THE PLANNING AUTHORITY

4.1 The Planning Authority decided to grant planning permission for the proposed development subject to 9 conditions, standard in the main.

5.0 RELEVANT PLANNING HISTORY

The following is the relevant planning history associated with the subject site:

PA ref 05/5182: Permission granted by Cork County Council for the retention of extension for use as breakfast room and utility.

6.0 DEVELOPMENT PLAN & STATUTORY GUIDELINES

LOCAL POLICY

Cork County Development Plan 2009-2015

6.1 Chapter 3 of the CDP deals with Settlements and Ballincollig is identified as a Metropolitan Town and which has been identified as a new strategic employment location.

6.2 Chapter 8 of the Plan deals with Housing and Objective HOU 9-1 deals with Amenity in Residential Areas and states that it is an objective, normally, to maintain and enhance overall standards of amenity within established residential areas.

Macroom Local Area Plan, 2011

6.3 The subject site is located within the main settlement of Ballincollig as identified in the Macroom Local Area Plan. The site is zoned as an 'existing built up area'.

7.0 GROUNDS OF APPEAL

This is a third party appeal against the decision of Cork County Council to grant permission for the proposed development. The grounds of appeal are similar to those raised during the Planning Authority's assessment of the proposed development and are summarised as follows:

- The development will have an injurious impact on the existing amenities of the adjacent house.

- The development is over intensive given site conditions.
- The scale, mass and height of the development, notwithstanding the amendments proposed, will result in over shadowing of the adjacent property and will dominate the adjacent house.
- The development will result in a diminution in the use and enjoyment of property and residential amenities.
- Devaluation of property
- The development would be contrary to the proper and orderly planning and sustainable development of the area.
- The development has not been adequately assessed by Cork County Council.

It is requested that permission be refused for the development.

8.0 RESPONSES

8.1 Planning Authority:

The Planning Authority has not responded to this appeal.

8.2 First Party Response to Third Party Appeal:

The applicants in this case have submitted a response to the third party appeal, the detail of which is summarised as follows:

- The extension will be typical of many housing estates and will have no adverse effect on the adjoining property.
- A separation greater than 0.25m would not be practical for needs.
- Due to orientation, any overshadowing will be minimal.
- Guidelines are recommendations only and do not demand that a particular approach is taken.
- Prior to applying for permission, a design assessment was carried out with the appellants where no issues were raised.

9.0 OBSERVERS TO APPEAL

There are no observers noted in relation to this appeal.

10.0 ASSESSMENT

10.1 Having considered all of the information submitted with the planning application, together with the appeal documentation and responses, and having undertaken a site visit, I consider it appropriate to assess the proposed development application under the following headings:

1. The principle of the development and compliance with current County Development and Local Area Plans.
2. Design Issues
3. Residential Amenity Issues
4. Other Issues
5. Appropriate Assessment

Principle of development

Compliance with the Cork County Development Plan 2009-2015:

10.2 While the County Development Plan does not specifically refer to the provision of extensions to existing houses in residential areas, I am satisfied that, in principle the proposed development can be considered acceptable. The subject site is located within an established residential area, being a semi-detached house located within an established residential estate. There are however, additional policy objectives which are required to be consider in the assessment of this proposed development.

10.3 Chapter 8 of the Plan deals with Housing and Objective HOU 9-1 deals with Amenity in Residential Areas and states that it is an objective, normally, to maintain and enhance overall standards of amenity within established residential areas. The primary issues raised by the third party appellants relate to matters affecting residential amenity and these issues are discussed further below as part of this assessment. In principle, I would consider that the proposal to construct an extension to an existing house in a residential area is

acceptable in terms of the County Development Plan and Local Area Plan requirements.

Design Issues

- 10.4 In terms of the proposed design of the extension, the appellant has submitted that if permitted, it will have a significant impact on the existing amenities of their home. It is further submitted that an alternative design approach should have been considered to achieve the accommodation required without impacting on the adjacent property. I have considered this issue very carefully and I also acknowledge that the estate comprises a variety of extension types including single storey flat roofed garages and dormer height extensions. I further acknowledge that these types of extensions generally extend across the adjoining property where they occur. I also acknowledge both extension designs and in principle, I would have no objection to same and I would not agree that either options are inappropriate for this estate.
- 10.5 In terms of the original proposal, I would agree that if permitted, the result would be the creation of a terrace style elevation. However, I also note that the adjacent property, and the extension constructed there, has been constructed on the party wall with some minor encroachment on the current subject site. I also note the third party submission in relation to the cleaning of gutters etc, but it appears to me that in order for such works to be carried out, the third party must access the applicants property to do so. In any event, I am satisfied that the separation proposed between the site boundary and the proposed extension as part of the amended proposed can be considered acceptable.
- 10.6 Overall, I am satisfied that the design of the amended proposed extension can be considered as being acceptable in principle.

Residential Amenity Issues:

- 10.7 The third party appellants raise a number of concerns in terms of residential amenity associated with the proposed development. In particular, concern is raised regarding the potential for the proposed extension to impact on the availability of light to room contained in the adjacent single storey element of the adjacent property. The subject site is located to the west of the appellants property and both rear gardens having a northern aspect, with the front

gardens lying due south. As such, it is considered that if there is to be any impact on the availability of light, this will potentially occur in the evening. The third party has submitted that the development, if permitted will result in loss of light and overshadowing of their property and in particular, the rooms which are currently served via two roof lights on the single storey roof which slopes towards the applicants house. A shadow analysis has been submitted and the third party considers that the Planning Authority did not address the matter satisfactorily.

- 10.8 While a landowner has no automatic right to light from across neighbouring land, the recommendations of “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (B.R.E. 1991) and / or B.S. 8206 “Lighting for Buildings, Part 2 1992: Code of Practice for Daylighting” should be followed. In relation to the issue of natural light being affected by the proposed extension, the Board will note that there is currently an element of overshadowing occurring along the western elevation of the appellants house. I note the submitted shadow analysis as submitted by both parties and given the orientation, I am satisfied that the extension, if constructed, will not have a significant additional impact on the availability of natural light in the rooms affected by the two skylights. The Guidelines note that

‘If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if a point at the centre of the window;

- receives less than 25% of annual probable sunlight hours , or less than 5% of annual probable sunlight hours between 21 September and 21 March;
- receives less than 0.8 times its former sunlight hours during either period; and
- has a reduction in sunlight received over the whole year greater than 4% annual probable sunlight hours.

Having regard to the information provided by both parties, I am satisfied that the residential amenity of the adjacent house is not significantly impacted upon or interfered with.

Other Issues:

- 10.9 The third party appellants have raised other issues which I propose to consider here. It is submitted that insufficient and inadequate information has been submitted in terms of plans and drawings. I have considered this matter very carefully and I am satisfied that the information as submitted adequately accords with the regulation requirements and are sufficient to facilitate an appropriate assessment and consideration of the proposed development.
- 10.10 The third party has submitted that the development, if permitted, will devalue property. I would not agree and no evidence to support said opinion has been provide. Overall I am satisfied that the proposed development adequately accords with the policy and objective requirements of the County Development Plan for such developments, would be acceptable in terms of design and scale and would not adversely impact upon the residential amenities of adjacent properties.

Appropriate Assessment:

- 10.11 Given the location of the subject site within an established and mature residential area, together with the nature of the proposed development, being a residential extension on a brownfield site, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

11.0 CONCLUSION & RECOMMENDATION

Conclusion:

- 11.1 Having regard to the location of the site within an established residential estate, I consider that the principle of the proposed development of an extension to the house might reasonably be considered as being acceptable. I am further satisfied that the development is acceptable in terms of design and scale and not adversely impact the existing residential amenities of existing adjacent properties, subject to compliance with appropriate conditions.

Recommendation:

- 11.2 I recommend that planning permission be granted for the proposed development subject to the following stated conditions:

REASONS & CONSIDERATIONS

Having regard to the provisions of the current Cork County Development Plan, 2009 – 2015, the pattern of existing and permitted development in the vicinity and area and having regard to the information submitted as part of the planning application, together with the information submitted in the appeal, the Board is satisfied that the proposed development of an extension to an existing house in the Beechpark estate, generally accords with the policy requirements of the Cork County Development Plan. It is further considered that the design, scale and finish of the proposed works would not seriously injure the visual or residential amenities of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by plans and particulars submitted to the Planning Authority on the 18th day of March, 2014, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension shall be consistent with that of the existing dwelling.

Reason: In the interests of visual amenity.

3. 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.

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.

A. Considine
Planning Inspector
24th July, 2014