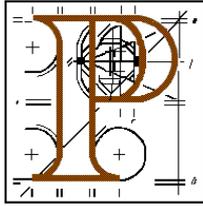

An Bord Pleanála



Inspector's Report

Development: Convert attic to habitable space, installation of roof light and glazing on ground floor elevation at Bearforest Lower, Mallow, Co. Cork

Planning Application

Planning Authority : Cork County Council

Planning Authority Register Reference : 15/6935

Type of Planning Application : Permission

Applicant : Darragh & Mairead Wiley

Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellant : Deborah O'Mahony

Type of Appeal : 3rd Party v. Grant

Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 17/05/16

Appendix - Photographs

1. SITE LOCATION AND DESCRIPTION

The site, which has a stated area of 0.13 hectares, is located at Bearforest to the south of Mallow town centre. The single storey dwelling on a corner site is one of 8 dwellings within a small cul-de-sac residential scheme. It has a north-south orientation and backs onto the appellant's property to the south. The site is marginally lower than the appellant's property due to the site falls from south to north. The shared boundary is delineated by fencing backed with planting. The dwelling has roof lights serving the attic space whilst a detached shed/garage is located in the south-western most corner (not shown on the site layout plan).

The 8 dwellings within the scheme are of varying designs, the majority of which are single storey. Two are noted to have 1st floor accommodation.

2. PROPOSED DEVELOPMENT

Permission is being sought to convert the attic space to habitable rooms providing for an additional bedroom and play room with installation of a stairs to allow access. One additional roof light is proposed to the front elevation. Alterations are also proposed to the western side elevation providing for increased glazing.

3. TECHNICAL REPORTS

The **Area Engineer** and **Irish Water** have no objection.

The **Planner's** report dated **12/02/16** considers that the conversion of the attic for habitable purposes would be injurious to the residential amenities of the property to the south. A grant of permission subject to conditions is recommended.

Note: An objection to the proposal received by the planning authority has been forwarded for the Board's information. The issues raised are comparable to those cited in the grounds of appeal summarised in section 5 below.

4. PLANNING AUTHORITY'S DECISION

The Planning Authority (PA) decided to grant permission for the above described development subject to 6 conditions pertaining to standard planning and financial contribution requirements.

5. GROUNDS OF APPEAL

The submission by T.G. Lenihan & Co. on behalf of the 3rd Party which is accompanied by supporting documentation, can be summarised as follows:

- The Board restricted the use of the attic space to storage purposes, only, when permission was granted for the dwelling under ref. PL70.118704.
- Condition 2 attached to the PA's decision to grant in this instance requires the development to comply with the conditions attached to PL70.118704. In order to do so the conversion cannot be carried out.
- The parent permission for the small residential scheme granted under ref. PD1434 pertained to 8 single storey dwellings.
- All the other dwellings in the estate are bungalows.
- The public notices refer to the use of the converted space as an exercise room and study whilst a bedroom is referenced on the floor plans.
- The proposal would seriously diminish the residential amenity of the appellant's property.

6. APPLICANTS' RESPONSE TO GROUNDS OF APPEAL

The submission by Edward McDonnell Consulting Engineers Ltd. on behalf of the applicants, which is accompanied by supporting detail, can be summarised as follows:

- The conditions of the permission granted under ref. PL70.118704 have been complied with in full to date
- 3 other dwellings in the estate have secured permission for extensions/attic conversions.
- The additional space is required for the applicants' childrens' occupational and therapeutic needs.
- The conversion will not increase the height of the dwelling with one additional rooflight, only, proposed.
- The area identified as a bedroom on the plans will be a study/rest room.

7. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION

The PA notes that permission was recommended having regard to the nature of the proposed development, the planning history, the location and characteristics of the property, the potential impacts and the recommendations of the Area Engineer.

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

PL70.118704 – permission granted on appeal in October 2000 for a dwelling on the site. Condition 1 required the ridge height not to exceed 6 metres whilst condition 2 required the attic space to be used for storage purposes only.

10. DEVELOPMENT PLAN PROVISIONS

The site is within an area zoned as established residential in the Mallow Town Development Plan 2010-2016.

11. ISSUES AND ASSESSMENT

The original residential scheme was granted permission in 1991 under register reference PD1434, a copy of which is attached to the appellant's submission to the Board. Condition 14 attached to same required the dwellings to be single storey in design. The Board in its decision to grant permission for a dwelling on the site under PL70.118704 in 2000 restricted the ridge height to 6 metres and the use of the attic space to storage purposes, only, in keeping with the spirit of the parent permission.

As evidenced on day of inspection the original requirement for single storey dwellings is no longer being enforced with two dwellings in the estate having 1st floor accommodation. The properties in question are to the south and east of the appellant's property. Reference is made in the applicant's appeal response to a 3rd dwelling that secured permission for such provision. I would submit that such 1st floor accommodation does not detract from the amenities of the estate and, as such, the original restriction no longer has a material bearing.

I would therefore submit that the substantive issue arising in the case is the impact of the proposed development on the residential amenities of the appellant's property.

The dwelling to which the appeal refers backs onto the appellant's property and is marginally downslope of same. In view of the orientation and fenestration there is already a degree of overlooking between the properties with the shared boundary delineated by fencing and trees. I note that the majority of the windows in the

southern elevation of the dwelling facing onto the appellant's property serve habitable rooms. There are four roof lights serving the existing attic space. The proposed conversion does not entail any alterations to the ridge height with one additional roof light proposed to be front elevation only. In my opinion the conversion for habitable use with the existing roof lights orientating the eye line sky wards rather than downwards would not give rise to a material increase in overlooking over and above that already experienced as to warrant a refusal of permission in this instance.

I note the fact that the proposed intended use of the rooms as given in the public notices differs somewhat from that given on the floor plans. The applicants in response to the appeal confirm that the rooms are intended as a study and exercise room and not a bedroom.

There is no objection to the proposed alterations to the south-western elevation.

AA – Screening

Having regard to the nature and scale of the development within a serviced and developed area of Mallow, no Appropriate Assessment issues arise and 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.

Note: The first 60 sq.m. of a domestic extension is exempt from the Section 48 Development Contribution Scheme for the area. As the attic conversion has a stated floor area of 79.3 sq.m. the scheme is applicable for 19.3 sq.m.

12. CONCLUSION AND RECOMMENDATION

I recommend that permission for the above described be granted for the following reason:

REASONS AND CONSIDERATIONS

Having regard to the established residential land use zoning for the area, to the pattern of development in the vicinity and to the scale, nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the residential amenities of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. 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.

Reason: In the interest of clarity.

1. 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, 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.

Reason: 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.

Pauline Fitzpatrick
Inspectorate

May, 2016