



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305614-19

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<b>Development</b>	First floor extension to rear of dwelling.
<b>Location</b>	Number 33 Glashaboy Woods, Sallybrook, Riverstown, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38583
<b>Applicant(s)</b>	John Duncliffe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Refusal
<b>Appellant(s)</b>	John Duncliffe
<b>Observer(s)</b>	Denis & Frances O'Brien
<b>Date of Site Inspection</b>	18 <sup>th</sup> December 2019
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1. The subject site is located within the Glashaboy Woods residential development, in Riverstown, Glanmire, approximately 7.5 kilometres north-east of Cork City centre. The appeal site is part of a residential development, which comprises recently constructed two-storey dwellings with a variety of dwelling styles. Further south of the overall residential scheme, construction is ongoing.
- 1.2. The subject site has a stated area of 360 square metres (sq. m.) and currently accommodates a two-storey dwelling. Due to the level differences within this part of the residential scheme, the rear gardens are elevated by approximately 1 metre above the finished floor level of the dwellings and there are retaining walls and embankments along their rear (eastern) site boundaries.
- 1.3. There are other similar type two storey dwellings located further north and south of the appeal site and an area of public open space to the west. To the east is the adjacent Elmgrove residential scheme.
- 1.4. Access to the site is from the internal service road and off-street car parking is provided for two cars on site

## **2.0 Proposed Development**

- 2.1. It is proposed to construct a first-floor rear extension with a gross floor area of 19.75 sq. m. over the existing ground floor kitchen/dining area. The revised two-storey house would have an overall gross floor area of 245 sq. m.
- 2.2. The proposed extension would comprise a bedroom space with a pitched roof, fenestration detail and external finishes consistent with those of the existing dwelling. The extension is to be constructed on the northern side within the rear garden space and would be located approximately 1 metre from the side (northern) boundary.
- 2.3. The applicants have submitted revised first floor extension proposals as part of their appeal submission to the Board whereby the floor area has been reduced by circa 4.75 sq. m. to circa 15 sq. m. and it is now to be located approximately two metres removed from the northern party boundary.

## 3.0 Planning Authority Decision

### 3.1. Decision

A decision to refuse to grant planning permission was issued by Cork City Council for the following reason only:

- The proposed extension, by reason of its height and scale, would result in additional overshadowing of the adjoining property to the north and is likely to be overbearing in its impact on this property, given its proximity to the private amenity space (patio area) of this property. The foregoing would result in a negative impact on the residential amenity of the adjacent dwelling and would be contrary to Section 16.72 of the Cork City Development Plan. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

The Planning Officer's report raised the following issues:

- The patio area of the neighbouring property to the north is positioned immediately adjacent to the proposed rear extension area.
- A Shadow/Daylight assessment was submitted and concludes that there will be a slight impact/increase in the shadows cast on the rear private amenity space of property Number 32 to the north of the appeal site in the early afternoons in February/March and September/October.
- The Planning Officer considers that the shadow impact generated by the proposed extension will be more significant than stated within the Shadow/Daylight Assessment report.
- It is acknowledged that the private rear amenity space of Number 32 is already compromised by over shadowing from existing structures and the orientation of the dwelling.

- The proposed extension will create an additional overshadowing impact upon the amenity space of Number 32.
- The proposed extension will also have an overbearing impact upon the adjacent property to the north by virtue of its location proximate (1 metre) removed from the party boundary.

### 3.2.2. **Other Technical Reports**

- Area Engineers Report: No objection.
- Road Design Report: No objection, subject to conditions.
- Drainage Division: No objection

### 3.2.3. **Prescribed Bodies**

Irish Water: No objection.

### 3.3. **Third Party Observations**

A submission was received from a neighbour, whose property is located to the north of the appeal site. The concerns raised in the submission are similar to those raised in the third-party appeal observation which will be addressed later in this report.

## 4.0 **Planning History**

### **Subject Site**

Planning Authority reference TP18/5478-In 2018 the current applicant was granted planning permission by Cork City Council for the retention and completion of a change of house type from that previously permitted in 2014 under planning authority reference number 14/6314, An Bord Pleanala reference number PL 04. 244855.

## 5.0 **Policy Context**

### 5.1. **Cobh Municipal District Local Area Plan 2017**

The subject site is located in an area zoned as: 'Existing Built Up Area' within the development boundary of Glanmire as per the Local Area Plan.

Policy ERR1 which relates to an extension to or refurbishment of a residential dwelling and Chapter 7 – Development Management and Land Use Standards are considered to be relevant.

## **5.2. Cork County Development Plan, 2014**

### **5.2.1. Alterations to Existing Dwellings**

The design and layout of extensions to houses are required to have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing.

### **5.2.2. Section 16.72 of the Plan sets out the requirements in relation to extensions and alterations to dwellings. Extensions should:**

- Follow the pattern of the existing building as much as possible;
- Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it;
- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.

## **5.3. Natural Heritage Designations**

There are no designated areas in the immediate vicinity of the site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first-party appeal was received from the applicants. The issues raised are summarised below:

- The proposed extension is necessary in order to provide adequate bedroom accommodation space for their growing family.

- The principle of changing the house type permitted can be considered, given the residential character of the surrounding area.
- The potential impact upon the adjacent property to the north in terms of overshadowing has been assessed as slight in the early afternoons in Spring and Autumn.
- Revised proposals were submitted as part of the appeal submission. It is stated that the revised proposals could constitute exempted development as per Schedule 2, Part 1, Class 1 of the Planning & Development Regulations 2001 (as amended). The domestic extension exemptions for the previous planning permission on the subject site in 2018 pertained to a change of house plan rather than a domestic extension.

## 6.2. **Observer Response**

The observer's response to the first party appeal submission is summarised below: -

- The proposed extension would have an overbearing impact upon their property and, therefore, would unduly impact upon the amenity that they presently enjoy within their home.
- Their property would be the one most affected by the proposed development.
- Concerns regarding the potential impact of the extension in terms of overbearing their rear garden patio area.
- The construction works associated with such a development, if permitted, would necessitate the adjoining property owners to vacate their property during the works due to noise and dust concerns.
- The development would reduce the level of sunlight afforded to their rear amenity patio area.
- The revised proposal is similar to the original and does not address the planning concerns raised by the third party.

## 6.3. **Planning Authority Response.**

The Planning Authority submitted that it had no additional comments to make from those included within the two earlier planning reports.

## 7.0 **Assessment**

7.1. As indicated the appeal refers to the layout and design and impact upon residential amenity. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Residential Amenity
- Appropriate Assessment

### 7.2. ***Residential Amenities***

7.2.1. The extension, as revised as part of the planning appeal submission, is generally rectangular in shape with a gross floor area of approx. 15 sqm. It accommodates a first floor ensuite bedroom.

7.2.2. The proposed extension has a pitched roof with a maximum height of approx. 6.7metres and will now be two metres removed from the northern party boundary.

7.2.3. Concerns were raised in the appeal that due to the scale and bulk of the proposed first floor extension in close proximity to the residential property to the north. I am satisfied that the applicant has made the necessary modifications within the revised design proposals to address any undue impact on the residential amenities of the neighbouring property to the north.

#### ***Overbearing***

7.2.4. The revised extension is now to be located approximately two metres from the northern boundary and immediately adjoining the appellants.

7.2.5. Having regard to the revised location of the proposed extension and the reduced footprint, I am satisfied that the proposed development would not now result in an overbearing impact on the adjoining property to the north.

#### ***Overshadowing***

7.2.6. Concerns were raised in the appeal regarding the potential overshadowing of adjoining sites. The Planning Authority also raised concerns of overshadowing of the adjoining property to the north of the appeal site. A daylight/sun assessment was submitted as part of the planning application which evaluated the potential impact of the original proposed development in terms of overshadowing on neighbouring properties. The daylight/sun assessment is not relevant to the evaluation of the revised design and layout proposals.

7.2.7. Having regard to the urban context of the site, where overshadowing already exists from the existing built form, the orientation of the site and the path of the sun, I am satisfied that the proposed development would not result in additional overshadowing of the adjoining property to the north.

### ***Conclusion***

7.2.8. In conclusion, having regard to the revised location of the first floor rear extension further removed from the adjoining northern party boundary, the reduced bulk and scale of the proposed works, it is considered that the revised proposals would not unduly impact upon the amenities of the adjacent residents of Number 32. It is, therefore, recommended that planning permission be granted on this basis.

### ***7.3. Appropriate Assessment***

7.3.1. Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, 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.

## **8.0 Recommendation**

It is recommended that permission be granted for the reasons stated in the attached schedule.

## 9.0 Reasons and Considerations

9.1. Having regard to the design and limited scale of the revised development, the existing building on site and the pattern of development within the area, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties by way of overlooking or overshadowing impact. The development proposals are in accordance with the current Cork City Development Plan in relation to extensions and alterations. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the XX day of XX, 20XX], 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 external finishes of the proposed extension shall be consistent with those of the existing dwelling on site.

**Reason:** In the interest of visual amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

- 4 Opaque glazing shall be installed in the proposed first floor ensuite window in the rear elevation.

**Reason:** In the interest of residential amenity.

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Fergal O'Bric  
Planning Inspector

13<sup>th</sup> January 2020