



Planning and Development Acts 2000 to 2020

Planning Authority: Cork City Council

Planning Register Reference Number: 20/39374

Appeal by Kevin Murray care of John McCormick of 25 Slieve Mish Park, Kinsale Road, Cork against the decision made on the 4th day of November, 2020 by Cork City Council to grant subject to conditions a permission to Mike and Boonapa Floyd care of Simply Architecture of 18A Washington Street, Cork City in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention is sought for minor alterations to previously approved planning permission (Register Reference Number 18/38041) for the construction of a new two-storey extension to the rear and side of existing dwelling. The minor alterations proposed for retention can be summarised as follows: Reduction of side extension from two-storey to single storey. Removal of previously approved rear single storey extension. Removal of previously approved side extension adjacent to neighbour's boundary. Minor alterations to proposed two-storey extension (proposed parapet height to remain as per approved application). Addition of high level ground floor window with privacy screen to prevent overlooking. Addition of ground floor window to existing dwelling and minor alterations to other

windows of existing dwelling at 31 Laburnum Lawn, Model Farm Road, Bishopstown, Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the Cork City Development Plan 2015-2021, it is considered that the extension proposed for retention would comply with the zoning objective for the site and would be compatible with the visual and residential amenities of the area and that, subject to compliance with the conditions set out below, the development proposed to be retained, would not impact unduly on the residential amenities of adjacent properties. No appropriate assessment issues would arise. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by further information submitted on 9th day of October 2020 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be amended as follows:

The high-level horizontal window to the eastern elevation of the rear extension shall be non-openable. Works to comply with this condition shall be carried out within one month of the date of this Order. Written confirmation shall be submitted to the planning authority within six weeks to demonstrate compliance with this condition.

Reason: To prevent overlooking of the adjoining residential property.

3. Landscaping measures shall be implemented on the rear patio area to mitigate overlooking of the adjacent dwelling to the east. Details shall be submitted to the planning authority for written agreement within one month of the date of this Order.

Reason: In the interest of residential amenity.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected within the rear garden area, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

6. 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.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this day of 2021