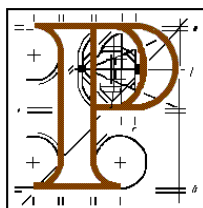


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** PI.28.245583

**Development:** Extension to existing house

**Location:** 'Loreto House', Loreto Park, South Douglas Road, Cork

### Planning Application

Planning Authority: Cork City Council

Planning Authority Reg. Ref.: 15/36490

Applicant: Sinead & Peter Finnegan

Planning Authority Decision: Grant subject to conditions

### Planning Appeal

Appellant(s): Christine Daly

Type of Appeal: Third Party v Permission

Observers: None

Date of Site Inspection: 07/12/2015

**Inspector:** A. Considine

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is located within a residential area and at the junction of South Douglas Road and Loreto Park, to the south east of Cork City. The site occupies a large corner site which extends to a stated 0.104ha.
- 1.2 Loreto Park is located to the north and west of the site, with Ashdale Park to the east. The South Douglas Road comprises the southern boundary of the site. Access to the site is via Loreto Park. There are two commercial buildings located to the south east of the site, fronting onto the South Douglas Road.
- 1.3 The existing house on the site is a two storey detached house with a full hipped roof, and almost square in shape. It has a stated floor area of 126.1m<sup>2</sup> with accommodation over two floors. The building, with the detached garage located to the north of the house, is located at the northern area of the overall site with a large garden area located to the south. The house backs onto the rear of houses located on Ashdale Park and the existing separation distance between the rear boundary and the rear wall of the house is between 10.532m to 11.7m.
- 1.4 The context of the subject site is presented in the appendix to this report which includes, maps and a number of photographs taken on the day of my site inspection.

## **2.0 PROPOSED DEVELOPMENT**

Permission is sought for an extension to an existing two storey house including;

- a two storey extension to the rear of the existing house;
- a 1 storey extension to the side of the house;
- replacing windows and exterior doors;
- replace garage door;
- widening of front gate entrance;
- rebuilding of wall to the side of the house which will include a door on the wall.

### **3.0 PLANNING HISTORY**

**PA ref 15/36339:** Permission was sought for a two storey extension to the house but was withdrawn prior to a decision issuing from Cork City Council.

The current proposal before the Board is an amended version of the above withdrawn proposal.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Planning and technical reports**

4.1.1 The Planning report on file considered the proposed development in terms of the policy context and zoning objective afforded to the site under the Cork City Development Plan, 2015-2021 and considered all elevations of the proposed extension in terms of potential impacts on adjacent properties. In addition, the report sought to address third party concerns in relation to traffic, environmental impact and flood risk, water services, noise and dust, finished floor levels, drawings and future development. The report concludes that the development is acceptable.

4.1.2 6 third party objections were submitted in relation to the proposed development. The issues raised are summarised as follows:

- loss of privacy / overlooking
- loss of light / overshadowing
- out of character with existing properties
- impact of construction including subsidence and construction impacts
- impact on values of existing properties
- traffic impacts
- use of proposed office
- flooding from site to lower sites
- proximity to rear boundary fences
- impacts on water and sewer services
- size and scale of the extension a concern

4.1.3 In terms of technical reports the following is relevant:

**Internal:**

Drainage Section: No objection

**External:**

Irish Water: No objection subject to conditions

#### **4.2 Planning Authority Decision**

The PA decided to grant permission subject to 7 standard conditions.

### **5.0 GROUNDS OF APPEAL**

This is a first party appeal against the decision of the Planning Authority to grant permission for the proposed extension. The grounds of appeal are summarised as follows:

- The proposed house would be out of character with the area in terms of scale and massing.
- It is considered that the PA has erred in not requesting or considering the issue of contiguous elevations and sections to describe the relationship of the proposed extension to the neighbouring properties.
- There is a difference in site levels and boundary planting has been removed.
- It is requested that a 2m boundary wall measured from the ground level of the applicant property, be conditioned to secure adjoining properties and amenities.
- The proposed extension will reduce the rear garden to 4m from the shared rear boundary.
- The proposed decking to the south should be limited to that indicated on the plans.
- No further sheds or similar structures should be permitted to the east of the extension.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

The PA submitted a letter advising no further comments.

### **6.2 First party response**

The First Party has responded to the third party appeal as follows:

- The site area is 0.3 acres rather than 0.1 acres shown on the planners report
- The objection accompanying the appeal refers to the withdrawn application 15/36339.
- The house will be occupied as a family home.
- Numerous pre-planning meetings were held and the final design involves many compromises on the applicants behalf and embraces many measures aimed at alleviating overlooking and overshadowing concerns.
- The appearance of the proposed structure is in keeping with the surrounding area.
- It is considered that the design features addresses the concerns raised in as far as is reasonably possible having regard to the urban nature of the area.

### **6.3 Observations on grounds of appeal**

There are no observers noted in relation to this appeal.

## **7.0 POLICY CONTEXT**

The subject site is located within an area of Cork City which is zoned ZO4, Residential, Local Services and Institutional Uses, where it is the stated objective of the zoning to 'protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies.

Part D of Chapter 16 of the City Plan deals with residential extensions and paragraph 16.72 is relevant.

## **8.0 ASSESSMENT**

8.1 Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, I suggest that it is appropriate to assess the proposed development under the following headings:

- Principle of the development
- Residential Amenity Issues
- Other Issues
- Appropriate Assessment

8.2 Principle of the development:

The proposed development seeks to provide for an extension to an existing house in a residential area. In principle, the development can be considered acceptable and generally in accordance with the requirements of the Cork City Development as it relates to residential extensions. There are site specific issues which are required to be considered.

8.3 Residential Amenity Issues:

Paragraph 16.72 of the City Development Plan provides guidance with regard to residential extensions and provides that the design and layout of extensions to houses should 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. The criteria also refer to dormers, which are not relevant in the current proposal. In terms of the above, and the relevant criteria for considering residential extensions, the following is considered relevant:

- Follow the pattern of the existing building as much as possible;

In terms of the proposed design of the extension, I am satisfied that in principle, it is acceptable. The existing building however covers a stated floor area of 126.1m<sup>2</sup>. The proposed extension is indicated at having a floor area of 128m<sup>2</sup> which will essentially, double the size of the existing house on the site. The Board will note that the subject site is large, given the urban nature of the area and in principle, I am satisfied that the site can accommodate a dwelling of the scale proposed.

I do have some concerns however, with the proposed location of the extension and the overall site layout. The proposal seeks to extend the house to the rear – east, and side – north. The extension in this layout will result in a significant reduction in the ‘rear garden’ area of the house and will mean that the rear wall of the house will be located significantly closer to the existing rear boundary. This boundary serves as the rear boundary to houses fronting onto Ashdale Park. The distance will be between 4.3 and 6.3m.

The overall height of the house is indicated at 8.426m at its highest point. The wall plate of the house rises to approximately 5.5m. The rear extension has the potential to affect 4 of the houses fronting onto Ashdale Park. The rear boundary fence rises to a height of 1.6m. I consider that if permitted in its current format, the extension will result in a significant impact on the existing residential amenities of the adjacent properties by reason of overbearing and potential overlooking and overshadowing.

In this regard, I consider that the depth of the proposed extension should be reduced by 2m in order to maximise the separation distance between the rear wall of the house and the rear (eastern) boundary. While the City Development Plan does not provide for a minimum rear garden length, 11m has historically been the accepted measurement in order to protect residential amenity. If the proposed extension is reduced by 2m, I consider that the extension floor area will

remain significant in terms of the existing floor area of the existing house while protecting the existing residential amenities of the adjacent properties.

- 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:

The Board will note that there are no first floor windows proposed on the eastern elevation and as such, I am satisfied that if permitted, there is no issue of overlooking arising. The extension does however, propose windows on the northern and southern elevation at first floor level. Given the proximity to the rear site boundary, and having regard to the issues raised in the third party appeal, I consider that there may be potential for overlooking from the master bedroom window. The first floor window in the northern elevation is for the ensuite bathroom and I consider that if frosted, the potential for overlooking of rear private garden areas of the adjacent properties will be limited. I have raised concerns above regarding overshadowing.

Should the Board be minded to grant planning permission in this instance, I consider that the depth of the proposed extension should be reduced by 2m and the first floor window on the southern elevation serving the proposed master bedroom should be reduced to reflect the size, scale and design of the existing first floor windows. I consider that this can be appropriately dealt with by way of conditions.

### 8.3 Other Issues:

The third party appellant has indicated that if a 2m high boundary wall was constructed in order to protect the residential amenity of the adjoining houses, it is likely that the appeal would not have been lodged. On the date of my inspection, I measured the rear boundary fence which rises to 1.7m. I consider that if the extension is reduced in depth by 2m, and subject to landscaping along the eastern boundary, I would not consider that a wall would be necessary. However, if the Board is minded to grant as proposed, the



extension, I consider that the rear boundary should be increased as stated.

The third party appellant has raised concerns regarding the impact of the proposed development on services in the area. The Board will note no objection to the proposed extension from internal departments of Cork City Council and in this regard, I am satisfied that the proposed development is acceptable.

The house is to be occupied as a single family home and in this regard, I am satisfied that traffic related concerns are unfounded. Construction traffic concerns will be temporary and acceptable.

In terms of development contribution, I am satisfied that the proposed development is for the extension of a family home. The Board will note that the Cork City Council Development Contribution Scheme 2013-2015, provides for an exemption of such contributions for family home extensions of 100% and therefore, there is no contribution applicable in this instance.

The Board will note that a Special Development Contribution condition was included in the Cork City Councils grant of planning permission, condition 7 refers. This Special Development Contribution is for the 'specified exceptional costs that have been or will be incurred in respect of the provision of work to provide / modify / reconstruct / repave the public footway or roadway or provide a crossover'. The levy is calculated in relation to 6.5m length and 2m either side which is then indicated at 8.5m. The width of the footpath is indicated at 0.8m and the levy is indicated at €1,300.

The Board will note that the proposed development seeks to extend the existing entrance to the residential site which will require the modification of the existing footpath. The general Development Contribution Scheme makes reference to 'the refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, sewers, waste water and water treatment facilities, service connections, or watermains'. Given that there is no reference in the General Scheme to footpaths, I am satisfied that the inclusion of the Special Development Contribution condition is acceptable in this regard.

#### 8.4 Appropriate Assessment:

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

### 9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

#### REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Cork City Development Plan, 2015-2021, the existing established residential use, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, I am satisfied that, subject to compliance with the following conditions, the proposed development generally accords with the policy requirements of the relevant plans as it relates to residential extensions, would be acceptable in terms of traffic safety and would not injure the existing residential amenities of properties in the vicinity of the site.

#### SECOND SCHEDULE

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 17<sup>th</sup> day of July 2015 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 proposed development shall be amended as follows:
  - (a) The depth of the proposed extension shall be reduced by 2m to increase the separation distance from the rear (eastern) boundary.
  - (b) The proposed first floor window to serve the proposed master bedroom shall be reduced in size and scale to reflect the existing first floor windows on the southern elevation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

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

4. 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 on the site/within the rear garden area, without a prior grant of planning permission.

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

5. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be

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.

6. The landscaping of the development shall incorporate a continuous hedge of evergreen species, but not leylandii, which shall be planted for the full length of the eastern boundary.

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

7. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the provision of work to provide / modify / reconstruct / repave the public footway or roadway or provide a crossover, being public infrastructure and facilities that will benefit the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

---

A. Considine  
**Planning Inspector**  
11/12/2015