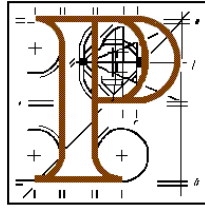


An Bord Pleanála



Inspector's Report

Appeal Ref. No: PL04.245859

DEVELOPMENT: Extension to house and replacement waste water treatment system at "Teac an Faoileain", Church Road, Knocknagore, Crosshaven, County Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Reg. No: 15/5720

Applicant: Antoinette Switzer and Conor McQuillan

Planning Authority Decision: To grant permission subject to conditions.

APPEAL

Appellants: John and Felicity O'Brien

Type of Appeal: 3rd Party v Grant

Observers: Michael and Eileen Murphy

Date of Site Inspection: 25 February 2016

INSPECTOR: **Brendan Wyse**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1** 'Teac an Faoileain' is a split-level 5/6 bed detached house located on an elevated and steeply sloping site off Church Road in the village of Crosshaven. It is part of a small development of 'one-off' houses on large sites, with an irregular layout located to the south of the Holy Trinity Church.
- 1.2** The site has a stated area of 0.115 hectares. Ground levels fall quite steeply from west (rear) to east (front). The house is located to the rear of the site affording views to the north and east over Crosshaven. There is a grassed field adjacent to the rear.
- 1.3** The appellants reside in the neighbouring house to the south. The observers reside in the neighbouring house to the north.
- 1.4** See maps and photographs in file pouch.

2.0 PROPOSED DEVELOPMENT

- 2.1** As per the application submitted to the Planning Authority on 4 August 2015 the proposed development comprises:
- Extensions/alterations/reconfiguration of house.
 - Main extensions comprising new sunroom to front and new bedroom to rear (filling in existing covered open storage area).
 - Reconfigured kitchen/dining area to include replacement bay window to south elevation, one new window to this elevation and one new rooflight.
 - Sunroom extension to include high level window to south elevation, 4 no. rooflights, extensive glazing to east and north elevations and chimney to east elevation.
 - Reconfigured upper level includes new rooflights/wall units to the southern and northern elevations.

- Replacement of existing septic tank system with a proprietary waste water treatment system (WWTS) discharging to a raised soil filter system, all located in the front garden. Site characterisation form included.

2.2 Unsolicited further information submitted to the Planning Authority on 28 August 2015 – details of site assessment, stated to have been inadvertently omitted from application.

2.3 Response to request for further information by the Planning Authority submitted on 19 October 2015 includes:

- Site specific construction details for the proposed waste water treatment system.
- Grating detail for site entrance to prevent surface water draining to public road.

3.0 PLANNING AUTHORITY DECISION

3.1 Planning Authority Decision

3.1.1 The decision to grant permission is subject to 7 conditions, generally standard.

Conditions 1, 4 and 6 refer to the WWTS.

3.2 Planning Authority Reports

3.2.1 Planners Reports, dated 28 September 2015 and 10 November 2015

Include:

- Earlier report refers to objections raised by neighbour to south.
- Later report recommends permission as per Planning Authority decision.

3.2.2 Area Engineer, dated 24 September 2015 and 9 November 2015.

Include:

- No objection subject to conditions – further to review of further information submission re the WWTS and related matters.

3.2.3 Irish Water

Includes:

- No objection subject to standard conditions.

3.3 Submissions/Observations to Planning Authority

3.3.1 John and Felicity O'Brien, adjacent neighbour to south – objecting to proposal. Note also applicants response – unsolicited further information.

3.3.2 Michael and Eileen Murphy, adjacent neighbour to north – in support of the proposal.

4.0 PLANNING HISTORY

None relevant.

5.0 POLICY CONTEXT

5.1 Cork County Development Plan 2014

No policies/objectives relevant to domestic extensions.

Site located within an area designated as of High Landscape Value and just off Scenic Route S59.

5.2 Carrigaline Electoral Area Local Area Plan 2011

Dwelling lies within settlement boundary of Crosshaven and Bays.

6.0 THE APPEAL

6.1 Grounds of Appeal

As indicated the appeal is lodged by John and Felicity O'Brien, the neighbours to the south of the subject property.

Main grounds include:

Scale and Design

- Proposal results in a much larger and imposing new dwelling. The southern elevation facing directly to the appellants property would be particularly overbearing.
- The additional glazing to this elevation is unsuitable as some of the windows are in such close proximity to the appellant's home.
- The proposed front extension (sun room) is only 800 mm from the party boundary, contrary to best practice to provide for at least 1m separation (Ref.s "Home Extension Design Guide", South Dublin County Council Planning Department, and exempted development Regulations re. windows at ground floor level being not less than 1 m from the boundary they face).

Loss of Privacy/Residential Amenity

- New windows to kitchen/dining will look directly to the appellants bedrooms/care room (photographs enclosed).
- New window to southern elevation of sunroom is unnecessary and will also result in loss of privacy/amenity.

Devaluation

- The proposed sunroom, extending 5.22m beyond the existing house and including a large, bulky chimney stack, would significantly diminish the appellant's expansive views of Cork Harbour. While accepting that there is no right to a view it would devalue the appellants property.

Fire Risk

- The 800mm separation from the sun room to the site boundary would not be adequate for firefighting access.

Conclusion

Three alterations requested:

- Front extension to be aligned with existing side of dwelling as to maintain separation distance to site boundary.
- Reduction to height of chimney.
- Omission of two large windows to kitchen/dining area.

6.2 Applicants Response

Includes:

- The overall footprint of the house remains unchanged save the addition of the front extension that aligns with that of the appellant's front extension. Only a very minor increase to the height of the northern element of the house is proposed.
- No impacts arise from proposed new rooflights.
- New windows to the distant southern elevation section merely replace two larger existing windows.
- Any impact from ground level windows could easily be ameliorated by screen planting.
- No negative impact would arise from the proposed front extension.
- No devaluation would occur.

- Less side passageway width than proposed is common place in housing development with no issues for firefighting. In any case other access routes are available.

6.3 Planning Authority

No response received.

6.4 Observation

6.4.1 This is submitted by Michael and Eileen Murphy, the neighbours to the north. It indicates support for the proposed development.

7.0 ASSESSMENT

7.1 The main issues in this appeal can be dealt with under the following headings:

- Impact on adjacent house to south.
- Waste water treatment system (WWTS)
- Appropriate assessment (AA)

I am satisfied that no other substantive issues arise.

7.2 Impact on Adjacent House to South

7.2.1 The first issue raised relates to the overall scale of the proposed development and its relationship to the appellant's house. I concur with the applicants that the development does not represent any significant enlargement of the existing house. I consider that it represents a reasonable reworking/upgrading and that the resulting house would still be in keeping with the general pattern of development in the immediate vicinity.

7.2.2 The second issue relates to the extent of glazing in the southern elevation and the potential for over-looking. I note that the windows to the kitchen/dining area are at ground level so that no overlooking issues arise. One of these windows already exists – it is being slightly enlarged to a bay configuration. Similar consideration applies to the windows at ground floor level in the projecting bedroom area to the rear of the house. The upper floor level windows to this element, comprising narrow rooflight/wall units, replace larger existing windows. They are approximately 13m from the southern site

boundary and there is a substantial intervening garage structure. No significant overlooking issues arise.

- 7.2.3** The third issue relates to the new sunroom to the front of the house. Given the existing layout of the house and the pattern of development in the vicinity, including the appellant's house, I do not consider that there is any difficulty with the positioning of the extension, forward of the front building line, as proposed.
- 7.2.4** While it is to be located close to the party boundary with the appellant's property, at c. 800mm separation distance, I do not consider that the sun room would impose unduly in amenity terms. It should be noted that the 1m separation distance referred to by the appellants (South Dublin County Council "House Extension Design Guide") is in the nature of guidance only and, as the document points out, each individual development needs to be considered having regard to its own unique context. It should also be noted that the eaves height of the sun room closest to the boundary would be just about 2m due to the sloping roof design being adopted.
- 7.2.5** In relation to the proposed window to the southern elevation of the sunroom I am inclined to agree with the appellants that it would result in a loss of privacy and amenity. While placed at a high level, and therefore presumably designed to capture light rather than to afford views, I note that the cill level would be only about 1.3m above internal floor level so that it would actually facilitate overlooking into the appellant's property. While it is at ground floor level, and therefore could be defended against on the appellant's side, I consider its location in such close proximity to the party boundary and in the immediate vicinity of the main entrance to the appellant's house would represent an unreasonable intrusion. It also seems to be somewhat unnecessary given the inclusion of 4 no. rooflights to the sun room, two of which are on the south facing roof slope, in addition to the extensive glazing to the other elevations. I consider therefore, that this window should be omitted by condition.
- 7.2.6** The final issue in relation to the sun room refers to the impact on views from the appellant's house. As indicated by the appellants there is no statutory right to a view and I do not consider that the sun room would have any unreasonable amenity impact from this perspective. In this I also do not consider that the chimney stack to be significant. It follows that I do not consider that there is any basis to the devaluation argument.

7.2.7 Finally, the Board will note that the issue of fire risk is not a matter for consideration under the planning code.

7.3 Waste Water Treatment System (WWTS)

7.3.1 The Board will note that no issue in relation to this matter is raised in the appeal. For completeness, however, I would draw the Boards attention to the fact that the proposal is to replace an existing septic tank system located in the front garden of the property, with a proprietary WWTS discharging to a raised constructed soil filter system also located in the front garden. Details of the new system are included in the original application documentation (site characterisation form), unsolicited further information submitted to the Planning Authority on 28 August 2015 and, more particularly, in the site specific construction details submitted as further information to the Planning Authority on 19 October 2015. The system is designed to be in compliance with the “Code of Practice – Wastewater Treatment and Disposal Systems serving single Houses”, EPA 2009. The Planning Authority’s Conditions 1 and 6 refer to same and I consider that the Board should attach similar conditions.

7.4 Appropriate Assessment (AA)

7.4.1 Having regard to the nature and scale of the proposed development, being a domestic extension in a built up area and involving the upgrading of an existing wastewater treatment system, and the substantial separation distance to the nearest European Site (Cork Harbour SPA – Site Code 004030) 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

8.1 I recommend that permission be granted subject to conditions in accordance with the following draft order:

REASONS AND CONSIDERATIONS

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of properties 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, as amended by the further plans and particulars submitted on the 19 day of October 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed window on the southern elevation of the sunroom shall be omitted.

Reason: To prevent overlooking and to protect the amenity of the adjoining residential property.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the planning application and on the 19 day of October 2015, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the date of installation of the new system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and

agreed in writing with, the planning authority within four weeks of the installation.

- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of the installation of the proprietary effluent treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that it has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

**Brendan Wyse,
Assistant Director of Planning.**

22 March, 2016