

# An Bord Pleanála



## Inspector's Report

**Application Ref.:** PL28.246522

**Development:** Retention of outhouses for domestic use at no. 8 Hillside Drive, Glasheen, Cork.

### **Planning Application**

Planning Authority: Cork City Council

Planning Authority Reg. Ref.: 16/36758

Applicant: James Whelan, Eileen Hyde

Planning Authority Decision: Grant Permission

### **Planning Appeal**

Appellant(s): As above

Type of Appeal: First Party V Refuse

Observers: Carmel Duggan and Donal Murphy, Sally O'Leary

Date of Site Inspection: 19<sup>th</sup> July 2016

**Inspector:** **Kenneth Moloney**

## **1.0 SITE DESCRIPTION**

The subject site is located within a suburban housing estate and no. 8 Hillside Drive is a two-storey semi-detached house with large side entrance and garage.

The gradient of the rear garden falls notably towards the rear boundary of the rear garden and the rear garden is not landscaped and is in an un-kept condition. The height of the outhouse is a double height structure. The structure is partially finished and not in use. There are three windows to the outhouse, one to the side and two to the front. The outhouse is a block built structure with render as an external elevation finish.

The level of the appeal site is notably higher than the neighbouring house to the west by approximately 1m.

## **2.0 PROPOSED DEVELOPMENT**

- Permission is sought for the retention of an outhouse for domestic use.
- The subject outhouse is located to the rear of an established rear private garden.
- The internal floor area of the subject outhouse is 45.55 sq. metres.
- The front elevation of the outhouse (facing the rear of no. 8 Hillside Drive) has a height of 4.2 metres above ground level.

## **3.0 PLANNING HISTORY**

- None

## **4.0 PLANNING AUTHORITY'S DECISION**

### **4.1 Reports**

#### **Planner's Report:**

- Concludes that the structure is overly large, overbearing, visually intrusive to residential neighbours.
- Proposal would set a poor precedent.

#### **Internal Reports:**

There is one internal report on the file:

- Drainage Division: - No objection subject to conditions.

Objection: There are two third party objections on the planning file and the issues raised have been noted and considered.

Submissions: There is a submission from Irish Water who has no objections to the proposed development.

#### **4.2 Decision**

- L.A. Ref. 16/36758 – Permission **refused** for retention of outhouse for domestic use. The refusal reason in essence relates to the scale of the structure having regard to the restricted nature of the rear garden and the proximity to adjacent residential properties.
- The refusal reason in full states;
  - Having regard to the pattern of development in the area, the size and scale of the structure, the restricted nature of the rear garden and the position of the proposed building within the rear garden relative to the adjoining properties, it is considered that the proposed development would give rise to haphazard, backland development and would seriously injure the residential amenity and depreciate the value of adjoining properties, by reason of its overbearing impact, visual intrusiveness and potential overlooking. The proposed development would, therefore, be contrary to the planning and sustainable development of the area.

#### **5.0 GROUNDS OF APPEAL**

James Whelan and Eileen Hyde lodged a first party appeal and the grounds of their appeal are summarised as follows;

- The subject structure is consistent with the character of the area in terms of materials including roof tiles and plastering.
- The cost of the structure was €16,500.
- Having regard to the levels of the garden the ground floor of the existing structure is 1.8m below the ground level of the existing house.
- The ground level of the outhouse was specifically kept down to reduce visual impact.
- The outhouse was located to the rear end of the garden to reduce impact on neighbouring properties to the east and west.
- There is an outhouse built to the rear of no. 6 Hillside Drive.
- The extension to the rear of no. 6 Hillside Drive impacts on the light to the appellant's property. The side wall of the extension protrudes out for a distance of 6.88m and is 3.90m in height.
- There is also an outhouse built in an adjoining garden to the rear of no. 6 Hillside Drive.
- The structure is not for any financial and commercial gain.
- Proposed landscaping along the western and eastern boundary will address concerns.

- All three windows will be removed.
- Climbing shrubs will be planted around the building.

## **6.0 RESPONSES**

### **6.1 Second Party Response**

The Planning Authority submitted a response stating that they had no further comments.

### **6.2 Observations to the Grounds of Appeal**

The following is the summary of an observation submitted by Carmel Duggan and Donal Murphy, of no. 6 Hillside Drive;

- The observers strongly disagree with the argument that the subject outhouse is in keeping with the surrounding area.
- The structure is completely out of character with neighbouring gardens, the size and scale of the build is overbearing.
- The structure is out of sync with the local area.
- The level of light received to the rear of the houses in Hillside View is due to the aspect of the houses. The front of the houses receives more light than the rear of the houses.
- Planning permission was received for the extension to the rear of no. 6 without any restrictions.
- It is submitted that the previous owner of no. 8 Hillside Drive was consulted prior, during and after the construction of the extension to the rear of no. 6 Hillside Drive.
- The applicant refers to planting along the western and eastern boundary. The Board are advised that there is established planting along the boundary of no. 6 Hillside Drive adjacent to no. 8 Hillside Drive.
- It is submitted that the appellants reference to structures to the rear of no. 6 have far less visual impact than the subject structure.
- The subject structure overlooks established neighbouring residential amenities.
- It is contended that the future use of the structure maybe commercial.

The following is the summary of an observation submitted by Sally O'Leary of no. 12 Hillside Drive.

- It is considered that the subject structure does not blend in with the area as it is very dominant in its size, height and width.
- The back of our house faces north so there is very little light available to the rear of the houses.
- The appellants comment that there is a lack of planting in the local area however this is unfounded.
- The rear private spaces are enjoyed for outdoor living in the summer period.

- It is contended that there is already a garage on the appeal site to facilitate the applicant's woodwork hobby. The garage already has power etc.
- It is contended that the applicant had adequate time and opportunity to raise planning concerns.
- It is noted from the file documentation that the applicant, Eileen Hyde, and her husband need storage space for their sailing hobby. There is the possibility of fuel storage and stripping boat engines within the outhouse. There is no electricity in the outhouse. It is questioned whether works will be powered by a generator or whether electricity will be supplied. The local area is a quiet area.
- It is contended that the subject structure will adversely impact on the observer's privacy.
- It is considered that the structure will have an adverse impact on the value of the properties in the local area and would make way for haphazard development.
- There are problems with subsidence and sinkholes in the local area. All the water from the roof is just going to the boundary walls on either side of the property.
- It is contended that given the natural fall in levels a lot of water has lodged to the rear of the observer's garden. There are no water drainage or gutters present on the outhouse.

## **7.0 POLICY CONTEXT**

### **7.1 City Development Plan**

Cork City Development Plan, 2015 – 2021, is the operational Development Plan.

The appeal site is zoned 'ZO4-Residential, Local Services and Institutional Uses'. The objective of this land-use is '*to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to the employment policies outlined in Chapter 3*'.

Section 16.72 sets out guidance in relation to domestic extensions.

## **8.0 ASSESSMENT**

The main issues to be considered in this case are: -

- Principle of Development
- Scale
- Impact on Established Residential Amenities
- Appropriate Assessment

## **Principle of Development**

The site is zoned 'residential' in accordance with the provisions of the Cork City Development Plan, 2015 – 2021.

The primary objective of this zone is the provision and protection of residential uses and also residential amenity is a central objective of this zoning.

The subject development is a domestic garage and is located within the curtilage of an established residential property. I would consider that given the established use on the appeal site, the pattern of development in the area and the zoning objective of the appeal site that a domestic garage on the appeal site is acceptable in principle provided it protects established residential amenities.

## **Scale**

The scale of the single storey outhouse is a significant aspect in this planning assessment. The floor area of the outhouse is approximately 45 sq. metres. The outhouse has a pitched roof profile. The front elevation of the subject outhouse has a maximum height of 4.2 metres above ground level. This therefore represents a significant scale in domestic terms.

A notable feature of the gardens to the rear of Hillside View is the sloping nature of these gardens. The gradient falls significantly in a south to north direction. This feature effectively means that the rear gardens are visible from the rear elevations of properties on Hillside Drive and there is therefore an established degree of overlooking.

The garden spaces to the rear of properties on Hillside Drive are generally standard in size.

I would consider having regard to the visual observation of the local area that given the local topography, the scale of the outhouse and the restricted nature of the rear garden of no. 8 Hillside Drive that the subject outhouse would have a visual impact on neighbouring properties.

## **Impact on Established Residential Amenities**

In terms of impacts on adjoining residential amenities the subject outhouse would have a visual impact owing to the falling gradient of the rear gardens and also due to the scale of the outhouse. The significant question before the Board is whether this visual impact is acceptable or whether it will have an overbearing impact on residential amenities.

In my view an indication of the scale of the subject structure is notable from the eaves height of the subject structure. The eaves height of the subject structure is higher than the adjoining boundary fence of no. 10 Hillside View. The subject structure extends the full width of the rear

garden. The outhouse would therefore, in my view, represent a significant visual impact to the residents of no. 10 Hillside View as viewed from their rear patio and rear garden. A significant adverse visual impact would also apply to the residents of no. 6 Hillside View.

In addition the residents of no. 12 Hillside View have submitted an observation which includes photographs as viewed from the rear of their property and the scale of the subject outhouse is evident from these photographs.

I note the appellant's proposals to include additional planting and the amendments which include removal of the three existing windows to the outhouse. I would acknowledge that the removal of the three windows would effectively eliminate overlooking concerns. I would appreciate that planting would reduce the visual impact however the grant of permission for the retention of the subject outhouse would, in my view, set an undesirable precedent for other such development in the local area.

It is therefore considered, having regard to the proposed scale, height and positioning of the outhouse right up against the adjoining boundary line of the adjoining residential properties, that the proposed development would have an overbearing impact, would be visually obtrusive, and would seriously injure the residential amenities of the adjoining properties.

### **Appropriate Assessment**

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

## **9.0 RECOMMENDATION**

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be refused for the reason set out below.

### **REASONS AND CONSIDERATIONS**

It is considered that the single-storey outhouse by reason of its scale and positioning adjacent to the adjoining boundary lines of the adjoining residential properties, would have an overbearing impact, would be visually obtrusive, and would seriously injure the residential amenities of the adjoining properties. As such the development would detract from the amenities of adjoining properties, would be out of character with, and fail to respect the established pattern of development in the vicinity, and would set an undesirable precedent for similar type of development in the area. The outhouse structure would, seriously injure the residential amenity of the area and would, therefore be contrary to the proper planning and sustainable development of the area.

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Kenneth Moloney  
Planning Inspector  
29<sup>th</sup> July 2016