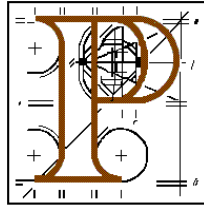

An Bord Pleanála



Inspector's Report

Appeal Reference No.: PL28.246523

Development: The demolition of an existing two storey extension to the rear of an existing two storey dwelling house, the construction of a two storey extension to the side and rear of the existing dwelling house, alterations to the existing dwelling house, the demolition of an existing garage to the rear of the site, a new vehicular entrance from the rear of the site opening onto Mardyke Walk, with associated carport and store, and all associated site works.

El Giraldo, Western Road, Cork.

PLANNING APPLICATION

Planning Authority: Cork City Council

Planning Authority Ref.: 15/36591

Applicant: Conleth & Maebh Murphy

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: Third Party v. Decision

Appellant(s): Willie & Joan McInerney

Observers: None.

Date of Site Inspection: 21st July, 2016

INSPECTOR: Robert Speer

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located between Mardyke Walk and Western Road in the vicinity of University College Cork, approximately 1.5km west of Cork City Centre, and whilst the immediate site surrounds are primarily residential in character, the wider area includes a variety of educational facilities / services associated with the functioning of the university such as the Mardyke Sports Ground to the northwest. The site itself has a stated site area of 0.065 hectares, is generally rectangular in shape and presently comprises a two-storey semi-detached dwelling house ('El Giraldo') set back from Western Road with a large elongated garden area to the rear of same which extends onto Mardyke Walk. To the immediate east the site adjoins the 'Acton Lodge' Bed and Breakfast whilst the property to the west includes a two-storey end-of-terrace dwelling house, the curtilage of which has been subdivided to accommodate the recent construction of a contemporarily designed two-storey dwelling house.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development, as initially submitted to the Planning Authority, consists of the demolition of a two-storey return to the rear of the existing dwelling house and the subsequent construction of a new two-storey extension to the side and rear of the property with associated alterations to the internal layout of the existing accommodation. The overall design of the proposed extension is of a contemporary nature and utilises a flat-roofed construction with extensive glazing to the rear elevation and a first floor balcony area accessible from the proposed master bedroom.

2.2 The proposal also includes for the demolition of an existing garage to the rear of the site, the opening of a new vehicular entrance from the rear of the site onto Mardyke Walk, and the construction of a new storage building with an attached carport in addition to associated site works.

2.3 In response to a request for further information, the design of the proposed extension was amended primarily through the recessing of the first floor accommodation from the eastern site boundary, an increase in the depth of the first floor level by c. 0.6m, and the omission of the first floor rear balcony area.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

None.

3.2 On Adjacent Sites:

PA Ref. No. 0024358. Was granted on 18th August, 2000 permitting Dominic & Una Scally permission for a vehicular entrance from Ferry Walk to rear of 'Acton Lodge', Western Road, Cork.

PA Ref. No. 0226553. Was granted on 29th January, 2003 permitting Dominic & Una Scally permission to retain a dormer bungalow at Mardyke Walk, rear of 'Acton Lodge', Western Road, Cork.

PA Ref. No. 0529424. Application by Pascal O'Leary for permission to construct a two storey house to the rear garden at 1 Bernadette Place, Western Road, Cork. This application was deemed to have been withdrawn.

PA Ref. No. 0529678. Was refused on 11th July, 2005 refusing Dominic & Una Scally permission for a first floor gable addition incorporating bedroom and fire escape stairway at 'Acton Lodge', Western Road, Cork.

PA Ref. No. 0630483. Was granted on 27th April, 2006 permitting Dominic & Una Scally permission for a first floor double bedroom gable addition at 'Acton Lodge', Western Road, Cork.

PA Ref. No. 0732060. Was granted on 29th August, 2007 permitting Paschal O'Leary permission to construct a two storey dwelling house at 1 Bernadette Place, Western Road, Cork.

PA Ref. No. 1034651. Was granted on 10th February, 2011 permitting William & Joan McInerney permission for the construction of a 180m², 2 storey detached house comprising two bedrooms, study, kitchen, living and ancillary spaces, two off-street car-parking spaces, one first floor external balcony onto Mardyke Walk, and one first floor roof garden to rear of house. The house incorporates roof-lighting. All at Mardyke Walk, to the rear of No. 1 Bernadette Place, Western Road, Cork.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports:

4.1.1 *Planner's Reports:* States that whilst the proposed extension was well-designed there were concerns as regards its impact on the residential amenities of adjoining properties. Upon the receipt of a response to a request for further information, a final Planner's Report was prepared which concluded that the amended proposal, which included for a reduction in the overall scale of the proposed extension and omitted the first floor terrace / balcony area, was acceptable subject to conditions.

4.1.2 *Drainage Division:* No objection subject to conditions.

4.1.3 *Roads Design & Construction:* No objection subject to conditions, including a requirement that the width of the proposed vehicular entrance be reduced to a maximum of 3.5m.

4.1.4 *Transportation Division:* No objection subject to conditions.

4.1.5 Objections / Observations:

A single submission was received from the appellant, the contents of which are generally reiterated in the grounds of appeal.

4.1.6 Prescribed Bodies / Other Consultees:

Irish Water: No objection subject to conditions.

4.2 Planning Authority Decision:

Following the receipt of a response to a request for further information, on 5th April, 2016 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 9 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires the submission of revised drawings for the written agreement of the Planning Authority prior to the commencement of development incorporating the following amendments:

- a) A reduction in the length of the rear extension by 0.6m.

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- b) The omission of the window in the western elevation to the wardrobe area and its replacement with a rooflight (if desired)

Condition No. 3 – Requires the submission of revised drawings for the written agreement of the Planning Authority prior to the commencement of development incorporating the following amendments:

- a) The relocation of the vehicular entrance eastwards in order to improve the available sightlines. The entrance is not to exceed 3.5m in width with a pedestrian access in addition to same.
- b) The gates on the northern site boundary are to be of the sliding variety, the design and finish of which is to be agreed with the Planning Authority.

Condition No. 4 – Refers to external finishes and requires the first floor windows on the eastern and western elevations to be fitted with obscure glazing.

Condition No. 5 – Requires the proposed extension and the existing dwelling house to be occupied as a single residential unit.

Condition No. 6 – States that the proposed garden store is to be used solely for domestic storage purposes and for purposes incidental to the enjoyment of the main dwelling house.

Condition No. 7 – Refers to the hours of construction.

Condition No. 8 – Requires the landscaping to be implemented in full within the first planting season following completion of the proposed development.

Condition No. 9 – Refers to drainage services.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- Insufficient consideration has been given to the size and bulk of the proposed development relative to the appellants' property. In this regard it is submitted that the proposed extension is of an overbearing size and height, particularly as it is approximately 800mm higher than the appellants' dwelling house. In addition, the proposed extension will block

the majority of sunlight received by the appellants' dwelling house and garden area whilst the proximity of the proposed construction will serve to exacerbate the change in height.

In support of the foregoing, the Board is referred to the context plan which has accompanied the grounds of appeal as this drawing clearly shows the proximity of the proposed development relative to the appellants' dwelling house.

- The rear garden area of the appellants' property will be overshadowed for the majority of the day by a two-storey wall 800mm higher than the appellants' dwelling house.
- A total of 3 No. first floor windows will open onto the appellants' rear garden area and this represents a serious loss of privacy.
- The proposed first floor full height window and balustrade facing onto the rear garden will adversely impact on the privacy of the appellants' ground floor kitchen / dining space in addition to their master bedroom. This window and balustrade represents a constant and intrusive invasion of the appellants' privacy.
- The accompanying photos and photo modelling of the appellants' dwelling house show that there are no opposing windows at first floor level with neighbouring properties as the elevations are either blank or contain windows glazed in obscure glass, although there is substantial glazing to the ground floor. Therefore, the inclusion of a substantial first floor window as proposed would seriously affect the privacy and amenity of the appellants.
- In order to respect the appellants' privacy, the Board is requested to consider the following:
 - A reduction in the height of the proposed two-storey rear extension by at least 800mm.
 - The alteration of the first floor north-facing full height window by:
 - Reducing its proposed width by 50%.
 - Reducing its proposed height to a cill height window thereby eliminating the glazed guarding.
 - The elimination of the west-facing windows to the proposed first floor wardrobe, en suite and bedroom in favour of rooflights.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

No further comments.

6.2 Response of the Applicant:

- The proposed development comprises the construction of a modest extension and will not result in any significant adverse impact on the amenities of neighbouring properties.
- The submitted proposal addresses the need to renovate and rejuvenate the property in question in order to allow it to provide for family needs in a sustainable manner over the coming decades.
- The construction of the appellant's own dwelling house on the adjacent site pursuant to PA Ref. No. 10/34651 has resulted in a loss of amenity to and the overshadowing of the rear garden area of the application site.
- The proposed development provides for the replacement of an existing rear return which, subject to those modifications submitted in response to a request for further information and subsequent conditions, has addressed the appellants' concerns.
- The proposed extension respects the size of the existing dwelling house whilst the property itself benefits from a large rear garden area such that sufficient rear amenity space will also be maintained. Whilst it is acknowledged that the proposed extension is of a contemporary design, it is considered to be proportionate to the existing dwelling house.
- It is considered that the photomontages submitted on behalf of the appellants are inaccurate and exaggerated in favour of the objector's position.
- The accompanying '*Daylight and Sunlight Statement*' demonstrates that the proposed development accords with the recommendations of '*BRE: Site layout planning for daylight and sunlight: A guide to good practice*' with the following conclusions:
 - The impact on solar shading will be negligible and limited to between early to mid-morning.
 - Regarding the Vertical Sky Component (VSC), of the 2 No. points considered, both VSC values are no less than 0.8 times their original value in line with the guidelines.
 - For both the rooms considered within the appellants' dwelling house, there are negligible differences predicted in the Average

Daylight Factor (ADF) and there will be no perceivable change to the daylight levels within either space.

- The appellants' garden will receive adequate sunlight throughout the year with all of the garden receiving at least 2 No. hours of sunlight on 21st March.

The aforementioned assessment has established that there will be no quantifiable negative impact that would be in breach of any accepted standard.

- Whilst it is acknowledged that the proposed development will allow for a certain level of overlooking to the rear, it is submitted that this already arises as a result of the existing return which includes for high level windows.
- No direct views of the appellant's property are offered by the proposed first floor rear bedroom window and all potential adverse impacts have been minimised through the use of oblique views. Furthermore, cognisance should be taken of the following mitigating factors:
 - The bedrooms are not core living spaces and are used at times when the blinds are drawn.
 - There is no direct overlooking of living areas etc. 'back to back'.
 - The proposed balcony has been omitted.
 - Screen planting is proposed and has also been included as a condition of the grant of permission.
 - The overall footprint and depth of the proposed extension represents only a modest increase on the existing construction.
 - The rear windows of the proposed extension have been orientated away from the property to the rear of No. 1 Bernadette Place.
 - The use of high level windows on the western elevation of the proposed extension avoids any overlooking due to their positioning above eye level.
 - Obscure glazing is to be used for the bathroom window.
- The Board is referred to Section 7.4 of the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'* including the following:

'Similarly, at the rear of dwellings, there should be adequate separation (traditionally 22m between 2-storey dwellings) between opposing first floor

windows. However, such rules should be applied flexibly; the careful positioning and detailed design of opposing windows can prevent overlooking even with shorter back-to-back distances. Windows serving halls and landings do not require the same degree of privacy as, say, balconies and living rooms’.

- The appellants were clearly aware of the applicant’s property in their submission of PA Ref. No. 10/34651 and in the design and layout of their dwelling house.
- The proposed extension does not introduce any ‘new’ overlooking. There has been a clear acknowledgment by the appellants in accepting their earlier planning consents of the pre-existing scenario whereby there are windows present in the upper floor of the applicant’s property. The subject proposal will actually improve the situation in that it is proposed to angle the rear plane of the new elevation to the northeast (as opposed to the rear plane of the existing return which faces northwest).
- The first floor windows as proposed are located at a similar level to the existing fenestration and thus there will be no new material impact.
- The proposed development will only involve a marginal increase in the building length over that already present on site.
- Given that the appellants’ own dwelling house comprised the development of a rear garden area in a city context, it has been accepted that overlooking can occur. However, in the subject proposal, there is no ‘back-to-back’ overlooking and any views that can occur are oblique and screened.
- The proposed development has been subjected to a comprehensive assessment by the Planning Authority which did not consider all of the alterations sought by the objector to be justified and thus opted to grant permission, subject to conditions, following the receipt of a response to a request for further information.
- The submitted proposal is reflective of the re-development of rear amenity space which has become characteristic of the pattern of development in the surrounding area.

7.0 RESPONSE TO CIRCULATION OF APPLICANT’S SUBMISSION

7.1 Response of the Planning Authority:

No further comments.

7.2 Response of the Appellants:

- There has been little consideration given to the size and bulk of the proposed development relative to the appellant's neighbouring property.
- The proposed extension is of an overbearing size and height and will be approximately 800mm higher than the appellant's dwelling house. It will also be located only 1m from the shared site boundary.
- The construction of the proposed development in such close proximity to another dwelling house, particularly with windows that will directly overlook the appellant's rear garden area, is not considered to be consistent with sustainable development and proper planning.
- The full height first floor window and balustrade included within the rear elevation of the proposed extension will seriously and adversely impact on the privacy of the appellant's dwelling house with specific reference to the ground floor kitchen / dining space and the master bedroom.
- The accompany photographs show that there are no opposing windows at first floor level within the appellant's dwelling house that face into the application site as the elevations are either blank or are of opaque glass. However, the appellant's residence does have substantial glazing at ground floor level and the first floor windows as proposed would look directly into the appellant's property thereby seriously injuring their privacy and amenity.
- There are concerns that the Planning Authority has requested a detailing landscaping scheme for the western site boundary as any such planting could adversely impact on the levels of sunlight and daylight received by the appellant's property.
- The Board is requested to consider the following design changes in order to respect the appellant's privacy:
 - A reduction in the height of the proposed two-storey rear extension by at least 800mm.
 - The alteration of the first floor north-facing full height window opening by:
 - Reducing its proposed width by 50%
 - Reducing its proposed height to a cill height window thereby eliminating the glazed guarding / balustrade.
 - Eliminating the west-facing windows to the proposed first floor wardrobe, ensuite and bedroom in favour of rooflights.

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- The Board is advised that the appellant's property has recently been awarded 'Best House 2016' in the RIAI Irish Architecture Awards which serves to acknowledge the national significance of their property which was designed to the highest architectural standards.

8.0 NATIONAL AND REGIONAL POLICY

8.1 The *'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004'* provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect protected structures and development within their curtilage or attendant grounds.

9.0 DEVELOPMENT PLAN

Cork City Development Plan, 2015-2021:-

Land Use Zoning:

The proposed development site is located in an area zoned as *'Residential, Local Services and Institutional Uses'* with the stated land use zoning objective *'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'*.

Other Relevant Sections / Policies:

Chapter 9: Built Heritage and Archaeology:

Objective 9.1:

Strategic Objectives: Built Heritage and Archaeology:

- a) To promote the protection of the heritage of the city and the implementation of the Heritage Plan;
- b) Ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain;
- c) Promote the retention reuse, and enhancement of buildings and other elements of architectural or other significance;
- d) Ensure that development reflects and is sensitive to the historical importance and character of the city, in

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- particular the street layout and pattern, plot sizes, building heights and scales;
- e) Improve and encourage access to and understanding of the architectural heritage of the city.

Objective 9.29: *Architectural Conservation Areas:*
To seek to preserve and enhance the designated Architectural Conservation Areas in the City.

Objective 9.30: *Demolition in Architectural Conservation Areas:*
Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

Objective 9.31: *Recording of Structures in Architectural Conservation Areas:*
Where in exceptional circumstances a structure or a part of a structure which is considered to contribute to the special character of the area, is permitted to be demolished, it should first be recorded prior to demolition, and where appropriate should be monitored during demolition.

Objective 9.32: *Development in Architectural Conservation Areas:*
Development in ACAs should take account of the following:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not be generally permitted;
- Acceptable design, scale, materials and finishes for new developments;
- Original materials and methods of construction should be retained. For example, timber barge boards, windows and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.;
- Features of historic or architectural value should not be removed.

N.B. The proposed development site is partially located within ‘*The Mardyke Proposed Architectural Conservation Area*’.

Chapter 16: Development Management:

Part D: Alterations to Existing Dwellings:

Section 16.72: Extensions:

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. 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;
- Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. Given the high rainfall in Cork the traditional ridged roof is likely to cause fewer maintenance problems in the future than flat ones. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials;
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not be permitted where visible from a public area;
- Traditional style dormers should provide the design basis for new dormers;
- Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof;
- 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.

Section 16.132: Architectural Conservation Areas:

The requirements for planning application documentation for development within Architectural Conservation Areas and for their subsequent assessment are set out in the Architectural Heritage Protection Guidelines (DOEHLG, 2004). Further refinement in respect of development management policies will be provided through subsequent special planning control schemes detailing relevant development requirements for each selected area. The overall guiding principle

is positive enhancement of the unique qualities that make a place special because of its particular character. Detailed policies are set out in Chapter 9: Built Heritage and Archaeology (paragraph 9.14-9.29).

10.0 ASSESSMENT

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Impact on residential amenity
- Overall design and layout / visual impact
- Traffic implications
- Appropriate assessment

These are assessed as follows:

10.1 Impact on Residential Amenity:

10.1.1 The proposed development involves the demolition of a two-storey return to the rear of the existing dwelling house and the subsequent construction of a new contemporarily designed two-storey extension to the side and rear of the property with associated alterations to the internal layout of the existing accommodation. Notable aspects of the submitted design include the flat-roofed construction and the inclusion of a considerable extent of glazing at both ground and first floor levels within the rear elevation of the extension, although the first floor balcony area as originally proposed was omitted in response to a request for further information. In this respect concerns have been raised by the occupants of the neighbouring dwelling house to the immediate west of the subject site that due to the design, proximity and orientation of the proposed construction relative to their residence, it will have a detrimental impact on the residential amenity of their property by reason of overshadowing in addition to overlooking with a consequential loss of privacy.

10.1.2 Having conducted a site inspection, and following a review of the available information, including the plans and particulars of the appellant's dwelling house as previously approved under PA Ref. No. 1034651, it is of relevance in the first instance to note that the rear building line of the new extension will only extend marginally beyond that of the existing two-storey return which is proposed to be replaced. Accordingly, it is readily apparent that the rear building line of the proposed extension will generally align with the position of the boundary line to

the immediate west which serves to separate the appellant's property from No. 1 Bernadette Place and thus the indicative site layout plan which has accompanied the grounds of appeal is inherently flawed and fails to provide an accurate representation of the proposed development relative to the appellant's neighbouring property. In effect, the proposed construction will not extend alongside the entirety of that portion of the western site boundary which is shared with the rear garden area of the appellant's dwelling house and thus the impact of the proposed works in terms of overshadowing is unlikely to be of the extent referenced in the appellant's submission.

10.1.3 At this point I would also refer the Board to the *'Daylight and Sunlight Statement'* submitted by the applicant in response to the grounds of appeal which has sought to analyse and quantify the impact of the proposed development on the levels of sunlight and daylight received by the appellant's property. In summary, this report has concluded that the proposed development accords with the recommendations of *BRE 1991: 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'* in that the proposal will only give rise to a slight difference in the shadowing expected to be cast across the appellants' property whilst the levels of daylighting received by the existing dwelling house will also remain within accepted limits.

10.1.4 With regard to the potential for the proposed development to give rise to an unacceptable degree of overlooking of the appellants' property with a consequential loss of privacy, particular concerns have been raised in the grounds of appeal as regards the extent of the glazed area included at first floor level within the rear elevation of the extension in addition to the series of 3 No. first floor windows which are also proposed to be provided within the western elevation of the new construction. In this respect I would advise the Board at the outset that the revised design of the proposed development as submitted in response to the request for further information issued by the Planning Authority has omitted the first floor balcony area to the rear of the proposed extension and has instead incorporated same into the master bedroom as additional floorspace. In relation to the extent of fenestration proposed to serve the first floor rear master bedroom, whilst I would acknowledge the appellant's concerns in this regard, in my opinion, cognisance must be taken of the site context within a built-up urban area and the level of overlooking of neighbouring property already associated with the 2 No. first floor windows within the existing two-storey return which is proposed for demolition as part of the wider development proposal. In this regard it is evident that some degree of overlooking of the appellants' property will be unavoidable given its location to the rear of existing housing,

however, having reviewed the available details, I am satisfied that the revised design of the proposed extension as submitted in response to the request for further information, has sought to limit the potential for direct overlooking of the adjacent properties to the immediate east and west through the orientation of the first floor windows along the axis of the rear garden area of the application site. In addition, the likelihood of any overlooking of the appellant's dwelling can potentially be mitigated further through the implementation of an appropriate programme of landscaping.

10.1.5 In relation to the 3 No. windows at first floor level within the western elevation of the proposed extension, whilst I would accept that the positioning of same at a cill height of 1,600mm above first floor level will serve to limit the potential for direct overlooking, I would nevertheless have some concerns in this regard given the proximity of the site boundary and their orientation towards the private open space of the existing dwelling house at No. 1 Bernadette Place. However, given that two of these windows serve a walk-in wardrobe and an en suite bathroom, I would suggest that the glazing of same in obscure glass would be an appropriate response to prevent any direct overlooking of the adjacent property whilst also providing for adequate daylight. With regard to the third high level window, whilst I would concede that this will serve a bedroom, it is my opinion that the principle purpose of same is simply to allow for additional daylighting given that this bedroom will also benefit from a south-facing floor-to-ceiling height window within the southern elevation of the proposed extension. Accordingly, the imposition of a condition in any grant of permission whereby all three windows within the western elevation of the proposed extension would be required to be glazed in obscure glass would serve to avoid the potential for the overlooking of adjacent property whilst not unduly depriving the rooms in question of adequate daylight.

10.1.6 On balance, having considered the available information, I am satisfied that given the orientation of the windows within the extension in question relative to adjacent residential properties, the separation distances involved, and the site location in an urban context where some degree of overlooking would be not unexpected, the proposed development is unlikely to give rise to any significant impact on the residential amenities of the appellants property. Furthermore, whilst I would concede that the proposed development will impact to some degree on the overall level of daylight / sunlight received by the appellant's property, I am inclined to conclude that the significance of this impact and any associated loss of amenity is not of such significance as to warrant a refusal of permission.

10.2 Overall Design and Layout / Visual Impact:

10.2.1 Whilst the proposed development site is partially located within 'The Mardyke Proposed Architectural Conservation Area', it would appear that the new extension only marginally extends into same. In any event, in light of the pattern of development in the surrounding area, with particular reference to the recent construction of a contemporarily designed two-storey dwelling house on the adjacent lands to the immediate west, it is my opinion that the overall design of the proposed development is acceptable and does not impinge on the prevailing built heritage qualities of the wider area.

10.3 Traffic Implications

10.3.1 The proposed development includes for the opening of a new vehicular access from the rear of the property onto Mardyke Walk which will effectively serve as a replacement for the existing garage door at this location. Accordingly, having regard to the established site access at this location, the prevalence of similar entrance arrangements along this stretch of Mardyke Walk, and the relatively limited traffic speeds and volumes along this section of roadway which terminates in a cul-de-sac further west, I am satisfied that the proposed vehicular access will not give rise to a traffic hazard, although I would concur with the Planning Authority that it is reasonable to restrict the width of the new entrance to 3.5m in order to reduce vehicle speeds on entering / exiting the site given the presence of the public footpath alongside same and the limited visibility.

10.4 Appropriate Assessment:

10.4.1 Having regard to the nature and scale of the development proposed, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

11.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the foregoing I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

Reasons and Considerations:

Having regard to the site location, the pattern of development in the area and the scale and design of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, 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 9th day of March, 2016, 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 proposed development shall be amended as follows:
 - a) The new vehicular entrance onto Mardyke Walk shall be limited to 3.5m in width and shall be positioned to the satisfaction of the Planning Authority.
 - b) The gate(s) to the new vehicular entrance onto Mardyke Walk shall be of the sliding variety and shall not open onto the public footpath / road. Details of the design and finish of this gateway shall be agreed in writing with the Planning Authority.

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 amenity and traffic safety.

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3. The 3 No. first floor windows on the western elevation of the proposed development shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The proposed store shall be used only for purposes connected with the enjoyment of the dwelling house as such and shall not be used for any commercial or business purpose without a prior grant of planning permission.

Reason: In the interest of residential amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

9. 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.

10. Water supply and drainage arrangements, including 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.

Signed: _____

Robert Speer
Inspectorate

Date: _____