



An
Bord
Pleanála

Inspector's Report PL28.246917.

Development	Retain a rear garden shed structure attached to the dwelling at St Anne's. 7 Castlegreine Park, Boreenmanna Road, Cork.
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	16/36871.
Applicant(s)	Tom O'Connor.
Type of Application	Permission for retention.
Planning Authority Decision	Grant permission.
Appellant(s)	1. Michael O'Sullivan. 2. Eileen Mc Parland.
Type of Appeal	Third party versus decision.
Observer(s)	None.
Date of Site Inspection	27 September 2016.
Inspector	Stephen Rhys Thomas.

1.0 **Site Location and Description**

- 1.1. The site which is the subject of the appeal is located in the south east inner city of Cork at Castlegreine Park, north of the Ballinlough Road. The area is characterised by semi-detached houses dating from the 1950's with side garages and large rear gardens.
- 1.2. The structure it is proposed to retain comprises a shed extension to an existing single storey rear extension. The structure extends the existing single storey roofline up to and includes the boundary with neighbouring properties to the east. The ground level of the appeal site is approximately 1 - 1.5 metres higher than its neighbours to the east. The materials utilised in the construction of the shed extension match those of the existing extension for the most part, however, the gable of the shed structure comprises a transparent/window finish and un-plastered blockwork.
- 1.3. Appendix 1 contains photographs, location and zoning maps.

2.0 **Proposed Development**

- 2.1. Permission is sought for:
 - The retention of a rear garden storage structure attached to the rear of the property.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to grant permission for retention, the relevant condition is as follows:

- The high level glazing shall be replaced with timber panelling or other suitable material in order to protect residential amenity.

3.2. **Planning Authority Reports**

Planning Report

Basis for the planning authority's decision Report includes:

- The planning history of the site, specifically an open enforcement file.
- An assessment of to what degree the rear shed storage structure impacts upon the residential amenity of neighbouring properties, which concludes that matters can be addressed by condition.
- Identifies that matters to do with building a gable wall on a shared boundary is outside the scope of the planning authority and is a civil matter between neighbours.

3.3. **Other Technical Reports**

Drainage Section – refers to no objections subject to standard conditions with regard to the separation of drainage systems on site and technical matters to do with surface water drainage.

Roads Design Section – the Planner's report notes no objections.

Irish Water – refers to no objections subject to technical notes.

3.4. **Third Party Observations**

- 3.5. There were two submissions on the planning application, issues of concern included those contained in the appeal.

4.0 **Planning History**

4.1. There is no relevant planning history attached to this site.

5.0 **Policy Context**

5.1. Development Plan

5.2. **Cork City Development Plan 2015-2021**

5.2.1 The site is situated on lands subject to zoning objective - Residential, Local Services and Institutional Uses.

5.2.2 Part D: Alterations to Existing Dwellings

Section 16.72 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;

- 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.

Appendix 1 contains relevant zoning maps.

6.0 **Natural Heritage Designations**

None.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

Two appeals were submitted by neighbouring properties to the rear of the subject site, Michael O'Sullivan 16 Carrigeen Park and Eileen Mc Parland 17 Carrigeen Park.

The grounds of appeal can be summarised as follows:

- The size of the structure is too large, it has an overbearing appearance and causes over-shadowing, all of which impacts upon property values.
- The dimensions of the extensions to be retained are much less than all the structures on the site.
- Rain water discharges to our property.
- The boundary wall has been built upon and the structural integrity of this structure is questioned.
- The building finishes are of poor quality and unattractive, being of an industrial character.

7.2. **Planning Authority Response**

The planning authority has no further comment to make.

7.3. **First Party Response**

7.3.1 First party response to the third party appeal.

- The applicant outlines the building history of the dwelling with respect to sheds constructed in the 1950s and with regard to more recent improvements and additions.
- The applicant outlines the background to their attempts at contacting neighbouring property owners in order to come to an amicable agreement with respect to works carried out and ongoing works.
- Planning enforcement actions are outlined with the result that a planning permission should be lodged to rectify the unauthorised state of some structures and a willingness to comply with any conditions of planning.

7.4. **Observations**

None.

8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Design – building finishes
- Rainwater discharge
- Drawing inaccuracies

- Appropriate Assessment

8.2. Residential Amenity

8.2.1 The principal cause of planning concern in this appeal is residential amenity and how it has been impacted upon by the construction of the garden shed extension. Issues to do with building on the boundary, insurance and the structural integrity of the shed are not matters which can be addressed in this forum, they are a civil matter between affected parties.

8.2.2 Overbearing appearance

The shed structure it is intended to retain extends to the rear boundary of the subject property and rises to approximately 3.5 metres above the subject site ground level. The shed is comparatively large, given the pattern of development in the vicinity. The perception of height when viewed from properties to the rear is greater as the ground levels are lower in these properties. In addition, I note that one of the properties which could be most likely to perceive some form of overbearing appearance also has a shed constructed against the rear boundary backing onto the appeal site. Overbearing appearance is often difficult to quantify, however, it impacts upon residential amenity and specifically the enjoyment of the garden and particularly the rear elevation of the dwelling. In urban environments such as the appeal site, overbearing appearance tends to be experienced when large or dominant structures are located in very close proximity to living spaces. In this context it is noted that back garden depths to properties to the rear of the appeal site were in the past approximately 15 metres. Most dwellings in the vicinity have been extended at ground floor level, thus reducing rear garden areas, however, rear garden depth remains generous. A number of aspects combine to present the perception of overbearing appearance, including height, bulk and proximity. Whilst the height of the shed is relatively great, it remains a single storey structure. Furthermore, given the relative distances between the shed structure and the

building line of dwellings to the rear it is not considered that an excessive level of overbearing appearance results. Therefore, the shed structure it is intended to retain is acceptable and does not result in an overbearing appearance.

8.2.3 Overshadowing

The impact of overshadowing is experienced when light previously enjoyed by habitable rooms or garden space is unreasonably reduced to levels which are perceptible to occupants. This often occurs when new buildings are erected in close proximity to habitable rooms or garden space at unfavourable orientations, such as to the south, thus blocking direct sunlight. The appellants are located at properties which are located to the east of the subject site and enjoy south and west light, which for the most part is uninterrupted for such an urban setting. I do not anticipate that overshadowing to any great or injurious levels will be experienced by occupants of neighbouring dwellings. The shed is, therefore, acceptable from an overshadowing perspective.

8.2.4 Given the large rear gardens of property in the vicinity, the east/west orientation of dwellings and the pattern of development in the area, I conclude that the development it is proposed to retain will not impact upon residential amenity and is therefore acceptable.

8.3. **Design - building finishes**

The shed it is proposed to retain is comparatively large, tall and comprises a gable roof profile with a pitched roof in common with the prevailing roof patterns in the area. The gable wall is however, open and presents a glazed appearance. It is acknowledged that given the height of the glazed panels, the issue of overlooking does not arise. Indeed, there is no view possible from the interior of the shed extension, due to the high level of these windows. I consider the form and scale of the shed structure to be acceptable in this urban setting, it is not unusual in terms of

appearance or design. The concerns expressed by the appellants with regard to the glazed panels and the perception of a loss of privacy is however, warranted. I note that the planning authority's notification to grant permission included a condition to address the issue of the glazed gable and its replacement with a fixed/louvered timber panels. Likewise, in the event of a grant of permission, I recommend a similarly worded condition to address this issue.

In addition, I note that the building finishes applied to the shed structure are in an unfinished state. The gable wall facing dwellings to the east is not plastered. A condition should be attached to ensure an acceptable finish is applied to this elevation.

8.4. Rainwater discharge

The appellants raise concerns with regard to the discharge of rainwater on to their properties. I note that rainwater goods have been installed on the shed structure it is proposed to retain. In addition, the planning authority attached a condition to ensure the management of storm water run-off. I consider that the matter of rainwater discharge can be adequately addressed by condition.

8.5. Drawing inaccuracies

The matter of drawing inaccuracies is raised by appellants, however, it should be noted that the planning authority considered the proposal as a valid planning application and assessed it as such. It may be that the appellants issue is with the extent of the development it is proposed to retain rather than the accuracy of drawings. In any event, this assessment confines itself to the matter in hand, which in this case, is the shed structure extension and not the variety of other development which may have taken place on the site.

8.6. Appropriate Assessment

8.4.1 Having regard to the nature and scale of the development it is proposed to retain and nature of the receiving urban environment, no Appropriate Assessment issues arise and it is not considered that the development it is proposed to retain would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Cork City Development Plan 2015-2021, and to the nature and scale of the structure it is intended to retain, and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 development it is proposed to retain shall be amended as follows:

(a) The high level obscured glazing shall be removed and replaced with timber, or other suitable solid, horizontal louvre panelling, the type and finish of which shall be agreed with the planning authority prior to installation.

(b) The eastern external gable wall of the shed structure shall be rendered or plastered.

Revised drawings and photographs showing compliance with these requirements shall be submitted to the planning authority within six months of the date of this order

Reason: In the interests of visual and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

4. 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 made under section 48 of the Act be applied to the permission.

Stephen Rhys Thomas
Planning Inspector

4 October 2016