



An
Bord
Pleanála

Inspector's Report PL.04.247260

Development	Alterations and 2-storey rear extension to house, single storey entrance porch, parking and ancillary site works.
Location	No. 12 Upper Masseytown, Kilnagurteen, Macroom, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/05599
Applicant(s)	Kevin Moynihan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Deirdre Lehane
Observer(s)	None
Date of Site Inspection	30 th November 2016
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located on the outskirts and to the north of Macroom town centre. The property is a two-storey mid terrace residential dwelling.
- 1.2. The property has no vehicular access and the property is accessed via a pedestrian gate which adjoins the public footpath. The dwelling is currently unoccupied and is in poor condition. The floor plan of the existing house comprises of a two rooms on the ground floor and two rooms on the upper floor.
- 1.3. There is currently no rear boundary wall between the rear gardens of the existing property and the neighbouring property, no. 13 Upper Masseytown. The rear garden slopes upwards towards the rear boundary wall.
- 1.4. There is a large mature hedgerow planted on the boundary between no. 13 and no. 14 Upper Masseytown. There is a low-rise hedgerow planted on the boundary between no. 12 and no. 11 Upper Masseytown.

2.0 Proposed Development

- 2.1. The proposed development comprises of a two-storey extension to the rear of the existing house and a single storey porch extension to the front of the existing dwelling.
- 2.2. The proposed two-storey extension has a floor area of 37 sq. metres and the floor plan consists of a kitchen / dining area at ground floor level and 3 no. bedrooms and a bathroom at first floor level. The maximum height of the two-storey extension is approximately 6.2 metres above ground level.
- 2.3. The proposed porch to the front has a floor area of approximately 2.34 sq. m and the maximum height of the proposed porch is 3.3 metres above ground level.
- 2.4. The proposal also includes car parking provisions to the front of the existing house.

3.0 Planning Authority Decision

- 3.1. Cork County Council decided to grant planning permission subject to 12 conditions. Condition no. 3 relates to the design details of the proposed front porch and

Condition no. 5 requires that the first floor window (bathroom) on the southern elevation shall be finished with obscure glass.

3.2. **Planning Authority Reports**

3.2.1. The main issues raised in the planner's report are as follows;

- There are concerns in relation to the scale of the proposal by a third party.
- The scale of the proposal appears considerable however these properties have large rear gardens.
- The proposal will allow for a family sized dwelling.
- The proposed kitchen window will not allow for an exceptional overlooking.
- The location of the appeal property north of no. 11 will not result in any loss of daylight.
- The first floor window is a bathroom window which will be fitted with obscure glazing.
- There is a precedent locally for two-storey extensions.
- No objection in principle to the porch extension.
- The additional windows to the rear elevation are acceptable in principle.

3.2.2. Area Engineer; - No objection subject to conditions.

3.3. There is a submission from Irish Water who have no objections to the proposed development.

3.4. **Third Party Observations**

There is one third party submission and the issues raised have been noted and considered.

4.0 **Planning History**

None.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Cork County Development Plan, 2014 – 2020.

5.2. Town Plan

The operational Town Plan is the Macroom Town Development Plan, 2009 – 2014. The appeal site is zoned 'RE' which has an objective to 'protect and enhance existing residential amenity'.

Section 3.2.11 provides guidance in relation to alteration and extensions to existing dwellings.

6.0 The Appeal

6.1. The following is the summary of a third party appeal submitted by Deirdre Lehane, on behalf of her mother Mrs Mary Lehane, owner of no. 11 Upper Masseytown.

- No. 11 is currently vacant but is due to be occupied by a member of the family.
- There is also a current planning application for an extension to the rear of no. 13 Masseytown (L.A. Ref. 16/5602).
- It is submitted that it is unusual that two extensions will be constructed at the same time. The combined impact of these extensions is overpowering.

Boundaries

- The set back distance between boundaries is usually 1.5m – 2m. The proposed rear extension is less than 1m from the existing boundary between the two properties.
- The proposed development will result in overlooking and the blocking of light.
- A kitchen window will overlook the appellant's rear garden.

- There are also two downstairs bathroom windows close to the boundary.
- The associated vent pipes will adversely impact on established residential amenities in terms of odour emissions.
- An extractor fan in the proposed kitchen will be vented on the external wall overlooking the appellant's property resulting in constant noise and smells. This will therefore be a nuisance to residential amenities.
- The existing back bedroom to the appellant's house will be overshadowed by the large extension which has a ridge height of 6.1m.
- The odours from the proposed bathroom window will adversely impact on existing residential amenities.
- It is submitted that the boundary walls and railings, to the front and rear of the houses dates from the 1930's. It is submitted that these walls remain undisturbed from a heritage perspective.
- The scale of the proposed rear extension is 37 sq. m. which relative to the existing house (floor area is 57 sq. m.) is large.

Rear Extension

- A 2-storey extension with a depth of 5.8m deep and a ridge height of 6.1m will impact on light levels of the neighbouring property resulting in overshadowing, loss of privacy and constant overlooking.
- The proposal will be visually dominant and overpowering.
- There is no drawing illustrating the boundary treatment between house no. 12 and no. 13. There is a possibility that the gardens of no. 12 and no. 13 could become a single garden.
- The combined extension to the front of the houses (no. 12 and no. 13) is approximately 5.6 sq. m. whereas the combined rear extension is 74 sq. m.
- The proposal has 3 no. windows that overlook the appellant's property.
- The proposed extension will be constructed over the main public sewer for the town. The set back is minimum and will need to be reconsidered to allow future maintenance.

Overlooking Windows

- The appellant's property is overlooked by 3 no. windows which is excessive.
- There will be continuous overlooking from the kitchen which will result in significant depreciation of property.
- An extractor fan in the proposed kitchen will be vented on the external wall overlooking the appellant's property resulting in constant noise and smells. This will therefore be a nuisance to established residential amenities.
- It is suggested that the side kitchen window is removed as there is adequate window space in the back patio door to provide light and ventilate the room.
- The permission of gable window will limit the appellant's development potential in the future.
- The removal of the bathroom window and the upstairs bedroom window will eliminate potential overlooking.
- Should permission be granted then a potential civil issue in relation to the boundary may arise.
- It is suggested that the kitchen window should be removed and replaced with a roof light and sun tunnel.
- The rooms in the appellant's property will become darker due to the proposed extension.
- The proposed window locations should be redesigned to accommodate their neighbours privacy and enjoyment of rear garden.

Front Porch

- It is submitted that all existing houses in the area have maintained the original features of the long narrow hall window and keeping the location of the front door in tact.
- The proposed front porch to no. 12 and no. 13 Upper Masseytown will alter this original feature.
- It is contended that the proposed porches are out of character for this location and out of scale and proportion when built side by side.

- The original 1930's design is advocated.
- It is submitted that drawing ref. 'KM PD 01 labelled Proposed New Extension' has indicated the location of the hall window and door incorrectly in no. 11 Upper Masseytown.

Parking Area

- There are no details in relating to the proposed car parking area in terms of parking surface and boundary treatment.
- The original boundary wall and railings treatment should be retained from a heritage perspective.

6.2. Applicant Response

The following is the summary of a response submitted by the applicant's agent;

Introduction

- The proposed extension is less than the 40 sq. m. exempted development regulations.
- The extension falls outside the exempted development provisions due to the first floor which is greater by 5.83 sq. m.
- The first floor could be set back by 1.6m to achieve the exempted development regulations.
- The front entrance porch exceeds the exempted development by 0.7m.
- The Area Planner correctly states that the proposed development will provide adequate accommodation for a family without unduly impacting on residential amenity of no. 11.

Boundaries

- There is no specific set back distance in towns.
- It is contended that no overlooking occurs from the proposed development.
- The proposed extension is situated to the north of the appellant's property and no adverse impacts on light will occur.

- There will be no odours from the proposed development as the proposed development will be designed and constructed in full compliance with the Building Regulations, specifically TGD F – Ventilation and TGD G – Hygiene.
- The proposed extension will not overshadow the appellant's bedroom.
- It is submitted that a 37 sq. m. extension is considered reasonable considering the original floor area of the house.
- It is unreasonable that the appellant is bringing no. 13 Upper Masseytown into her objection as full permission has not been granted for no. 13 Upper Masseytown.
- There are no windows from habitable rooms overlooking the neighbours garden.
- The front porch is 0.7 sq. m. above the exempted development regulations. No. 13 Upper Masseytown is drawn into the objection in relation to the porch which is considered unreasonable.
- The parking provision will avoid on-street parking. On-street parking in Macroom is problematic and a traffic hazard.

Rear House

- The subject property has a long and deep rear garden.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

7.0 **Assessment**

7.1. Principle of Development

Having regard to the zoning objective for the appeal site I would consider that the principle of a two-storey extension to the rear of an existing two-storey townhouse is

generally acceptable. The appeal site is zoned 'RE', in accordance with the provisions of the Macroom Town Development Plan, 2009 – 2015, which has an objective to protect and enhance existing residential amenity.

I would note from the submitted plans and my site inspection that the existing house is relatively small in terms of floor area compared to a modern two-storey house.

I would acknowledge that in order to facilitate modern family living needs that an extension, of some degree to the original house would be required.

7.2. Impact on Residential Amenities

In considering the impacts of the proposed two-storey extension on the adjoining residential amenities the scale of the proposed extension is a relevant consideration.

The depth of the two-storey extension is approximately 5.8 metres and the maximum height of the two-storey extension is approximately 6.2 metres above ground level.

The two-storey extension is set back approximately 1m from the boundary wall with no. 11 Upper Masseytown.

I note from the submitted plans and the information on the file that no. 13 Upper Masseytown is proposing a two-storey extension to its rear elevation. I have reviewed the Cork County Council's planning register online (www.corkcoco.ie) and I note that planning permission has been granted to no. 13 Upper Masseytown for a two-storey extension to the rear. Therefore, the impacts of the proposed two-storey extension, before the Board, onto no. 13 Upper Masseytown would not be significant should no. 13 proceed with its permitted 2-storey extension.

In terms of the impacts of the proposed development on no. 11 Upper Masseytown I would note that appeal property (no. 12) is north of no. 11 and as such any overshadowing impacts would generally be limited given the orientations.

In terms of overlooking concerns the proposed development involves the introduction of a new bedroom window, to serve bedroom no. 2, at first floor level. Although there is a larger window currently serving bedroom no. 2 the proposed window is placed against the boundary line with no. 11 and this therefore raises the potential for overlooking or perceived overlooking from no. 12 Upper Masseytown to no. 11 Upper Masseytown. The proposed development also includes the introduction of a bathroom window to the gable elevation with no. 11 Upper Masseytown. Although this gable window can be screened it would introduce perceived overlooking from the proposed development to no. 11 Upper Masseytown. The proposed development also includes a sizable kitchen window on the ground floor gable elevation. I would acknowledge that the proposed bedroom no. 3 includes a bedroom window however this will not introduce any additional overlooking from the current situation.

I would consider that the proposed development has the potential to overlook or result in perceived overlooking of the established residential amenities of no. 11 Upper Masseytown. On this basis I would recommend a condition to the Board, should they favour granting permission, that the window arrangements are revised to eliminate or reduce potential overlooking on established residential amenities.

In terms of visual impact there is no doubt that the proposed two-storey extension will introduce changed circumstances for the residents of no. 11 Upper Masseytown given the scale of the proposal and the proximity of the proposal to the rear garden of no. 11 Upper Masseytown. The proposed two-storey extension is set back approximately 1m from the boundary line with no. 11. However, I would take the view that no. 11 has also development potential to the rear of their property which would potentially facilitate a domestic extension and any future domestic extension to the rear of no. 11, either single storey or two-storey, would mitigate any adverse impacts such as visual impact or any overbearing impact.

I would generally consider that the proposed front porch is acceptable and would not detract from the character of the area. In relation to the contention that the proposed vents and extractor fans will result in a loss of residential amenities I would consider

that vents and extractors fans are outside the scope of the planning legislation and would be exempted development.

Overall I would acknowledge that the proposed two-storey extension, in this tight urban site, is a sizable intervention however given the floor area of the existing house there is a genuine need to extend this house to accommodate modern living. I would conclude that conditions I have recommended to the Board would address any concerns in relation to the loss of residential amenities.

7.3. Car Parking

I acknowledge the concerns of the appellant in relation to the car parking however I would not consider that the car parking provision would adversely impact on established residential amenities or the character of the area. In addition, I would note that the report from the Area Engineer, dated 20th July 2016, has no objections to the proposed vehicular entrance.

8.0 **Recommendation**

8.1. I have read the submissions on the file, visited the site, had due regard to the Town Development Plan and the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

9.0 **Reasons and Considerations**

Having regard to the zoning objective of the appeal site in the Macroom Town Development Plan, 2009 – 2015, and the extent of the proposed development, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area

10.0 **Conditions**

1. The development shall be carried out and completed accordance with the

plans and particulars lodged with the application except as maybe otherwise required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows;
 - a. the proposed window serving bedroom no. 2 shall be omitted and bedroom no. 2 shall be used as a study or storage room.
 - b. the first floor bathroom window on the southern elevation shall be omitted and a roof light shall be provided to serve this bathroom.
 - c. the ground floor kitchen window shall be amended to form a high level window with no opening window.
 - .d. the design of the front porch shall be revised to tie in with the original front porch of the terraced houses.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of residential development of the adjacent properties.

3. 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.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. The house to be used as a single dwelling unit.

Reason: In the interest of clarity.

6. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities and public safety.

8. Prior to the commencement of development, the developer shall submit details of all boundary treatment for the agreement of the planning authority. This shall include boundaries between rear gardens and front

boundaries.

Reason: In the interest of residential privacy.

- Full details of the vehicular access to serve the proposed development
9. shall be submitted for written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of traffic safety.

Kenneth Moloney
Planning Inspector

13th December 2016