



An
Bord
Pleanála

Inspector's Report

PL04.247412

Development	Erect a two storey northern gable addition to residence and for forming a single entry door to rear garden area in northern boundary wall, from public footpath together with all associated site development works.
Location	66 Delford Drive, Rochestown Road, Monfieldstown, Rochestown, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/5917
Applicant(s)	Colin & Ann Lahive
Type of Application	Planning Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Kevin & Jean Keohane
Observer(s)	None.
Date of Site Inspection	07/12/2017.
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The subject site is located within a long established residential housing estate in Rochestown, Co. Cork. The site is located within the Delford Drive development which lies to the south east of Cork City and is accessed off the Rochestown Road. Rochestown Road, the R610, is an important road which links the suburban area of Douglas with Rochestown and Cork City. There are a number of residential estates in this area with a variety of house types.
- 1.2. The site itself, number 66 Delford Drive, comprises a semi detached house which lies immediately adjacent to the primary estate road which services the wider estate area and runs in an east – west direction. The house on the site is two storeys in height and overlooks a small green open space area to the east. The site backs onto a detached house, also two storeys in nature, which fronts onto Kiltegan Park to the west. The site is bound by a high walls on all boundaries with the western boundary also including a hedge above the wall.
- 1.3. The house on the site comprises a two storey house with a single storey extension to the rear with a lean-to style roof. The area of the subject site is stated as 0.02052ha and the floor area of the existing house is indicated at 90.67m².

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, to erect a two storey northern gable addition to residence and for forming a single entry door to rear garden area in northern boundary wall, from public footpath together with all associated site development works, all at, 66 Delford Drive, Rochestown Road, Monfieldstown, Rochestown, Co. Cork.
- 2.2. The proposed development will comprise a two storey extension to the side of the house with a stated floor area of 70m² proposed. The extension will comprise an extension to the kitchen at the ground floor level, and will provide a breakfast area and family room to the rear of the building. At first floor level, the development will provide a landing to the front and a master suite to the rear.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 13 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer considered the proposed development in terms of development plan requirements, planning history in the wider estate area and the comments submitted by internal departments of Cork County Council as well as third party comments. The planning assessment focused on the siting, design and potential impacts on neighbouring properties, entrance arrangements and site services. The Planning Officer considered that there is good existing screening provided which mitigate against any overlooking at ground floor level and that there are no first floor windows proposed on the rear elevation of the extension. The report concludes that given the proposed height and positioning of the extension relative to neighbouring properties, it is considered that it would not contribute to undue overshadowing of neighbouring property. The Planning Officer considered that the proposed development was acceptable and recommended that permission be granted for the proposed development.

3.2.2. Other Technical Reports

- Area Engineer: The report submitted by the Area Engineer advises no objections to the proposed development subject to conditions.
- Irish Water: The report raises no objections to the proposed development.

3.3. Prescribed Bodies

None

3.4. **Third Party Observations**

One third party observation was submitted to the Planning Authority from Kevin & Jean Keohane who reside at 36 Kiltegan Park, the property to the rear of the subject appeal site. The issues raised are summarised as follows:

- The development is not inkeeping with current extensions in the area.
- The extension will protrude too deep into the garden – most extensions are flush with the rear wall of the main house.
- The rear gardens are shallow and the development would look wrong, would darken third party garden and will result in a claustrophobic and unsightly feel.
- Residential sunlight will be affected.
- The extension is too large for the site, separation distances are insufficient and will devalue property.

4.0 **Planning History**

4.1.1. There is no planning history associated with the subject site.

4.1.2. There are a number of planning permissions granted for similar type extensions in the vicinity of the subject site.

5.0 **Policy Context**

5.1. **Development Plan**

The site is located within the development boundaries of Cork City South Environs as set out in the Carrigaline Local Area Plan, 2015 (2nd Edition). The subject site is zoned 'existing built up area', and in this regard, Sections 14.3.1 to 14.3.6 of the County Development Plan, deal with existing built up areas. Objective ZU 3-1 of the CDP is relevant and states that it is the policy to 'normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area.'

5.2. **Natural Heritage Designations**

There are no natural heritage designations affecting the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a third party appeal against the decision of Cork County Council to grant planning permission for the proposed development. The grounds of appeal are similar to those issues raised in the course of the PAs assessment of the proposed development and are summarised as follows:

- The proposed development is not consistent with the policies of Cork County Development Plan 2014 or guidelines on standards on residential development.
- The development will cause overshadowing of the rear of dwelling and due to the small garden depths, the extension will be within 10m of the rear wall of the third party property and will affect the morning sun in their kitchen / dining room.
- Scale and massing will reduce residential amenity and will depreciate the value of property.
- The development will result in over-development of the small site, would create a precedent for similar type developments and would be contrary to the proper planning and sustainable development of the area.
- The appeal concludes advising that they do not object to the construction of a two storey extension to the gable not projecting beyond the rear wall of the existing house.

6.2. **Applicant Response**

The applicant responded to the third party appeal through their agent. The submission is summarised as follows:

- The proposed extension is to make the house suitable for modern living requirements and to accommodate the needs of a young family.
- It is submitted that there will be negligible, if any diminution of residential amenity to the appellants property and no devaluation will result.
- The existing rear boundary wall rises, including the hedge, to approximately 3m in height which has a more adverse impact on the shadowing of the appellants rear garden than the proposed extension will have.
- The extension will have no impact on overshadowing by 11am at the latest and given the location of the extension to the north, there will be no impact.
- The proposed development will not exacerbate the existing situation and will not result in overshadowing of the appellants rear rooms. As there are no windows proposed on the rear elevation, there will be no overlooking.
- Adequate rear open space is provided.

6.3. Planning Authority Response

The Planning Authority has not responded to this appeal.

6.4. Observations

There are no observers noted in relation to this appeal.

7.0 Assessment

7.1. Introduction

Having regard to the nature of the proposed development and the details submitted with the planning application and appeal documents, I conclude that issues arising for consideration should be addressed under the following headings:

1. The principle of the development
2. Impacts of the proposed development
3. Appropriate Assessment

7.2. The principle of the development and compliance with policy

- 7.2.1. The subject site is located within a long established residential housing estate in Rochestown, Co. Cork. The site is located within the Delford Drive development which lies to the south east of Cork City and is accessed off the Rochestown Road, on lands zoned 'existing built up area'. As such, it is clear that in principle, the extension of the residential property, is acceptable.
- 7.2.2. Site specific issues are required to be addressed in accordance with the 'Sustainable Residential Development in Urban Areas', 2009 and the accompanying 'Urban Design Manual – A Best Practice Guide'. In particular, I consider that issues relating to provision of open space, overlooking and overshadowing – including the impacts on daylight, are required to be addressed. These issues will be addressed further below but I am satisfied that in principle, the proposed development adequately accords with these guidelines.

7.3. Impacts of the Proposed Development

- 7.3.1. In considering proposals for residential extensions, it is important that any design will respect and integrate with the existing dwelling in terms of height, scale, materials used, finishes, window proportions etc., while also protecting the visual amenities and residential amenities of properties in the vicinity. The proposed extension is to be provided to the side of the existing house and will extend approximately 2.2m beyond the rear wall of the house into the rear garden. The front wall of the extension is set back approximately 3m from the front wall of the main house. The roof is stepped down from the main house and the finishes proposed will reflect those of the existing house.
- 7.3.2. The extension, if permitted, will provide for a breakfast room and family room at ground floor level and a master suite at first floor level. To the front of the extension, the drawings show that a bin storage area is to be provided. A pedestrian gate is also to be provided to the rear to provide access to the public footpath. The rear garden of the property is quite shallow and the proposed development will result in the rear garden having an area of approximately 57m². The rear garden is west facing and overall, I am satisfied that the development is acceptable on this

somewhat restricted site and the residential amenities of the occupants is appropriate and acceptable.

- 7.3.3. In terms of the Impact of the development on the amenities of adjacent residents, particularly in terms of light and privacy, the Board will note that the appellant has advised no objection in principle to the proposed development of an extension. It is submitted however, that the extension should not extend beyond the rear wall of the house in the interests of protecting the available daylight and privacy and to prevent overshadowing. I note that the existing party boundary comprises a high wall with hedge on the top. In addition, I note that the proposed extension does not propose any first floor windows which would facilitate overlooking into the adjoining property.
- 7.3.4. The overall height of the proposed extension rises to approximately 7.3m with a hipped roof at the rear. The wall plate of the house rises to approximately 5.2m in height. The extension is located to the east of the appellants property and as such, if there is an impact on overshadowing / impact on daylight, it will occur in the mornings. The rear wall of the extension will be located at 3.5m from the rear boundary (party wall) of the site. I have considered this issue very carefully and I consider that, having regard to the restricted depth of the rear garden, I am inclined to agree with the appellant to a degree, in this instance. That said, I would not consider that the extension would result in significant overshadowing of the adjoining property.
- 7.3.5. In terms of the floor plan of the proposed extension, I note that the development proposes double patio doors to access the garden from the proposed family room. Given that the extension proposes a fireplace in the family room, I am satisfied that the doors should be located southern elevation. However, I consider that the extension should be relocated in an easterly direction by 1m to increase the separation distance between the rear wall of the extension and the party wall to the west. This would require the installation of a single door rather than the double patio doors. I consider that this can be addressed by way of condition.
- 7.3.6. The proposed development will not result in any increase in vehicular traffic to the site. The proposed pedestrian gate into the rear garden area of the site has raised no objection from Cork County Council and I have no objections to its provision.

7.3.7. In terms of development contributions, the Board will note that the proposed development is liable as the floor area of the proposed extension exceeds 60m². In this regard, a condition requiring the payment of a contribution should be included in any grant of planning permission.

7.4. **Appropriate Assessment**

The subject site is located in close proximity to the Cork Harbour SPA (Site Code 004030). Given the nature of the subject site, which is an existing long standing residential site within a larger housing estate, and having regard to the nature and limited scale of the proposed development, 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**

I consider that a grant of planning permission in this instance will not significantly impact upon the existing residential amenities of existing properties in the vicinity, or the wider general amenities of the area. It is recommended that planning permission be **granted** in this instance, subject to the following stated conditions.

9.0 **Reasons and Considerations**

Having regard to the provisions of the current Cork County Development Plan and the Carrigaline Electoral Area Local Area Plan, 2015 (2nd Edition), the pattern of existing and permitted development in the vicinity, the planning history of the area and having regard to the information submitted as part of the planning application, together with the information submitted in the appeal, I consider that the development, if permitted, would be an acceptable form of development in terms of the sites zoning objectives. In addition, I am satisfied that the development, if permitted would not represent a significant impact on the residential amenities of adjacent properties and would be acceptable in terms of the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 29th day of July 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The proposed extension shall be relocated by 1m in an easterly direction (towards the front of the house) to increase the separation distance from the rear wall of the extension and the rear boundary wall of the overall site.

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 residential amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule

2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.

5. 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.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

7. 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.

A. Considine
Planning Inspector
18th January 2017