



An
Bord
Pleanála

Inspector's Report PL.04.247639

Development	Construct attached domestic garage.
Location	No. 25 Fanahan's Place, Mitchelstown Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/6249
Applicant(s)	Joe & Siobhan Mulcahy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Christine McCallum
Observer(s)	None
Date of Site Inspection	8 th February 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

1.1. The subject site is located within the town of Mitchelstown, Co. Cork.

- 1.2. The subject property is located within an established housing estate. The houses within the estate are single storey and generally semi-detached.
- 1.3. The subject property is single storey, semi-detached with a side entrance and this is typical of the houses within the housing estate.
- 1.4. The appeal property has a small front garden and the levels of the rear garden fall slightly towards the rear of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of a single storey garage to the side of the existing house.
- 2.2. The floor area of the proposed garage is approximately 12 sq. metres.

3.0 Planning Authority Decision

- 3.1. Cork County Council decided to grant planning permission subject to 7 conditions. The conditions are standard for the nature of the development proposed.

3.2. Planning Authority Reports

- 3.2.1. The main issues raised in the planner's report are as follows;
 - A number of other dwellings in the vicinity have similar garages.
 - The applicant may need other consents depending of the nature of the development.
 - The civil issues referred to in the appeal are outside the remit of the Planning Authority.
- 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**

No relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

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

5.2. **Local Area Plan**

The operational Local Area Plan is the Fermoy Electoral Area Local Area Plan, 2015. In accordance with the settlement map for Mitchelstown the subject site is located within the settlement boundary.

The site is zoned 'Existing Build-up Area'.

6.0 **The Appeal**

6.1. The following is the summary of a third party appeal submitted by Christine McCallum, resident of no. 24 Saint Fanahans Place.

- The proposal is located to the side of the existing dwelling and adjacent to an existing kitchen window which is the only light source for the kitchen.
- The proposal will completely overshadow the kitchen window.

- It is unknown from the submitted drawings whether the proposed garage will impact on the boundary wall.
- The application site is situated on higher ground relative to the neighbouring property which will therefore result in overshadowing.
- The submitted plans indicate that the existing garage will be demolished however there has been no garage on this site in the last 15 years.
- No details available in relation to location of gutters.
- The applicant will require consent from the appellant to carry out finishes as proposed.
- It is counter argued that there are no existing developments similar to that currently proposed in the local area.

6.2. Applicant Response

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

- The subject site is located within an established residential area.
- The house is single storey in height with a gross floor area of approximately 80 sq. m.
- The applicant's purchased the property c. 2000 and at that time the property had a single storey garage in the location of the current proposal.
- The garage due to its age and poor construction was removed due to a health and safety perspective.
- The applicant's were not in a financial position to the rebuild the garage at that time.
- The applicants mistakenly thought that given there was a garage on the site that the rebuilding of a garage did not require planning permission.
- The proposed garage would not be sufficient size to accommodate a modern car.

- Counter to the appellant's claim the garage was in place when the neighbouring extension was constructed. This is illustrated by submitted photographs.
- The applicant's site is relatively small and the rear garden behind the dwelling is not large enough to accommodate a shed.
- There is no available storage on the site and this is evident from submitted photographs.
- The original garage preceeded the applicant's extension.
- The applicants will abide by conditions imposed by the Bord and will consider, if necessary, alternative construction but are unable to consider alternative location due to the limited size of the site.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

7.0 **Assessment**

7.1. Principle of Development

The appeal site is zoned 'Existing Build-up Area' in the Fermoy Electoral Area Local Area Plan, 2015. Having regard to the zoning objective for the appeal site I would consider that the principle of a single storey garage to the side of an existing house is generally acceptable.

7.2. Impact on Residential Amenities

I would consider having regard to a visual observation of the area and the photographs that form part of the file documentation that the subject site and local context to the appeal site is the most significant issue in this appeal assessment.

The proposed development consists of the construction of a single storey garage to the side of the existing house. The external width of the proposed garage is 2.35 metres and the length of the proposed garage is 5 metres. The floor area of the proposed garage is approximately 12 sq. metres. The eaves height of the proposed garage is approximately 2.3 metres – 2.4 metres above ground level and a flat roof is proposed. The proposed garage is located on the boundary line with no. 24 Saint Fanahan's Place.

The context is important for a number of reasons. Firstly the appeal site, i.e. no. 25 Saint Fanahan's Place, and the neighbouring property no. 24 Saint Fanahan's Place have different front orientations and therefore their front buildings are not consistent. Secondly no. 25 St. Saint Fanahan's Place is situated on slightly higher ground than no. 24 Saint Fanahan's Place and finally given the different orientations of the respective properties I would note that no. 24 Saint Fanahan's Place has a gable kitchen window that looks directly at the location of the proposed single storey garage. The anticipated impact that the proposed garage will have on this gable window is likely to be the most significant issue of the proposed development and I would note that it is also the principle reason of objection by the appellant.

In terms of assessing the impact of the proposed development on the gable kitchen window I would estimate that the proposed garage will be located approximately a minimum of 2 – 3 metres from the existing kitchen window. The existing kitchen gable window is south facing and therefore the proposed garage which is located south of the existing window, and also having regard to the height of the garage and the separation distance, would have an immediate impact on daylight and sunlight.

An argument submitted by the applicant is that the subject property originally had a single storey garage in the location of the proposed garage. I would note from the submitted Urban Place Map (scale 1:1000) that there is a structure in place at the site of the proposed garage which would add weight to the applicant's contention that there was a garage in this location.

The local context is also a significant issue when considering the proposed development. I noted from a visual observation of the area that most of the houses have single storey returns / extensions to the rear and in general most houses have gable windows to the side of these returns / extensions. I also noted, having regard to the sloping rear gardens, their relatively small size and low rise garden boundaries that overlooking is an established precedent locally. Indeed the kitchen gable window of no. 24 Saint Fanahan's Place would overlook the side of no. 25 Saint Fanahan's Place and it is notable that no. 24 Saint Fanahan's Place has a newly constructed single storey extension to the rear of the existing kitchen and this extension has gable window that looks towards the applicant's dwelling and rear garden.

I would acknowledge that the proposed single storey garage will impact on existing daylight and potentially sunlight of the kitchen window of no. 24 Saint Fanahan's Place. However having regard to the tight urban relationship between existing properties that currently exists, the established pattern of development and the need for these inter-war houses to provide modern amenities, I would consider that the proposed development would be acceptable.

7.3. Other Issues

The location of the garage is an issue that will likely need addressing. In accordance with the submitted plans the north west elevation of the proposed single storey garage is situated along the boundary line. I would note from the submitted drawings that it is intended that the downpipe will be located to the front of the proposed garage.

Overall I would consider that any arguments in relation to disputed boundaries are beyond the remit of this appeal. In relation to ownership issues it is important to note Section 34(13) of the Planning and Development Act 2006, which states 'A person shall not be entitled solely by reason of permission under this section to carry out any development'.

8.0 Recommendation

8.1. I have read the submissions on the file, visited the site, had due regard to the Local Area 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 of the site as set out in the, Fermoy Electoral Area Local Area Plan 2015 – 2021, the pattern of development and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out 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 garage shall not be used for commercial purposes or any other use than as a use incidental to the enjoyment of the dwelling house as such,

unless authorised by a prior grant of Planning Permission.

Reason: In the interest of residential amenity.

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

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

4. 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 waste.

Reason: In the interest of amenities and public safety.

5. The disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interest of public health and to ensure a proper standard of development.

Kenneth Moloney
Planning Inspector

22nd February 2017