



An
Bord
Pleanála

Inspector's Report PL28.247788.

Development	Retain changes to a dwelling, retain window on the north side of rear extension and fitted with obscure glazing, retain masonry wall at 9 Avonlea Gardens, Church Road, Blackrock, Cork.
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	16/37101.
Applicant(s)	Donal and Irene Corkery.
Type of Application	Permission for retention.
Planning Authority Decision	Grant permission.
Appellant(s)	Angela Hayes.
Type of Appeal	Third party versus decision.
Observer(s)	None.
Date of Site Inspection	16 and 17 February 2017.
Inspector	Stephen Rhys Thomas.

1.0 **Site Location and Description**

- 1.1. The appeal site is located east of Cork City Centre in the suburb of Blackrock, in a small cul-de-sac development known as Avonlea Gardens. The immediate area is characterised by terraced houses and semi-detached houses.
- 1.2. The appeal site comprises a two storey end of terrace dwelling with a side access to the rear garden. The dwelling has been recently extended by the construction of a full width single storey extension to the front, a single storey side extension and a single storey rear extension. The front driveway has been improved with paving and gravel.
- 1.3. The front extension has been constructed in close proximity to the neighbouring property boundary to the north, consequently, the soffit and rainwater goods project outwards towards the shared property boundary. Lead flashing associated with the junction between porch roof tiles and front elevation wall steps further towards the property of 8 Avonlea Gardens.

2.0 **Proposed Development**

- 2.1. Permission is sought for:
 - The retention of changes to the dwelling which did not comply with planning permission TP14/36171; specifically, retention of a high level rear window with obscure glazing on the rear extension and a masonry wall instead of a window to the front extension.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to grant permission for retention, the relevant conditions are as follows:

- Condition 2. The high level horizontal rear window shall be removed and replaced with a solid block wall in the interests of residential amenity.
- Condition 3. All storm water run-off shall discharge to existing storm drains on site.

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 amendments would have on residential amenity, which concludes that matters can be addressed by condition.
- Identifies that matters to do with building techniques are a matter to be pursued separate to the planning process.
- The report includes an AA screening report which concluded that there would be no impact to a designated European site.
- The site is not located in a Flood Zone.

3.3. **Other Technical Reports**

Drainage Section – refers to the attachment of a condition with regard to surface water drainage.

Roads Design Section – the report states no objections.

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. **Planning register reference: TP14/36171.** Permission granted for single storey extension to the rear, side extension and new bay window and porch to front. April 2015.

4.2. **Enforcement case number E7689.** Live case.

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.

6.0 **Natural Heritage Designations**

Cork Harbour SPA (site code 004030) is located approximately a kilometre to the south.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The front extension encroaches over the appellant's property and when rain falls, water flows on to their property.
- The appellant believes the value of their property has been reduced as a result of the encroachment and water drainage issues.

7.2. **Applicant Response**

None received.

7.3. **Planning Authority Response**

The planning authority has no further comment to make.

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
- Appropriate Assessment
- Other Issues

8.2. **Residential Amenity**

8.2.1 The Board should note that the scope of the planning application relates to deviations from the parent permission (PA ref 14/36171 refers), comprising the retention of a high level window to the side of the rear extension and retention of blank masonry wall in place of a window to the side of the front extension.

8.2.2 The principal cause of planning concern in this appeal is the negative impact to residential amenity as a result of rainwater flowing onto the appellant's driveway beside the front door. The appellant claims access and egress from the dwelling is hampered by the impact of excessive amounts of standing surface water, arising from defective rainwater goods attached to the new front porch extension of the neighbouring property. In addition, the appellant claims that the applicant has built over the shared property boundary.

8.2.3 Firstly, issues to do with building works and encroachment over property boundaries are not matters which can be addressed in this forum. They are a civil matter between affected parties.

8.2.4 Secondly, matters to do with defective, oversailing or otherwise, rainwater goods are a matter of compliance with the parent permission. I note that the planning authority

in its decision attached a condition in the current permission to ensure the discharge of rain water run-off to existing storm drains within the site boundary and I consider that this adequately deals with the matter.

8.2.5 I note that the applicant has proposed to fit obscured glazing to the high level side window on the northern elevation of the rear extension. The question of the imposition of this window does not form part of the grounds of appeal. However, I note that the planning authority in their decision conditioned the omission of the window and replacement with blockwork. In my opinion a window of this type is not necessary given the abundance of glazing throughout the rear extension. The high level window is of fixed type, it cannot open. However, it does provide opportunities for overlooking the rear garden and ground floor dining room of the adjacent property. There are no planning issues in relation to the proposal to retain a masonry wall to the side of the front extension.

8.2.6 I note that the City Development Plan guidance, in relation to extensions states that care should be taken to ensure that extensions do not have windows in flank walls which would reduce the privacy of adjoining properties. On balance I think it is sufficient as proposed by the applicant to fit obscured glazing in order to eliminate opportunities for overlooking. A condition clarifying that this is a requirement would be appropriate in this instance.

8.2.7 The Board is advised that the matter in relation to windows is not raised in the grounds of appeal it could be considered a new issue requiring circulation to the relevant parties prior to decision.

8.3. **Appropriate Assessment**

8.3.1 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 amendments 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 high level horizontal window on the northern elevation of the rear extension shall be fitted with permanently obscured glazing. Within 3 months of the date of this decision, photographic evidence of same shall be submitted to the planning authority for written agreement.

Reason: In the interests of residential amenity.

Stephen Rhys Thomas
Planning Inspector

20 March 2017