



An
Bord
Pleanála

Inspector's Report PL19.247953.

Development

Extension to 1st floor living accommodation over shop and store extension on ground floor.

Location

The Village shop, Gortacur and Rathkeeragan, Mountcharles, County Offaly.

Planning Authority

Offaly County Council.

Planning Authority Reg. Ref.

16/279.

Applicant

Andriejus Loginovas.

Type of Application

Permission.

Planning Authority Decision

Permission with conditions.

Type of Appeal

Third Party

Appellant

Breda Murray.

Observer(s)

Kevin Gonoude.

Date of Site Inspection

25th April 2017.

Inspector

Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located in the village of Mountbolus which is a village located off the N52 between Rathcormac and Tullamore in county Offaly.
- 1.2. The which is irregular in configuration has frontage onto two roads which define the western boundary and the southern boundaries. Part of the eastern boundary has a common boundary with an adjacent two storied building and part of the appeal site wraps around this adjacent building. The remaining boundaries adjoin open lands. There is a footpath adjoining the southern elevation of the property which also defines the building's front elevation.
- 1.3. On the site is an existing shop currently closed at ground floor level with accommodation overhead. To the rear of the property partial construction works associated the development under appeal have occurred.

2.0 Proposed Development

- 2.1. The development which is the subject of this appeal as submitted to the planning authority 2nd of September 2016 is for the retention of development comprising of an extension to the first floor accommodation and for an extension at ground floor level consisting of a store.
- 2.2. The extension at first floor level is to the rear with a stated depth of 5419mm providing for a kitchen, bathroom and bedroom and includes a flat monopitch roof. There is also a small balcony area located at the side of the extended area. The extended area is stated as 48.93m².
- 2.3. At ground floor level there is a store area which is also at the side of the existing development corresponding approximately to the area of the balcony area located on the upper floor. The stated area of the store extension is 9.09m². Attic storage is also proposed.
- 2.4. A revised drawing was submitted on the 13th of December 2016 indicates the provision of a 2 metre high wall at the side of the balcony area to prevent overlooking of adjoining property. Clarity was offered in relation to the extension at ground floor level at the rear.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant permission subject to 6 conditions. Condition no.2 requires the construction of the screen wall within 6 months of the grant of planning permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report refers to submissions received, to potential overlooking and whether an existing extension to the rear is authorised. Further information was requested.

A subsequent planning report of the 10th of January 2017 refers to the further information submitted and refers to;

- The development is acceptable in relation to policy.
- The issue of overlooking is addressed by a proposal for a screen wall.
- Permission was recommended.

3.2.2. Other Technical Reports

No issues raised in other reports.

3.3. Third Party Observations

Breda Murray in a submission refers to the window and veranda facing towards her property compromising privacy and that it is very intrusive.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

There is a village plan for Mountbolus in volume 2 of the Offaly County Development Plan 2014-2020 which refers to settlements. The site is zoned village centre/mixed use. There are no objectives specific to the site.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant in the grounds of appeal refers to;

- The appellant refers to the works carried out by the owner of the adjoining property and in particular the concerns in relation to a window facing her property.
- The further information does not address concerns to privacy arising from the development as constructed.
- The previous single storey extension was built post 1964 in the 1990s.
- The development inhibits the regeneration of her own property.
- There are inconsistencies in the drawings submitted.

6.2. Applicant Response

The applicant in a response to the grounds of appeal refers to;

- The applicant thought that the provision of an extension for living accommodation was exempted development.
- The applicant refers to the construction of the 2 metre wall and which is referred to in condition no. 2 as satisfying the complaint of the appellant.
- The wall and extension will not interfere with the window at the rear of the appellant's property.

- The proposal will not overlook and the areas which are overlooked are the applicant's own lands.
- The ownership of land of the applicant is indicated.
- Photographs are submitted in support of the submission.

6.3. **Planning Authority Response**

The planning authority have no further comments to make in relation to appeal.

6.4. **Observations**

Martin Mc Kee on behalf of Mr Kevin Gonoude in a submission dated the 5th of March 2017 refers to;

- The applicant commenced construction on the site in March 2016 and objections were raised in relation to the works carried out.
- Other works relating to the ground floor extension at the rear and issues in relation to the sewerage connect.
- The observer is the owner of the adjoining site and a significant area of his site is indicated as part of the planning application site. Part of the parking area to the rear is also part of his lands it is indicated.
- The development will devalue his land due to overlooking and use and enjoyment of his land.

7.0 **Assessment**

- 7.1. This appeal relates to an extension to 1st floor living accommodation over shop and store extension on ground floor. The development also provides for a veranda/terrace at first floor level. The extended area is stated as 48.93m². In relation to the terrace extension at first floor level a revised drawing was submitted on the 13th of December 2016 indicates the provision of a 2 metre high wall at the side of the balcony area to prevent overlooking of adjoining property. Clarity was also offered in relation to the extension at ground floor level at the rear.

- 7.2. In relation to the principle of the development I would have no objections. I would have no objection to the ground floor extension to the store and the extension of living accommodation at first floor level.
- 7.3. The issue which arises in relation to the development is whether the development and in particular the terrace/veranda at first floor level impacts on the amenities of the adjoining property which is the central issue in the grounds of appeal.
- 7.4. To address concerns a revised proposal was submitted on the 13th of December 2016 indicates the provision of a 2 metre high wall at the side of the balcony area to prevent overlooking of adjoining property.
- 7.5. The appellant in the grounds of appeal considers the further information does not address concerns to privacy arising from the development as constructed and that the development inhibits the regeneration of her own property. In this regard I note that there is a window at first floor level of the adjoining property in close proximity to the proposed development.
- 7.6. In relation to the proposed development the provision of the 2 metre high wall as proposed will address any issues of potential overlooking and I do not consider that the terrace area will inhibit the regeneration of the property or impact on the window in close proximity to the development.
- 7.7. Reference is made to issues of ownership in the observer submission but no documentary information is submitted in support of this. The applicant has submitted documentation in relation to ownership in support of being able to carry out the development. In relation to this it is a civil matter and I would note that a person is not entitled solely by reason of a permission to carry out any development.

8.0 Recommendation

- 8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the development, its location and the pattern of development it is considered that the development would not injure the amenities of the area or property in the vicinity and the development as constructed

and proposed would not be contrary to 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, as amended by the further plans and particulars submitted on the 2nd of September, 2016 and the 13th of December 2017, 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 interests of clarity

2. The 2 metre high screening wall for the balcony shall be constructed within six months of the date of this order.

Reason: In the interests of the protection of residential amenities.

3. 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.

. Derek Daly
Planning Inspector

26th April 2017