



An
Bord
Pleanála

Inspector's Report PL04.247990

Development	Two-storey extension to side and rear of house which includes alterations and raising of roof, conversion and extension of attic room space to habitable accommodation
Location	55 Maryborough Woods, Douglas, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/06871
Applicant(s)	Brian & Elaine Whelan
Type of Application	Permission
Planning Authority Decision	Grant subject to Conditions
Type of Appeal	Third Party
Appellant(s)	John Maguire
Observer(s)	n/a
Date of Site Inspection	11 th May 2017
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.031 ha is an end of terrace / corner site located within the Yewlands section of the Maryborough Woods Estate; in the Cork suburb of Rochestown. The site comprises a two storey dwelling at the end of a terrace block of three dwellings. A large area of sloped open space adjoins the proposed appeal site to the east. Ground levels are relatively flat and fall slightly from the front towards the rear of the site. The area is characterised by similar residential units.
- 1.2. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file

2.0 Proposed Development

- 2.1. This is an application to construct a two-storey extension to the side and rear of the dwelling house which includes the following:
 - a) alterations and raising of roof of existing single storey section to rear,
 - b) conversion and extension of attic roof space to habitable accommodation to include a dormer window and 2 no. velux windows to rear roof and one no. velux front roof,
 - c) new windows to gable of new extension at 1st and attic floor levels and all associated site works
- 2.2. Unsolicited further information was received on the 14th December 2016 providing confirmation that the 2 site notices were erected as indicated on the site layout plan and site location map submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork County Council granted permission subject to 16 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The **Local Authority Planner** having considered the application recommended that planning permission be granted subject to conditions. The notification of decision to grant planning permission issued by Cork County Council reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. The **Area Engineer** has no stated objection to the scheme subject to compliance with conditions set out in their report.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water** has no stated objection to the scheme.

3.4. **Third Party Observations**

3.4.1. There is one submission/objection recorded on the appeal file. The issues raised relate to the following:

- Raising the height of the roof and associated removal of soffit, fascia and roof tiles
- One site notice only erected and a further site notice should have been erected at the entrance to Yewlands
- Previous renovations and associated disturbance

4.0 **Planning History**

4.1.1. There is no evidence of any previous planning appeal at this location.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Cork County Development Plan 2014 – 2020**. The site is located within the development boundaries for **Cork City South Environs as set out in the Carrigaline Electoral Local Area Plan (2011)** and is zoned as an “**Existing Built Up Areas**”.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been prepared and submitted by John Maguire, Courtmacsherry, Bandon, Co Cork. The issues raised relate to the removal of soffit, fascia and roof tiles, construction damage and that the development may preclude future development.

6.2. Applicant Response

- 6.2.1. The first party response to the appeal has been prepared and submitted by M Byrne architecture on behalf of the applicant and may be summarised as follows (14th March 2017):
- The appellant is not residing in the neighbouring dwelling house. The appellant is the father of the house owner.
 - Proposal to move the rising wall of the rear single storey projection 300mm inside the applicants site boundary so in affect there is no change to the appellant’s sons roof. Amended drawings attached.

6.3. **Planning Authority Response**

6.3.1. There is no response from Cork County Council recorded on the appeal file.

6.4. **Observations**

6.4.1. There are no observations recorded on the appeal file

6.5. **Further Responses**

6.5.1. There are no further response recorded on the appeal file

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Amenity
- Legal Interest
- Construction Impact
- Appropriate Assessment Screening
- Development Contributions

7.2. **Principle / Policy Considerations**

7.2.1. The applicant is seeking permission for a two-storey extension to side and rear of house which includes alterations and raising of roof, conversion and extension of attic room space to habitable accommodation. The appeal site is wholly contained within the settlement boundary for Cork City South Environs as set out in the Carrigaline LAP (2011) and is zoned as an “existing built up area” where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. Accordingly, I am satisfied that the principle of the

development is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.3. Amenity

- 7.3.1. In addition to reconciling the need to maintain the visual amenities and architectural character of the parent building and wider area with the requirement to maximise accommodation any extension should allow for the provision of a reasonable proportion of private amenity space while safeguarding sunlight and daylight both of the development and that of adjoining properties. Having regard to the private amenity space associated with the applicant's house I am satisfied that the scheme proposed will ensure that a reasonable proportion of private open space is retained and that the scheme successfully reconciles the amenity requirements of the owner with the requirement to maximize accommodation.
- 7.3.2. I do not consider that the proposed rear and side two storey extension would have a significant negative impact on the character or visual amenities of the area. Furthermore, I am satisfied that the scale of the extension does not overwhelm or dominate the original form or appearance of the house and that overall the use of materials is compatible with the original house and surrounding area.
- 7.3.3. I am also satisfied that the rear extension respects the amenity of the neighbouring properties in that it will not result in any significant over shadowing or unreasonable loss of privacy by means of overlooking having regard to the location of side elevation windows at ground floor only and the adjoining boundary treatment.

7.4. Legal Interest

- 7.4.1. I note the concerns raised raising the height of the roof and associated removal of soffit, fascia and roof tiles and the impact on the adjoining property. I also note from the cover letter submitted with the application that as the proposal extends to the extent of the applicants legal holding the proposal is to remove the existing site boundary wall which divides the appeal site and the public open space to the east. It is further stated that the gable of the new extension will form the new boundary wall which will also be dashed to blend in with the existing material and that the existing wall will then be tied into the new gable using appropriate wall ties.

7.4.2. I have considered the amended plans submitted with the response to the appeal on 14th March 2017 and I consider that these amendments address the concerns raised pertaining to removal of soffit, fascia and roof tiles and the impact on the adjoining property. However, I would also draw attention to Section 34(13) of the Planning Act that states, that a person is not be entitled solely by reason of a permission to carry out any development. Therefore, should planning permission be granted and should the observers or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

7.5. Construction Impact

7.5.1. With regard to impacts to the structural integrity of adjoining properties as result of the developments proximity to neighbouring dwellings and boundaries I would add that this is an engineering issue and is not a planning issue in this instance whereby it falls to the applicant to ensure that there is no damage or deterioration to adjoining properties. However, should the Board be minded to grant permission it may be appropriate to adopt a precautionary approach in this regard whereby a suitably worded condition is attached requesting details of the intended method of construction to be submitted and agreed in writing prior to commencement of work on the site.

7.6. Appropriate Assessment Screening

7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site (Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)) it is reasonable to conclude on the basis of the information available, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site. An appropriate assessment (and submission of a NIS) is not therefore required.

7.7. Development Contributions

- 7.7.1. **Section 48 Development Contribution** – Cork County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 2004. A Section 48 Development Contribution condition was attached to the notification of decision to grant permission issued by Cork County Council; Condition No 16 refers. Having considered the exemptions listed in the “Reduced Contributions” Section of the scheme it is my view that the proposed development does not fall under the exemptions listed and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

- 8.1. Overall I consider that the development proposed in its design, form and positioning will not result in an unreasonable loss of privacy or natural light to neighbouring properties and would not be detrimental to neighbouring amenity and character. Therefore, having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the Cork County Development Plan 2014 – 2020, the overall design and scale of the development proposed, the location of the appeal site and the established pattern of residential development in the area it is considered that subject to the conditions set out below, the proposed development would not seriously injure the character or amenities of the of the area or property in the vicinity 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 in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 14th March 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 interest of clarity

2. 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.

3. 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

4. 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

Mary Crowley

Senior Planning Inspector

18th May 2017