



An
Bord
Pleanála

Inspector's Report PL04. 248091

Development

The construction of a first floor extension to existing dwelling house consisting of 1 No. bedroom and a bathroom over existing ground floor.

Location

No. 8 The Avenue, Priory Court, Mitchellsfort, Watergrasshill, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

16/06582

Applicant(s)

Louise Mahon & Colin O'Neill

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Bernadette Hennebry

Observer(s)

None.

Date of Site Inspection

2nd May, 2017.

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in the village of Watergrasshill, Co. Cork, approximately 15km northeast of Cork City, and is situated within an existing housing estate known locally as 'Priory Court' which is characterised by a conventional suburban layout predominantly composed of two-storey detached / semi-detached dwelling houses of varying design set around a series of cul-de-sacs. The site itself has a stated site area of 0.035 hectares, is rectangular in shape, and is presently occupied by a detached two-storey dwelling house (with a single storey annex to the side of same) which is based on a conventional design with front and rear garden areas and off-street parking.

2.0 Proposed Development

2.1. The proposed development consists of the construction of a first floor extension (floor area: 22.7m²) over an existing single storey ground floor annex to the gable end of a detached two-storey dwelling house.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of a response to a request for further information, on 3rd February, 2017 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 6 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires the external finishes of the proposed extension to match those of the existing dwelling house.

Condition No. 3 – States that the proposed extension is to be used solely for purposes incidental to the enjoyment of the existing dwelling house.

Condition No. 4 – Prohibits the discharge of surface water to the foul water sewer.

Condition No. 5 – Prohibits the discharge of surface water onto the public roadway.

Condition No. 6 – Refers to water supply and wastewater servicing arrangements.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports:

Whilst an initial report raised concerns with regard to the potential for the proposed extension to negatively impact on the residential amenity of the neighbouring property to the immediate southeast, following the receipt of a response to a request for further information (which included the submission of contextual drawings and an analysis of the potential shadow impact), and having considered the planning history of the area, the precedent for similar developments elsewhere within the estate, and the siting of the proposed construction relative to the neighbouring property to the south, a final report was prepared which concluded that the proposed development would not detract visually from the overall character / streetscape of the wider estate and would not impact on the residential amenity of neighbouring properties by reason of overshadowing or an overbearing appearance.

3.2.2. Other Technical Reports:

Area Engineer: No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions.

3.4. **Third Party Observations**

A single submission was received from the appellant and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on the residential amenity of the neighbouring property by reason of the imposing and overbearing nature of the development proposed.
- Potential negative impact on any future sale of the neighbouring property.
- Inadequacy of the submitted drawings.

4.0 Planning History

On Site:

None.

On Adjacent Sites:

PA Ref. No. 16/4319. Was granted on 30th May, 2016 permitting Ian & Susan Murphy permission for the construction of an extension to the first floor, on top of the existing single storey structure attached to the existing two storey semi-detached dwelling at 11 The Crescent, Priory Court, Watergrasshill, Co. Cork.

On Sites in the Immediate Vicinity:

PA Ref. No. 08/4868. Was granted on 16th May, 2008 permitting Aidan Coffey permission for the retention of a single storey extension to dwelling house at No.1, The Avenue, Priory Court, Mitchellsfort, Watergrasshill, Co. Cork.

PA Ref. No. 12/6011. Was granted on 13th December, 2012 permitting Anne & Brian Atkinson permission for a first floor extension to dwelling house consisting of 1 no. bedroom and a bathroom over existing ground floor at 10, The Avenue, Priory Court, Mitchellsfort, Watergrasshill, Co. Cork.

5.0 Policy Context

Cork County Development Plan, 2014:

Chapter 3: *Housing:*

Mallow Electoral Area Local Area Plan, 2011 (2nd Edition, Jan., 2015):

Section 2: *Local Area Strategy*

Section 3: *Settlements and Other Locations: Key Villages: 4. Watergrasshill*

N.B. The proposed development site is located within the settlement boundary identified for the key village of Watergrasshill.

Draft Fermoy Municipal District Local Area Plan, 2016:

Section 2: *Local Area Strategy*

Section 4: *Key Villages:*

Section 4.13: *Watergrasshill*

N.B. The proposed development site is located within the settlement boundary identified for the key village of Watergrasshill.

5.1. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal:**

- The proposed development will have a detrimental impact on the residential amenity of the appellant's adjoining dwelling house / property by reason of its overall design, position, proximity, and imposing and overbearing appearance relative to same.
- The proposed extension will have a negative impact on the relatively good design of the existing housing scheme.
- The design of the first floor extension should be amended so that it follows the front building line established by the appellant's property.

6.2. **Applicant's Response:**

- The proposed development site is located to the north of the appellant's property and, therefore, there will be no impacts in terms of overshadowing or loss of sunlight.
- The proposed development does not involve any increase in the ground floor footprint of the existing construction whilst it also respects the form and scale of the existing dwelling house and other nearby properties, including those instances where similar extensions have previously been permitted.

- In its assessment of the subject application, the Planner's Report concluded that *'the proposed development will not detract from the amenity currently enjoyed by neighbouring properties'*.
- The planting presently evident within the appellant's front garden area alongside the boundary with the application site should provide more than adequate partial screening of the appellant's property and, indeed, has the potential to impact on the residential amenity of the applicant's dwelling house by reason of overshadowing.
- Following consideration of the response to the request for further information, the Planner's Report concluded that *'as the neighbouring property is located to the south of the proposed extension, it is unlikely that overshadowing will be an issue'*.
- The design of the subject proposal respects its surroundings and is also in keeping with those similar domestic extensions which have been carried out within Priory Court that reflect the form and roof structure of the single storey side annexes to many of the existing dwelling houses in the estate.
- The design of the proposed extension reflects the rhythm of the streetscape and, contrary to the appellant's assertions, it is considered that the setting back of the building line of the construction would not be sympathetic to the established character of the area whilst any such revision would also impact on the available internal space provision and would necessitate a change to the roof structure of the proposal.
- It is considered that rather than the applicant's dwelling house being set forward, the case could be made that House Nos. 9 & 10 were set back during the construction of the original estate in order to accommodate the design of the vehicular access to / from the public road.
- Having considered the similar extension previously permitted at No. 10 The Avenue, Priory Court, the Planner's Report concluded as follows:

'It is not considered that the extension as proposed will detract visually from the overall character of the estate'.

- The design of the proposed extension has been carefully considered in terms of materials, form and scale in order to reduce its potential impact on neighbouring properties.
- The Planning Authority has accepted that the applicant has demonstrated that the proposed development will not give rise to any overlooking or overshadowing and will not be unduly overbearing. In this respect the Board is referred to the Planner's Report which has concluded:

'Having regard to the planning history, precedent has been set for similar type extensions within the estate. Having regard to the further information submitted, it does not appear that the development proposed will be unduly overbearing on neighbouring properties. No shadows will be cast on the neighbouring properties by virtue of the proposed development. No first floor windows are proposed on the southern elevation. Given the site layout and the existing building line, it is not considered that overlooking from the proposed bedroom window on the rear elevation will be a concern. The proposed extension does not significantly impose on the 45-degree splay area of the ground floor bay window of the neighbouring property. It is considered that there will be no loss of residential amenity resulting from the proposed development'.

6.3. Planning Authority's Response:

None.

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Impact on residential amenity
- Overall design and layout / visual impact
- Appropriate assessment

These are assessed as follows:

7.1. **Impact on Residential Amenity:**

Concerns have been raised in the grounds of appeal that the overall design, scale, height and siting of the proposed extension will have a detrimental impact on the residential amenity of the appellant's dwelling house, with particular reference being made to the potentially imposing appearance and overbearing nature of the new construction when viewed from within the appellant's property.

The proposed development involves the construction of a first floor extension over the existing single storey ground floor annex to the south-eastern gable end of the two-storey dwelling house on site and in this respect it should be noted that the entirety of the proposed extension will occur within the footprint of the existing annex with the construction following the established building line of the property and also marrying into the existing roof ridge line. It is of further relevance to note that the proposed construction will maintain the existing separation from the boundary shared with the adjacent property to the immediate southeast i.e. the appellant's dwelling house.

From a review of the submitted proposal, it is clear that the overall design and siting of the proposed development will not give rise to any significant impact on the residential amenity of neighbouring property by reason of overlooking or overshadowing. In this regard I would advise the Board in the first instance that the omission of any windows / fenestration from within the gable elevation of the proposed extension, in addition to the adequacy of the available separation distance between the proposed first floor bedroom window and the rear elevations of those dwelling houses to the southeast, ensures that the proposal will not result in any undue overlooking of adjacent residences. Furthermore, given the site context, with specific reference to the positioning of the appellant's property due south / southwest of the proposed development site, it is apparent that the north-eastern elevation of the appellant's dwelling house receives minimal, if any, direct sunlight and thus any loss of sunlight / daylight consequent on the proposed development would be of marginal significance in terms of impacting on the wider residential amenity of that property.

In relation to the concerns raised in the grounds of appeal that the proposed development will have a visually overbearing influence / impact on the appellant's adjacent property, I would acknowledge that the stepping of the building line between the existing dwelling house on site and that of No. 9 The Avenue, Priory Court, will serve to increase the overall visibility / visual prominence of the proposed construction, particularly when viewed from within the confines of the appellant's front garden area, given that the proposal will result in the creation of an area of two-storey construction extending approximately 4.0m forward of the front building line of No. 9 The Avenue with a separation distance of c. 2.275m between the gable elevations of the respective properties. However, having regard to the site context, including the site location in a built-up area, the extent of existing planting / landscaping within the appellant's property which will serve to partially screen the proposed development from view, and noting that the proposed extension will be constructed entirely within the footprint of the existing side annex thereby maintaining the current separation between the dwelling houses in question, I am inclined to conclude that the subject proposal will not give rise to such an overbearing appearance / influence as to significantly impact on the level of residential amenity presently enjoyed by the occupants of the appellant's property.

In the event that the Board disagrees with this conclusion it may wish to consider reducing the height of the proposed first floor extension by way of condition although regard should be had to the need to maintain an adequate ceiling height within internal spaces.

7.2. **Overall Design and Layout / Visual Impact:**

The predominant form of development in the immediate site surrounds is a combination of detached and semi-detached two-storey housing with a significant proportion of same including a single storey side annex which is utilised as either a garage area or additional habitable accommodation. However, in several instances, individual property owners have chosen to extend or modify their properties and in this respect it is of particular relevance to note that there are two examples of first floor extensions having been permitted to the side of existing dwelling houses within the same row of housing as the application site i.e. PA Ref. Nos. 08/4868 (No. 1 The Avenue, Priory Court) & 12/6011 (No. 10 The Avenue, Priory Court), whilst permission has also been granted under PA Ref. No. 16/4319 for the construction of

a first floor side extension to a semi-detached property located to the immediate rear of the subject site (i.e. No. 11 The Crescent, Priory Court).

Whilst I would accept that the difference in the building line between the dwelling house on site and that of the neighbouring property to the immediate southeast will result in a greater extent of the two-storey gable elevation consequent on the proposed construction being visible from both adjacent property and public areas, having conducted a site inspection, and following consideration of the site context, the planning history of the area, and the surrounding pattern of development, with specific reference to those instances of comparable house extensions in the immediate vicinity of the application site, it is my opinion that the subject proposal will not unduly detract from the visual amenity or character of the wider streetscape.

7.3. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 **Reasons and Considerations**

Having regard to the site location, the pattern of development in the area, and the scale and design of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would,

therefore, 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 submitted on the 11th day of January, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Robert Speer
Planning Inspector

3rd May, 2017