



An
Bord
Pleanála

Inspector's Report PL28.248720

Development	Extension to side of dwelling and associated site works
Location	Cuas, St. Anne's Boreenmanna Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	17/37350
Applicant(s)	Marie and Barry Burke
Type of Application	Permission
Planning Authority Decision	Grant subject to Conditions
Type of Appeal	Third Party
Appellant(s)	Joe Sheridan (
Observer(s)	n/a
Date of Site Inspection	28 th August 2017
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.03105 ha is located within a small private gated cul de sac comprising a residential cluster of 4 no detached dwellings on the Boreenmanna Road. The appeal dwelling is a dormer dwelling with a small garden area and patio to the side. There is no amenity area to the rear of the property due the proximity of the boundary wall.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I would also refer the Board to the photos available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of an extension to the side of the existing dwelling and associated site works. The existing house has a stated floor area of 108.9sqm. The proposed side extension is 39.01 sqm.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork City Council **granted** permission subject to 6 generally standard conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The **Case Planner** having considered the scheme recommended that permission be granted subject to 6 standard conditions. In a further report by **Strategic Planning and Economic Development** it is stated that they concur with the recommendations of the Assistant (Case) Planner and recommended a grant of permission subject to similar conditions outlined in the Case Planners report.
- 3.2.3. Other Technical Reports
- 3.2.4. **Drainage division** have no stated objections subject to conditions relating to drainage, storm run-off, surface water and soakpits.

3.2.5. **Road Design** have no stated objections subject to conditions relating to gates / doors opening inwards, and surface water.

3.3. **Prescribed Bodies**

3.3.1. **Health & Safety Authority** have no stated observations

3.3.2. **Irish Water** have no stated objections.

3.4. **Third Party Observations**

3.4.1. There are four third party observations recorded on the planning file from (1) Aideen Hogan & Damien Riordan, (2) John M. Hogan, (3) Geraldine Heffernan and (4) Joe Sheridan.

3.4.2. Aideen Hogan & Damien Riordan, John M. Hogan and Geraldine Heffernan, all with an address at St Anne's (appeal site) have no stated objection to the development.

3.4.3. Cunnane Stratton Reynolds on behalf of Joe Sheridan, No 1 Congress Villas (appellant in this case) raised concerns in relation to overlooking, site coverage, bulk and mass, overdevelopment, loss of private open space, and impact on residential amenity. The issues raised are similar to those raised in the appeal.

4.0 **Planning History**

4.1. There is no evidence of any previous appeal at this site. However, there was a previous planning application on this site that can be summarised as follows:

Reg Ref TP 16/37113 – Cork City Council refused planning permission at this location for an extension to the side of the existing dwelling and associated site works for the following reasons:

Having regard to the context of the proposed development site in relation to the adjoining properties and the provision of the Cork City Development Plan 2015 – 2021, including development management standards which aim to provide for and protect residential amenity, it is considered that the development proposed has a detrimental impact on the existing amenities with regard to overlooking of neighbouring properties, the lack of adequate provision of suitable private open

space and would set an undesirable precedence in the area. The proposal would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Cork City Development Plan 2015 – 2021**. The site is zoned **ZO4 Residential, Local Services and Institutional** uses where the objective is to protect and provide for residential uses, local services, institutional uses and civic uses and having regard to employment policies outlined in Chapter 3. Development Management policies are set out in Chapter 16; Part D deals with Alterations to Existing Dwellings. With regard to Residential Extensions paragraph 16.72 sets out as follows:

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.....: inter alia:

- *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.*

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 Cunnane Stratton Reynolds Planning Consultants on behalf of Joe Sheridan, No 1 Congress Villas, Boreenmanna Road, Cork. The appeal site is located immediately to the north east of the appellant's property. The issues raised may be summarised as follows:
- 6.1.2. **Planner's Report** - The local authority did not pay cognisance to the Development Plan guidance.
- 6.1.3. **Overlooking** – reference is made to the previous planning application on this site that was refused and that concerns regarding overlooking remain. The proposed extension will result in overlooking of the appellant's garden and kitchen at the rear of our client's property. Therefore, the proposed development should not be permitted on the grounds of overlooking.
- 6.1.4. **Private Amenity Space** - It is considered that the open space proposal for this proposed development is substandard. It is not the same to provide for communal open space in exchange for private open space. The local authority planner's report states that approximately 40 square metres of private amenity space will be available to the new development. Whereas the Development Plan requires private open space in the order of 48 – 60 square metres. There is an under provision of private open space associated with this proposed development. This current proposal should be refused planning permission.
- 6.1.5. **Mass and Bulk** - The mass and bulk of the proposed development is such that it would create an overbearing impact on the site. The proposed extension is not consistent with the pattern of development in this local area. The proposed development represents an overdevelopment of the site. The fact that there is not an

adequate provision of private open space demonstrates the site is being overdeveloped.

6.1.6. **Height of Proposed Development** - The subject dwelling is a dormer dwelling with a ridge height of 6.6 metres and a finished floor level of 10 metres OD. It is at a higher level than the appellant's property and as a result will give rise to the issue of overlooking. It is not acceptable to allow the proposed development to be permitted as it would seriously undermine our client's residential amenity.

6.1.7. **Conclusion** - The proposed development should be refused planning permission for reasons of overlooking and lack of private open space. We kindly ask the Board to overturn the decision of Cork City Council and refuse planning permission. We trust this is of assistance to the Board in their deliberations.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by Barry Burke and Pat Lyons & associates Chartered Planning Consultants. The submission was accompanied by the Plannign Report submitted with the application. The response may be summarised as follows:

6.2.2. The application is for a single storey extension not a two storey extension.

6.2.3. The finished floor level and the ridge height of the proposed extension will both be substantially lower, by approximately half a metre, than the finished floor and ridge level of the existing dwelling on the site.

6.2.4. It is clear from the layout and levels across the sit that here is little danger of overlooking of neighbouring properties from the proposed extension.

6.2.5. The private open pace provided complies with the relevant guidelines and policies at national level in that it also has the benefit of the communal open space available n this private layout of four dwellings.

6.3. Planning Authority Response

6.3.1. There is response to the third party appeal from Cork City 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 responses recorded on the appeal file.

7.0 Assessment

7.1. The subject site, 310.5 square metres, including the dwelling on the site are in the ownership of Marie and Barry Bourke, the applicants. The appeal site, "Cuas" is one of four dwellings located in this small private gated development on the Boreenmanna Road. It is stated that the owners of the four dwellings are all members of the same extended family.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and 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
- Residential Amenity
- Appropriate Assessment

7.3. Principle / Policy Considerations

7.3.1. Under the provisions of the Cork City Development Plan 2015-2021 the appeal site is zoned Residential, Local Services and Institutional Uses. This development is in line with the policies contained in the Cork City Development Plan 2015 – 2021 (CDP), particularly Objective ZO 4 Residential, Local Services and Institutional Uses.

7.3.2. Having regard to the nature of the development (residential extension) I am satisfied the principle of altering and extending an existing residential dwelling at this location to be acceptable subject to compliance, with the relevant policies, standards and requirements set out in development plan.

7.4. Residential Amenity

- 7.4.1. It is noted that the previous planning application on this site (Reg Ref TP 16/37113) for an extension to the side of the existing dwelling was refused permission for reasons of overlooking of neighbouring properties and the inadequate provision of private open space. The appellant in this case raises concerns in relation to overlooking of adjoining properties to the south, mass and bulk of the extension, inadequate provision of private open space associated with the scheme and the height of the proposed extension.
- 7.4.2. I have considered the details of the previous scheme made available with the appeal file together with the details of the current scheme before the Board. Save for the relocation of the proposed velux window from the western side (rear) to the eastern side (front) and written confirmation that the attic area of the proposed extension is to be used for storage only, both schemes would appear to be similar in layout, size and elevational treatment. Overall there appears to be no substantial changes from that previously refused by Cork County Council.
- 7.4.3. In terms of concerns raised regarding the mass, bulk and height of the proposed extension this is a relatively small side extension in both relative and absolute terms. The extension is subservient to the parent building and would not create an overbearing impact on the existing dwelling or the immediate area. Further I am not critical of the architectural style applied in this instance and consider it to be respectful of the existing dwelling. Overall I consider the mass, bulk and height of the proposed extension in design terms to be acceptable at this location.
- 7.4.4. It is submitted that there is an under provision of private open space at the subject site and that the open space provided is located to the side and front of the property and that this is not considered to be private open space. In this regard the applicant submits that the area inside the gates of the overall scheme is in the private ownership of the occupants of the four dwellings including the internal road serving the properties and the open grassed area (150 square metres) that is common to and used by all properties as shared open space.
- 7.4.5. I do not share the view that existing public and private space at this location is substandard. In fact, I hold the opposite view. Having regard to the information on file together with my site inspection it is evident that this private residential

development relies on the shared open space proximate to the entrance of the scheme together with an open and informally defined internal site boundary system to provide both public and private open space. This focus on qualitative rather than quantitative provision of open space is extremely effective in this particular development of 4 no detached houses creating what is in my view a safe and responsive provision of amenity space. In this regard, while I accept that there is a loss of private open space and associated amenity I do not consider that it merits refusal on this basis.

- 7.4.6. The pertinent issue in my view is the consideration of the impact of the scheme on adjoining residential amenities in terms of overlooking. The appeal property is set at a higher level than the adjoining properties to the south, one of which is the appellants (property to the south west). I agree with the appellant that the extension will create overlooking by reason of the 2 no windows and French doors on the southern elevation of the extension that will directly overlook residential properties to the south with the resultant loss of residential amenities to these properties. To avoid the southern elevation negatively impacting on properties to the south it is recommended that a condition be attached requiring the omission of both windows and that the French doors be fitted with opaque glass.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, 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)), no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. Arising from my assessment above, I consider the proposed development to be generally in accordance with the proper planning and sustainable development of the area and I therefore recommend that planning permission be **GRANTED** for the proposed development subject to conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objectives for the area and the pattern of land use in the vicinity it is considered that, subject to the conditions set out below, the proposed development will not seriously injure the residential or visual amenities of the area or property in the vicinity. The proposed development 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, 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 proposed 2 no windows on the southern elevation of the proposed extension shall be omitted. The double doors (French doors) shall be fitted with opaque glass.

Reason: To prevent overlooking of adjoining residential property.

3. 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

Mary Crowley

Senior Planning Inspector

14th September 2017

