



An
Bord
Pleanála

Inspector's Report PL.04.249215

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| Development | Retention and completion of first floor extension to rear of existing house and all ancillary works. |
| Location | 9 Thomas Street, Brigown, Mitchelstown, Co. Cork. |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 17/05262 |
| Applicant(s) | Dominic Roche |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | William Price, Vincent O'Sullivan |
| Observer(s) | None |
| Date of Site Inspection | 21 st November 2017 |
| Inspector | Kenneth Moloney |

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1.0 Site Location and Description

- 1.1. The subject site is located within the town of Mitchelstown, Co. Cork.
- 1.2. The subject property is a two-storey three-bay property and is located within a residential area, i.e. Thomas Street.
- 1.3. Thomas Street is characterised typically by two-storey terraced houses.
- 1.4. The appeal site is adjoined by a public laneway on its southern side.
- 1.5. The neighbouring property situated on the other side of the laneway is a single storey bungalow with street frontage and a rear garden. This single storey house is situated on a lower level than the appeal property.
- 1.6. There is also a residential property situated further down (eastwards from appeal site) the laneway from the appeal property.
- 1.7. The appeal property has a single storey extension to the rear and the subject first floor extension cantilevers over the established ground floor extension.
- 1.8. The appeal property has a garage structure and shed situated to the rear of the garden.

2.0 Proposed Development

- 2.1. The proposed development comprises of the retention and completion of a first floor extension to the rear of an existing house.
- 2.2. The development as proposed includes the provision of a velux roof window on its southern roof plain and two first floor windows on its southern elevation.
- 2.3. The proposed rear (eastern) and northern elevations are solid elevations with no voids.
- 2.4. The roof apex of the subject first floor extension is perpendicular to roof of the two-storey existing house.
- 2.5. The floor area of the proposed first floor extension is approximately 12.6 sq. metres.

3.0 **Planning Authority Decision**

Cork County Council decided to **grant** planning permission subject to 13 conditions.

- Condition no. 6 requires that the two proposed windows on the southern elevation shall be relocated to the northern elevation.

The remainder of conditions are standard for the nature of the development proposed.

3.1. **Planning Authority Reports**

3.1.1. The main issues raised in the planner's report are as follows;

- The floor area of the subject extension is 12.6 sq. m.
- The subject property is located within an ACA.
- There are concerns with overlooking and design of external finishes.
- The subject dwelling is located in a well established residential area with a mix of one and two-storey extensions.
- It is considered reasonable to relocate the two windows to minimise overlooking.

3.1.2. Area Engineer; - No objections.

3.1.3. Conservation Officer; - No objection subject to conditions.

3.2. There is a submission from Irish Water who have no objections to the proposed development.

3.3. **Third Party Observations**

There are no third-party submissions.

4.0 **Planning History**

None.

5.0 Leave to Appeal History

- File Ref. LV04.LV.3551 – Leave to appeal granted to William and Josie Price of the Bungalow, Thomas Street, Mitchelstown, County Cork.
- File Ref. LV04.LV.3350 – Leave to appeal granted to Vincent O’Shea of no. 9 Thomas Street, Mitchelstown, County Cork.

6.0 Policy Context

6.1. Development Plan

The operational Development Plan is the Cork County Development Plan, 2014 – 2020.

6.2. Local Area Plan

The operational Local Area Plan is the Fermoy Electoral Area Local Area Plan, 2017. In accordance with the settlement map for Mitchelstown the subject site is located within the settlement boundary.

The site is zoned ‘Existing Build-up Area’.

7.0 The Appeal

7.1. The following is the summary of a third-party appeal submitted by **William Price**, resident of The Bungalow, Thomas Street.

- The appellant’s submit that they did not object to the planning application as the windows were located on the southern elevation.
- However, relocating the windows on the northern elevation would impact on their residential amenity.
- The new location for the windows will overlook residential amenities.

- Proposed extension may reduce value of appellant's property given design and scale proposed.
- Local Authority made changes without neighbours considering changes.

7.2. The following is the summary of a third-party appeal submitted by the agent of **Vincent O'Shea**, resident of Thomas Street.

- Condition no. 6 of the Local Authority permission will materially affect the appellant's residential amenity.
- The outcome of condition no. 6 will introduce significant overlooking to the appellant's property.
- The overlooking will adversely impact on the appellant's residential amenity.
- It is requested that condition no. 6 is omitted.

7.3. **Applicant Response**

The following is a summary of a response submitted by the applicant's agent;

- It is noted that two neighbours are dissatisfied with condition no. 6.
- The purpose of placing the windows on the southern elevation was to maximise solar gain and protect neighbours privacy.
- It is submitted that the imposition of condition no. 6 will deprive the proposed extension of a significant amount of daylight and sunlight and will also result in overlooking of neighbours property.
- An Bord Pleanála are requested to overturn condition no. 6.
- It is submitted that any comments that the proposed height and design of the extension will adversely impact on the value of the neighbouring property are unacceptable.
- The extension was constructed in a manner which is like many extensions in the local urban area.

- It is submitted that the response submission includes a letter from the neighbour located to the immediate south of the appeal site consenting to the two windows on the southern elevation as proposed.

7.4. **Planning Authority Response**

None

7.5. **Observations**

None

8.0 **Assessment**

- Principle of Development
- Overlooking
- Height and Scale

8.1. Principle of Development

- 8.1.1. The appeal site is zoned 'Existing Build-up Area' in the Fermoy Electoral Area Local Area Plan, 2015. Having regard to the zoning objective for the appeal site I would consider that the principle of a first-floor extension to the rear of an existing two-storey house is generally acceptable subject to no adverse impacts on established residential amenities.

8.2. Overlooking

- 8.2.1. This is the significant issue within this appeal. The third-party appeal submissions outline that condition no. 6 of the local authority permission would have implications for their established residential amenities.
- 8.2.2. In this regard the original planning application submitted to the local authority provided for two first floor windows situated on the southern elevation of the subject

extension. Cork County Council in granting permission imposed condition no. 6 which required that the two first floor windows shall be relocated to the northern elevation. Mr. William Price, in his submission, suggests to the Board that the windows should be relocated to the eastern elevation as the implication of condition no. 6 will have an adverse impact on his residential amenities. The appeal submission from Mr. O'Shea also argues that the windows located on the southern elevation would overlook his residential amenities. The applicant is in favour of retaining the windows on the southern elevation to maximise solar gain. The applicant also has received written consent from the neighbouring property owner, i.e. no. 11 Thomas Street, to the immediate south of the appeal property consenting to the two first floor windows as proposed.

8.2.3. It is also important to note that the submitted drawings include the provision of a velux roof window, which is south facing. This roof window would provide for solar gain and is a source of light and ventilation for the subject extension.

8.2.4. I would consider, on the basis of the information on the file and a visual observation of the area, that the proposed windows located on either the southern or northern elevation are likely to give rise to overlooking issues for neighbouring residential properties and would also set undesirable precedents in the local area. As such and to minimise overlooking potential I would recommend a condition to the Board, should they favour granting permission, that a single window is located to the rear (eastern) elevation. I would consider that this modification would generally address overlooking concerns and would also be consistent with the pattern of development in the local area. However, should the Board still have concerns regarding overlooking then a second option is a condition requiring a high-level window which will essentially omit overlooking.

8.3. Height and Scale

8.3.1. The design of the proposed first floor extension is unconventional in that the proposed first floor essentially canters levers over the established ground floor

extension which is smaller in scale. In addition, the roof apex of the subject first floor extension is perpendicular to roof of the existing house.

8.3.2. I would note that the appeal property is located within a designated ACA, however the subject extension will have no impact on the established streetscape of Thomas Street as it is not visible from the Street. In addition, the Conservation Officer has no objections to the proposed development.

8.3.3. I would consider, having regard to the location of the subject extension adjacent to a laneway and given its orientation, that the proposal would not have any significant issues on adjacent residential amenities in terms of overshadowing or visual impact and would not adversely impact on the character of the ACA.

9.0 Recommendation

9.1. I have read the submissions on the file, visited the site, had due regard to the Local Area Plan and the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

10.0 Reasons and Considerations

Having regard to the zoning of the site as set out in the, Fermoy Electoral Area Local Area Plan 2017, the pattern of development and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out would not seriously injure the amenities of the area and would 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 accordance with the plans and lodged with the application except as maybe otherwise required to comply with the following conditions.

Reason: In the interest of clarity.

The proposed development shall be modified as follows;

2. a. The two first floor windows situated on the side elevation of the first floor extension shall be removed / omitted and replaced with a single window on the rear elevation (east facing).

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of residential development of the adjacent properties.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

4. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.

Reason: In the interest of amenities and public safety.

5. The disposal of surface water, shall comply with the requirements of the planning authority.

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

- 6 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the works.

Reason: To protect the amenities of the area.

Kenneth Moloney
Planning Inspector

5th December 2017