



An
Bord
Pleanála

Inspector's Report ABP-300458-17

Development	Demolition of a single-storey projection to rear of house, construction of part single-storey / part two-storey extension to rear and side, alterations and elevational changes
Location	No. 8 The Vicarage, Castletreasure, Douglas, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/6653
Applicant(s)	Shane Maloney
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eoin Culhane
Observer(s)	None
Date of Site Inspection	27 th March 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is within the residential estate of The Vicarage in Castletreasure to the south of Cork City. The Vicarage comprises a linear layout of three-storey, detached houses to the north of a service road that front onto a green area. The existing house on the site is located centrally within the layout. The house has front and rear gardens, with land falling to lower ground behind. A part of the rear garden of the appellant's house, 'Woodbury', abuts the north-easternmost section of the rear garden of the appeal site. A stepped block wall has been constructed along the site's rear boundary.

2.0 Proposed Development

2.1. The proposed development would comprise internal alterations and changes to elevations of an existing house, the demolition of a single-storey projection to the rear of the house, and the construction of a part single-storey / part two-storey flat roof extension to the rear and side of the house. The new extension would provide 62.1 square metres of floor area and would incorporate a new family room and dining area at ground floor level and a bedroom at first floor level.

3.0 Planning Authority Decision

3.1. Decision

On 20th November 2017, Cork County Council decided to grant permission for the development subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, internal reports received and an objection made. The siting and design of the development was considered to be acceptable. Separation distance between the development and third party property was noted and existing screening was referenced. It was considered that no issues

arose in relation to overlooking and overshadowing. It was recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal subject to conditions.

3.3. **Third Party Observations**

An objection to the proposal was received from Eoin Culhane. The grounds of the appeal reflect the concerns raised.

4.0 **Planning History**

I have no record of any specific application or appeal relating to the site.

5.0 **Policy Context**

5.1. **Cork County Development Plan 2014-2020**

The site is located within the development boundaries for Cork City South Environs. It is zoned as an 'Existing built up area'.

Proposals for development in these areas are to be considered in relation to the following:

- the objectives of the Plan
- any general or other relevant objectives of the relevant Local Area Plan
- the character of the surrounding area
- other planning and sustainable development considerations considered relevant to the proposal or its surroundings.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant resides in a detached house to the rear of the appeal site. The grounds of the appeal may be summarised as follows:

- The proposed two-storey extension will result in the loss of privacy to the appellant's house and garden arising from the elevated nature of the site and a proposed large window in a new gable wall.
- It is objectionable that the dormer nature of the existing house should now be allowed to be altered and it will set an undesirable precedent for other development that will completely compromise the privacy of the appellant's house.
- The height of the extension creates a gable wall with a height in excess of the eaves of the roof to the rear. This is generally prohibited and the proposal does not warrant an exception.

6.2. Applicant Response

The applicant's response may be summarised as follows:

- The separation distance between the proposed development and the appellant's property is approximately 50m. The proposed first floor bedroom window is located 11m from the rear boundary wall and does not directly oppose the appellant's property. The proposal is in accordance with planning policy.
- On the matter of precedent, all applications would be assessed on a case-by-case basis.
- The principle of the extension being higher than the existing eaves is only relevant to exempted development.

6.3. Planning Authority Response

I have no record of any response from the planning authority to the appeal.

7.0 Assessment

- 7.1. The main planning issue relating to the proposed development is the impact of the proposal on established residential amenity and the precedent that may arise from any grant of planning permission for a development of this nature at this location.
- 7.2. I first acknowledge the form, character, and context of development at this location. No. 8 The Vicarage is a dwelling that is similar in form and character to those dwellings that immediately flank it and is generally reflective, in design terms, of the remainder of the houses within this estate. The Vicarage backs onto residential properties that comprise detached houses on large plots that are sited on ground that is substantially lower. The appellant's property lies to the north-east of the appeal site. There is a boundary wall along the length of the rear boundary of the appeal site.
- 7.3. While I acknowledge the concerns of the appellant in this instance, I note the layout of the appeal site relative to the appellant's property and the extent of the proposed development. The proposed development includes the demolition of a single-storey extension and the erection of an extension to the rear that includes a small two-storey section. While the proposal alters the potential degree of overlooking of property behind the appeal site by replacing dormer roof lights at first floor level on the rear elevation with a conventional window to a bedroom, I first note that there is a very marginal projection of building footprint arising from the proposal. Furthermore, the new first floor window would be located at the northernmost section of the rear elevation, limiting the potential for direct overlooking of neighbouring property to the north-east. Over and above this, I must note the depth of over 11 metres that would remain between the proposed window and the rear site boundary and the separation distance of greater than 40 metres between the proposed development and the appellant's house. Taking all of these factors into consideration, it is my submission to the Board that the proposed development could not reasonably be viewed as resulting in a significant impact on residential amenity in this urban context by way of loss of privacy.
- 7.4. With regard to precedent, I once again acknowledge the appellant's concerns given the significant ground level differences that exist between his property and The Vicarage in general. However, No. 8 is not a residential property that is likely to

cause substantial adverse impact. While greater concerns could potentially arise from proposed development on other properties east of the appeal site, it is reasonable to conclude that any such proposed development would be addressed on its merits and should not be a reason for prohibiting the development now before the Board.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

9.0 Reasons and Considerations

Having regard to the compatible design, limited scale of the proposed development, and the separation distances between No. 8 The Vicarage and adjoining residential property to the north of the site, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties by way of overlooking and loss of privacy, would not create an undesirable precedent having regard to the orientation of the property relative to adjoining residential property to the rear of the site, and would otherwise be in accordance with the provisions of the current Cork County Development Plan. 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 external finishes of the proposed extension shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. 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.

Kevin Moore
Senior Planning Inspector

4th April 2018