



An  
Bord  
Pleanála

## Inspector's Report ABP-301041-18

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<b>Development</b>	Additional bedroom window
<b>Location</b>	New Line, Ballinglanna, Glanmire, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/7257
<b>Applicant(s)</b>	Tadhg Og Murphy
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary Keogh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> May, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The site of the proposed development is located on the eastern side of the village of Glanmire in County Cork. There is a recently constructed two-storey house on the site which adjoins a detached house to the east. The rear garden is elevated over the finished floor level of the house and a block wall comprises the rear boundary with No. 58 Copper Valley Vue. There is some backplanting at the south-western corner of the appeal site. The development is laid out in accordance with the submitted plans. The estate of Copper Valley Vue is located to the west and south of the appeal site. The appellant's property lies to the south of the site and comprises a detached dormer dwelling on slightly more elevated land.

## **2.0 Proposed Development**

2.1. The proposed development comprises the retention of a first floor bedroom window in the rear elevation of a recently constructed house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 13<sup>th</sup> February, 2018, Cork County Council decided to grant permission for the proposed development subject to one condition.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted the site's planning history, development plan provisions, and third party submissions. It was noted that there is a separation distance of 31 metres between the first floor window the subject of the application and the ground floor kitchen window of the neighbouring property to the south. It was stated that planning authorities generally seek to provide a separation distance of 22 metres between directly opposing first floor windows and that the proposal is well in excess of the

general guide of 22 metres. It was considered that the window would not give rise to an unacceptable level of overlooking. A grant of permission was recommended.

### **3.3. Third Party Observations**

Objections to the proposal were received from Bernard and Mary Keogh, 58 Copper Valley Vue and from Niall and Orla Twohig, 59 Copper Valley Vue. The grounds of the appeal reflect the principal planning concerns raised.

## **4.0 Planning History**

P.A. Ref. 14/6410

Planning permission was granted for a dwelling in 2015.

## **5.0 Policy Context**

### **5.1. Cobh Municipal District Local Area Plan 2017**

Glanmire

*Zoning*

The site is zoned 'Existing Built-up Area'.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The appellant resides at No. 58 Copper Valley Vue. The grounds of the appeal may be summarised as follows:

- The window overlooks the entire garden and deck and all the windows along the back of the house.
- Due to difference in elevation levels, the window faces the appellant's kitchen window at almost the same level and severely impinges on privacy.
- The window is located in a habitable room, which is more likely to be occupied for continuous periods than a bathroom, stairwell or hallway.

- If the window is permitted then there is nothing to stop further modifications being made without planning permission.
- If the window was made opaque and non-opening then the appellant would be satisfied and privacy would not be compromised.

## 7.0 Assessment

- 7.1. The window the subject of the appeal comprises a first floor window on the rear elevation of a recently constructed two-storey house. This window serves a bedroom which is also served by two other windows, both of which are located on the western gable elevation. It is evident that the other windows serving the room adequately provide for needs of the occupier of this room in terms of light and ventilation. A third window on the rear (southern) elevation is not a necessity to meet the needs of the occupants in terms of residential amenity requirements.
- 7.2. The principal planning issue arising from the provision of this window in the rear elevation is its impact on the amenities and privacy of adjoining residential properties by way of overlooking. The finished floor level of the house on the appeal site is at a lower level to that of the rear garden space serving the house. The appellant's house, south of this back garden, is located on a site that is also more elevated than that of the house on the appeal site. As the appellant accurately points out, this culminates in the window the subject of the appeal being somewhat in the line of sight with the ground floor windows on the rear elevation of her house. There is a high block wall along the boundary between the properties and some planting on the appeal site side at the garden's south-western corner. However, this boundary treatment does not obstruct a line of sight from the bedroom window to the appellant's property.
- 7.3. In acknowledging that the existing window allows for overlooking of the appellant's property, some other matters need to be noted. Firstly, the location of existing development in this area is a built-up suburban area on the east side of Cork City. It is a residential area and, as is understood with built-up residential communities, overlooking, where properties effectively back on to one another or between flanking properties, is common. This is an inherent reality very often of living within a residential community in an urban area.

7.4. There are mechanisms that are frequently employed to minimise the degree of intrusion and loss of privacy for residential properties under the planning code. Such mechanisms can include a variation of boundary treatment types between affected properties and/or the provision of an appropriately determined application of a separation distance between properties. In the current instance, the existing boundary treatment does not block a view from the bedroom window the subject of the appeal to the appellant's property, i.e. to both the back garden and rear elevation of that property. Clearly, the rear boundary wall could be backplanted to introduce a screen to inhibit views of the appellant's property, by way of a selection of a small number of half-standard trees for example.

7.5. With regard to separation distance, it is noted that the existing bedroom window is in excess of 31 metres from the rear elevation of the appellant's house. While there is no development plan or national policy provisions relating to separation distances between residential properties relating to opposing proposed first floor windows and existing ground floor windows, I note the following relating to privacy and security as set out in *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, published by the Department of the Environment and Local Government:

*"... at the rear of dwellings, there should be adequate separation (traditionally about 22 m between 2-storey dwellings) between opposing first floor windows."* (Section 7.4, page 58).

Thus, it can be acknowledged that there is a widely held acceptance that a separation distance of 22m or more between opposing first floor windows provides a satisfactory level of protection of privacy between first floor levels of dwellings.

7.6. In seeking to come to a reasonable conclusion on the issue of privacy and overlooking, I must first conclude that the matter of overlooking of the rear garden space is not a matter of concern in this instance. Overlooking from a bedroom window to such a space is a common occurrence for residential properties in a built-up urban location as I have alluded to earlier and there are no particular requirements or circumstances that merit the prohibition of the proposed development based upon impact on privacy of the back garden in this instance. The matter of separation distance between opposing windows is somewhat more

complicated, in my opinion. It is not common to design for a primary habitable room or an expanse of ground floor windows to be directly overlooked by a first floor bedroom window. I do acknowledge the significant separation distance between these properties and the likely limited degree of any overlooking into the kitchen and other rooms that would result. However, I must acknowledge that there would be a very notable perceived sense of overlooking of principal ground floor habitable rooms in such an exposed setting. The originally permitted house on the appeal site adequately addressed the protection of privacy of neighbouring properties to the south by providing first floor windows on the western gable of the house. Some measure of minimisation of impact is, in my opinion, an appropriate response in this instance where the window the subject of the appeal is not a necessity to meet critical needs of the occupier of the room which the window serves. To this end, requiring the window to be glazed in opaque glazing and/or the provision of suitable rear boundary planting may be determined to be appropriate to address privacy concerns arising. The provision of such glazing, along with the window taking the form of a top-hung window, would prohibit overlooking of the principal ground floor habitable rooms to the rear of the neighbouring house while allowing for additional light and ventilation to enter the bedroom. It is my submission that this would suffice to address all concerns raised and that additional planting along the rear boundary would not be an additional prerequisite.

## **8.0 Recommendation**

- 8.1. I recommend that permission is granted for the bedroom window subject to the following reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the location of the existing house within a built-up urban area and to the nature and extent of residential development in the vicinity, it is considered that a first floor bedroom window on the rear elevation of the house would be acceptable in terms of impact on existing residential amenity and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. Within six months of the date of this Order, the proposed window will be replaced by a top-hung window glazed in frosted glass and shall be permanently maintained in such glazing.

**Reason:** In the interest of residential amenity.

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Kevin Moore  
Senior Planning Inspector

21<sup>st</sup> May 2018