



An  
Bord  
Pleanála

## Inspector's Report ABP-301662-18

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<b>Development</b>	Two storey and single storey extension to the side of the existing dwelling house and all associated site works.
<b>Location</b>	55 Old Court, Greenfield, Ballincollig, Co Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	18/4565
<b>Applicant(s)</b>	Sinead and Kevin Shanley
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Susan Bowles
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> September 2017
<b>Inspector</b>	Fiona Fair.

## 1.0 Site Location and Description

- 1.1.1. The appeal site, 55 Old Court, with a stated area of 0.0598 ha, is located in the Greenfield housing estate in Ballincollig County Cork.
- 1.1.2. The host dwelling on the site comprises a semi-detached two storey with a large side and rear garden. The dwelling has a projecting porch canopy to the front and a small rear single storey annex to its rear.
- 1.1.3. The site is an end / corner plot located at the culmination of the short cul cul de sac. It is surrounded to its south, east and west by similar style semi-detached two storey dwellings. Dwellings to the north in Prospect Lawn are detached.
- 1.1.4. The boundaries of the site are well defined by block walls, mature hedges and mature plants. The western and southern party boundaries, in particular, comprises of high block walls.
- 1.1.5. The appellants dwelling 66 Old Court Greenfields is located to the rear / west of the subject appeal site and backs onto the appeal site.

## 2.0 Proposed Development

- 2.1. The proposal comprises permission for:
  - Two storey and single storey extension to the side of the existing dwelling house and all associated site works.

The GFA of the existing dwelling is stated as 93.22 sq. m

The GFA of the proposed extension is stated as 90.65 sq. m

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Planning permission was granted subject to 10 number conditions. Conditions of note include:

C. 3 The external roof and wall finishes of the proposed extension shall match those of the dwelling in every respect.

C. 4 The extension shall be used solely for purposes incidental to the enjoyment of the dwelling house.

C. 6 The bathroom / en-suite windows at first floor level on the proposed northern and western elevations shall have frosted glass.

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

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

The Planners Report considers that the proposed development would not be prejudicial to residential amenity and would therefore be in accordance with the proper planning and sustainable development of the area.

Area Engineer: No objection subject to condition.

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

One objection was submitted to the planning authority. Concerns raised are similar to those raised in the third-party appeal summarised in detail below.

### **4.0 Planning History**

None.

### **5.0 Policy Context**

#### **5.1.1. Development Plan**

The site is located in an 'Existing Built up Area' as identified in the Carrigaline Municipal District LAP 2017.

The Cork County Development Plan 2014

#### **5.2. Natural Heritage Designations**

5.2.1. The appeal site is located in excess of 12 Km to the west of Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The issues raised within the third-party appeal by Mrs Susan Bowles, 66 Old Court, Greenfields is summarised as follows:

#### **Privacy**

- The proposed extension will overlook the rear garden, the rear bedroom windows, kitchen window, living room and garden of 66 Old Court the appellants property.
- Request that permission be considered for a single storey extension only.
- Request that consideration be given to moving proposed rear 1<sup>st</sup> floor windows to the side of the extension.

#### **Damage to Trees**

- Concern with regard to disruption to roots of mature trees and foliage along the northern site boundary.

#### **Size of Extension**

- Size of the proposed extension is excessive
- Approx. two thirds the size of the existing dwelling.
- Will impact upon natural light

#### **Height**

- Proposal will overshadow and reduce natural light to appellants dwelling room, bedroom, spare bedroom, kitchen and back garden.

#### **Appeal accompanied with:**

- Annotated plans and drawings

### 6.2. Applicant Response

6.2.1. A response was submitted by Denis Creedon & Co. Ltd. On behalf of Sinead and Kevin Shanley. it is summarised as follows:

- Proposal is in line with Development Plan policy

- It adheres to 22m separation between rear first floor opposing windows.
- There is a 32m separation between the first floor of the proposed extension and the houses to the rear.
- There will be a 4.7m separation distance between the proposed extension and the existing trees and foliage on the adjoining boundary.
- The site is large enough to accommodate the proposed extension and private open space of 445 sq. m will remain.
- The height of the proposed extension matches the height of the host dwelling.
- The house is located to the north east of the property at 66 Old Court and is sufficiently far enough away that overshadowing and obstruction of natural light will not be an issue.
- The design of the extension was discussed with the area planner by way of preplanning.

### 6.3. **Planning Authority Response**

- No response received.

## 7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of the Development on the Site**
- **Overdevelopment / Impact Upon Residential Amenity**
- **Appropriate Assessment**

### 7.2. **Principle of the Development on the Site**

7.2.1. The appeal site is located within an 'Existing Built up Area' as identified in the Carrigaline Municipal District LAP 2017. The proposed two storey and single storey extension to the existing dwelling with associated private open space, car parking and services is acceptable in principle within with this zoning objective, subject to compliance with development management criteria set out in the Development Plan.

### 7.3. **Overdevelopment / Impact Upon Residential Amenity**

- 7.3.1. Regard is had to concerns raised by the third party, a neighbouring property adjoining to the west, with respect to over development, loss of light, overbearing and overlooking from the two storey side extension.
- 7.3.2. The height of the proposed extension matches the height of the host dwelling. The extension maintains the front and rear building line of the existing two storey house. Therefore, the two first floor windows on the rear elevation proposed to serve bedroom 4 would not be any closer to the rear boundary and opposing houses to the west, than the existing first floor bedroom windows. There is a 32m separation between the first floor of the proposed extension and the houses to the rear, i.e. well in excess of recommended 22m between opposing first floor rear windows.
- 7.3.3. The site is a large corner plot. Having regard to all of the information before me, and having conducted a visit of the site and its environs, I am of the opinion that the scale, mass and design of proposed development, is acceptable in the context of existing permitted development. This is an urban site which is being extended and the existing dwelling altered to accommodate a growing family. The dwelling is set back from the rear and side boundary walls, private open space of 445 sq. m will remain and it is sufficiently far enough away from 66 Old Court, the appellants property, that overlooking, overshadowing and obstruction of natural light will not be materially altered in any way.
- 7.3.4. I do not consider the scale of the proposed development to be excessive in its context. The degree of shadow cast would not materially impact upon adjoining property. The design of the proposed dwelling is to a high standard and reflects the character of the host dwelling. All existing planting and boundaries are to be retained.
- 7.3.5. Overall, I consider that the design, taken together with the size of the site, screening and development in the vicinity, is such that the proposal would not give rise to overdevelopment of the site, would not be visually incongruous or diminish residential amenity so as to warrant a refusal of permission.

#### **7.4. Environmental Impact Assessment (EIA)**

- 7.4.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.5. Appropriate Assessment (AA)**

- 7.5.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058) located in excess of 12 Km to the east.
- 7.5.2. The planning report on file concludes that appropriate assessment is not required.
- 7.5.3. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. 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**

- 8.1.1. I recommend that planning permission should be Granted subject to the following conditions.

#### **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the land-use zoning of the site, the existing pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenity of the area or injure residential amenity of 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 existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

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

4. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass.

**Reason:** In the interests of proper planning and sustainable development of the area

5. Water supply and drainage arrangements, including the attenuation and 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.



6. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

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

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

8. All trees and hedgerows along the northern boundary of the site shall be protected during building operations and retained thereafter.

**Reason:** In the interests of residential and visual amenity

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning

authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Fiona Fair  
Planning Inspector  
19/09/2018