



An  
Bord  
Pleanála

## Inspector's Report ABP-301674-18

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<b>Development</b>	Changes to rear elevation and construction of an extension to the rear of the existing dwelling.
<b>Location</b>	Weaver's Point, Crosshaven Hill, Crosshaven, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/04567
<b>Applicant(s)</b>	Russell & Breffni Barry
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 2 conditions
<b>Type of Appeal</b>	Third party
<b>Appellant(s)</b>	Patrick & Paula Neville
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> September 2018
<b>Inspector</b>	Hugh D. Morrison

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## **2.0 Site Location and Description**

- 2.1. The site is located in Weaver's Point, a small coastal settlement to the east of Crosshaven, which is accessed by means of a local road, the LS-6418. This site lies within a residential neighbourhood composed of predominantly detached dwelling houses that exhibit a considerable variety of sizes and designs. It is elevated in relation to dwelling houses to the east and to the south.
- 2.2. The site itself is of roughly rectangular shape and it extends over an area of 0.07 hectares. This site accommodates an existing, three-bedroomed, dwelling house (148.6 sqm), which is orientated on a north/south axis. It has front and rear gables and a front dormer window that facilitate the use of the roof space as a first floor. A parking area exists to the front of this dwelling house and a sizeable garden to the rear.
- 2.3. To the east of the dwelling house lies a dwelling house, which is, likewise, orientated on a north/south axis. This dwelling house has a mansard roof, which facilitates a first floor. To the west lies a single storey dwelling house with a full width rear conservatory. This dwelling house is orientated on an east/west axis. Two further single storey dwelling houses accompany it in a row to the north.

## **3.0 Proposed Development**

- 3.1. The proposal would entail the construction of an extension to the rear of the existing dwelling house and the construction of a dormer window to the existing north western portion of the rear roof plane. This extension would be a stubby inverted and reversed "L" shape in "plan view". It would provide an additional floorspace of 87.7 sqm, which would facilitate the provision of a kitchen extension and family and utility rooms on the ground floor and an additional bedroom and office on the first floor.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

Permission was granted, subject to 2 conditions.

### **4.2. Planning Authority Reports**

#### **4.2.1. Planning Reports**

See decision.

#### **4.2.2. Other Technical Reports:**

None

## **5.0 Planning History**

None

## **6.0 Policy Context**

### **6.1. Development Plan**

Under the Bandon-Kinsale Municipal Local Area Plan 2017 (LAP), the site is shown as lying within the settlement boundary around Crosshaven and Bays.

### **6.2. Natural Heritage Designations**

Cork Harbour SPA

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- No objection is raised to the principle of the proposal. The appellants concern pertains to the 3 first floor windows in the western side elevation of the proposed extension that would overlook their residential property. They

request that a condition be attached requiring that these windows be non-opening with opaque glass.

- The appellants draw attention to advice contained in the Planning Authority's leaflet PL5, which states that any upper floor windows should be at least 11m away from any corresponding boundaries. The proposal would fail to meet this stipulation. The first floor of the proposed extension would also exceed 12 sqm.
- The appellants comment on the case planner's report. They query the description that the applicants' dwelling is "long established" insofar as it is no more than 18 years old. They also state that the depth of their rear garden, which abuts the western boundary of the application site, is 15.24m.

## 7.2. Applicant Response

Received outside the relevant statutory period.

## 7.3. Planning Authority Response

None.

## 7.4. Observations

None.

## 7.5. Further Responses

None.

## 8.0 Assessment

8.1. I have reviewed the proposal in the light of the LAP, the Planning Authority's decision, the submission of the appellants, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) The principal of the proposal,

- (ii) Visual and residential amenity, and
- (iii) Screening for EIA and AA.

**(i) The principal of the proposal**

- 8.2. The proposal would entail the extension of the applicants' existing dwelling house by means of a rear extension and a rear dormer window. Their dwelling house lies within a residential neighbourhood, which is recognised within the LAP as lying within the settlement boundary around Crosshaven and Bays. The proposed extension would be constructed wholly within the existing rear garden and it would be ancillary in floorspace to that of the existing dwelling house. The proposed dormer window would be subsidiary to its host rear roof plane.
- 8.3. The appellants raise no in principle objection to the proposal. They refer to the Planning Authority's leaflet PL5 and parameters within it which relate to whether or not a proposal requires planning permission. In the present case, the proposal in question would require such permission.
- 8.4. I conclude that there is no in principle objection to the proposal.

**(ii) Visual and residential amenity**

- 8.5. The proposal would adopt the forms and shapes of the existing dwelling house in its design. Finishes would match those on this dwelling house, too. The proposed rear extension would have a roof, the ridge and eaves lines of which would carry through from those of the existing dwelling house. The proposed rear dormer window would be similar in all respects to the existing front dormer window. The proposal would therefore be aesthetically appropriate.
- 8.6. The proposal would be constructed to the rear of the existing dwelling house and thus on its northern elevation. The proposed extension would be sited in a position set back from the site's eastern and western boundaries, beyond which lie the nearest neighbouring dwelling houses. To the east, the side elevation of a single storey extension to the neighbouring dwelling house is sited in a position immediately adjacent to the common boundary. To the west, the rear elevation of a

full-width conservatory to the neighbouring dwelling house is sited beyond the rear garden that accompanies this dwelling house.

- 8.7. The appellants reside in the western dwelling house. They raise objection to the proposed extension insofar as, at first floor level, two windows and a Velux window would face towards their residential property. The two windows would serve a corridor and the Velux window would provide secondary lighting and ventilation to a bedroom. The appellants are concerned that these windows would provide an opportunity for overlooking that would reduce the privacy of their rear garden and conservatory. They, therefore, request that these windows would be fixed and opaque glazed.
- 8.8. During my site visit I observed that the positions of the applicants' and appellants' dwelling houses in relation to one another is such that the scope for overlooking from the former over the latter is limited to the northern portion of the rear conservatory and that portion of the rear garden which lies forward of the same. I note from the submitted plans that the aforementioned two windows would lie c. 5.5m from the common boundary and c. 22.5m from the rear elevation of the said conservatory. I note, too, that the Velux window would correspond with the common boundary to the rear garden of the dwelling house to the north of the appellants' dwelling house. The distance in this respect would be c. 8m and the distance to the rear elevation of this dwelling house would be c. 23.5m
- 8.9. The submitted plans show that the two windows would serve a corridor, which is thus a circulation space that is categorised as non-habitable. Given this categorisation, the need to specify fixed panes and opaque glazing would not normally be deemed to be necessary. In this instance, the two windows would be narrow at 400 mm each and so the opportunity for overlooking would be limited thereby. The aforementioned scope for overlooking and separation distances would, likewise, limit such opportunity and so I do not consider that there is the need to depart from normal practice.
- 8.10. The submitted plans show that the Velux window would serve a bedroom, which is categorised as a habitable space. Nevertheless, as this window would be sited on a pitched roof plane of 40 degrees, it would not be designed to afford horizontal views out. Its aforementioned correspondence and separation distances would limit any

overlooking that may still occur of both the appellants' residential property and that of their adjoining neighbours to the north. Accordingly, I do not consider that there is a need to require that this window be of fixed pane and opaque glazed.

8.11. I, therefore, conclude that the proposal would be compatible with the visual and residential amenities of the area.

### **(iii) Screening for EIA and AA**

8.12. Having regard to the nature and scale of the proposal, there is no real likelihood of significant effects on the environment arising from the proposal. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.13. Having regard to the nature and scale of the proposal, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

9.1. That permission be granted.

## **10.0 Reasons and Considerations**

Having regard to the Bandon-Kinsale Municipal Local Area Plane 2017, it is considered that, subject to conditions, the proposal would be appropriate in land use terms and it would be compatible with the visual and residential amenities of the area. No EIA or AA issues would arise. It would thus accord with the proper planning and sustainable development of the area.

## **11.0 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 (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.

3. Water supply and drainage arrangements, including 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 order to safeguard the residential amenities of property in the vicinity.

5. 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.

6. The developer shall pay to the planning authority a financial contribution of €678 (six hundred and seventy-eight euro) 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, as amended. The contribution shall be paid prior

to 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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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Hugh D. Morrison  
Planning Inspector

12<sup>th</sup> October 2018