



An  
Bord  
Pleanála

## Inspector's Report ABP-301978-18

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<b>Development</b>	Extension to house
<b>Location</b>	Villa Anita, Whitepoint Strand, Cobh, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/6814
<b>Applicant(s)</b>	Eimear & Colin Taft
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Naoimh Reilly
<b>Date of Site Inspection</b>	20 <sup>th</sup> November, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. 'Villa Anita' is located at the southern end of the town of Cobh in County Cork. It is sited a short distance west of Cork Harbour in a residential area comprising long established dwellings close to the coastal edge and more modern dwellings on rising lands off the local road network. The established house comprises a detached dormer bungalow on elevated ground that is set behind a vacant cottage on the road edge.

## **2.0 Proposed Development**

2.1. The proposed development would comprise the construction of a single-storey extension to the north elevation of the house, the construction of a new first floor dormer window extension to the east elevation, three new roof windows, alterations to existing elevations and the demolition of an existing porch and boiler room. The new extension would provide an additional gross floor area of 87.53 square metres. The existing four bedroom house would expand to a five bedroom house after the completion of the extension.

2.2. Details submitted with the application included a visual inspection of the house's septic tank system.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 6<sup>th</sup> June, 2108, Cork County Council decided to grant permission for the proposed development subject to 12 conditions.

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

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

The Planner noted the Area Engineer's report and a third party objection that was received. It was considered that the proximity of the proposed extension could give

rise to overlooking of an adjacent dwelling and its associated private open space from windows to serve the proposed dining and living areas. It was recommended that the windows be non-opening frosted units. An assessment of the existing septic tank was considered necessary. Further information was recommended to be requested on the latter.

### 3.2.2. Other Technical Reports

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

### 3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

### 3.4. Third Party Observations

An objection was received from Naoimh Reilly. The grounds of the appeal reflect the principal planning concerns raised.

3.5 On 20<sup>th</sup> December, 2017, the planning authority sought further information relating to the septic tank system. A response received by the planning authority on 19<sup>th</sup> January, 2018 stated that it was intended to decommission the existing system and connect to the existing mains sewer. The Planner requested a connection agreement from Irish Water. A copy of the agreement was submitted to the planning authority on 10<sup>th</sup> May, 2018.

3.6 Following this, the Planner recommended that permission be granted subject to conditions.

## 4.0 Planning History

I have no record of any previous planning application or appeal relating to this site.

## 5.0 Policy Context

### 5.1 Cobh Town Development Plan 2013

Zoning

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

## 5.0 The Appeal

### 5.1. Grounds of Appeal

The appellant owns the vacant dwelling that abuts the north-east section of the appeal site. The grounds of the appeal may be synthesised as follows:

- The proposed extension is substantial in nature, would be elevated above her house and proposed windows would overlook her back garden, with the dining area being 4m from the boundary and 10m from her house. Reference is made to the Planner's recommendation that windows in the north elevation be finished in frosted glazing and to the impracticality of that as the window would be there to take account of a view. The extension could have been provided along the rear boundary of the site, thus solving privacy issues.
- There is no public sewer located on the road where it is proposed to connect.

### 5.2. Applicant Response

The applicant's response may be synthesised as follows:

- The dining and sitting room windows will be frosted and non-opening in accordance with Condition 4 of the planning authority's decision.
- The appellant has questioned the existence of a public sewer to the front of the property, contrary to Irish Water documentation. This is a matter for Irish Water to address. A connection to the public sewer to the west to the Whitepoint Drive estate could be an alternative option if the appellant is correct.

### 5.3. Planning Authority Response

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

## 6.0 Assessment

- 6.1. The proposed extension would extend from the northern gable of the existing dormer dwelling and would protrude forward of the building line at ground floor level in the direction of the established patio to the front of the dwelling. The appellant's vacant cottage lies immediately north-east of the existing patio and the rear curtilage of that cottage adjoins this patio. The applicants' house and patio are at a significantly higher level over that of the appellant's house, which is located on the road edge. The patio is enclosed by a wall and glass balustrade. This boundary treatment is low enough to allow for overlooking of the appellant's property from the patio.
- 6.2. The proposed development has been designed to take advantage of the eastward panoramic sea views, with a proposed large window serving the sitting area in the new extension. It is my submission to the Board that the utilisation of this room within the new extension would not exacerbate the issue of loss of privacy presently experienced by the appellant's property. I acknowledge that the development brings the structure closer to the boundary with the appellant's property but I do not accept that there would be a significant intensification of overlooking that would result from within the building, due to the greater elevated location of the new extension, the siting of the appellant's property on the much lower level at the roadside, and the existence of the screen around the established patio. While the new development might encourage greater use of the patio, it would be mistaken of me not to acknowledge the established nature and location of this patio. Finally on this issue of potential loss of privacy with regard to the proposed new window at first floor level, I note that the new dormer window would serve the landing area and I would not anticipate particular ongoing concerns relating to overlooking of the neighbouring properties from that window.
- 6.3. I note that the appellant has made reference to Condition 4 of the planning authority's decision. There appears to be some confusion in the understanding of that condition. Condition 4 required windows on the northern elevation to be non-opening, frosted windows. This restriction did not apply to any windows on the east elevation of the proposed extension that would face in the direction of the appellant's property. Further to this, it is my submission to the Board that there is no necessity for such a restriction on openings on the northern elevation as there would not be

any intrusive impact on neighbouring properties from the windows on that elevation. The Board will note that there is an existing first floor bedroom window in the northern gable elevation of the existing house.

- 6.4. Finally, I note that the appellant has referenced the inability of the development to connect to the public sewer to the front of this property. However, I also note the submission from Irish Water to the planning authority. It is apparent that access to the public sewer would be available in the vicinity of this site and I see no reason as to why the proposed development would merit a refusal of permission on this issue.

Note 1: Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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.

Note 2: It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## 7.0 Recommendation

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

## 8.0 Reasons and Considerations

Having regard to the design, siting and layout of the proposed development, together with the established layout of adjoining development, the natural topography of the site and adjoining lands, and the established boundary treatment, it is considered

that the proposed extension would not adversely impact on the residential amenities of adjoining properties and would otherwise be in accordance with the provisions of the current Cobh Town Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 19<sup>th</sup> December, 2017 and the 10<sup>th</sup> May, 2018, 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. Access to the roof of the new extension shall be for maintenance purposes only and the roof shall not be used as a balcony, sitting area, or roof garden.

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

4. Prior to the occupation of the new extension, the dwelling shall connect to the public sewer in the vicinity in accordance with the requirements of Irish Water

and the existing private waste water treatment system shall be decommissioned in accordance with the written agreement of the planning authority.

**Reason:** In the interest of public health and orderly development.

5. 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.

6. 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, 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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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Kevin Moore  
Senior Planning Inspector



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29<sup>th</sup> November 2018