



An
Bord
Pleanála

Inspector's Report ABP-302131-18

Development	Extension to rear of dwelling
Location	6 Water Street, Youghal-Lands, Youghal, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/04236
Applicant(s)	Daniel Power
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Helen Mulcahy Bridget Hughes
Date of Site Inspection	20 th November, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 6 Water Street is a two-storey, mid-terrace house on the west side of the town centre of Youghal in County Cork. The house fronts directly onto the street. The house is vacant and is in a poor state of repair. It has a small yard area to the rear. Water Street is a residential street and the site is bounded by other terraced residential properties fronting onto the same street and onto The Mall to the east. The site lies within an Architectural Conservation Area.

2.0 Proposed Development

2.1. The proposed development would comprise a two-storey extension to the rear of the house and would also include alterations to the existing house. The gross floor area of the original proposed extension was 43 square metres and it provided a kitchen at ground floor level and two bedrooms at first floor level. This was revised in accordance with details set out below.

3.0 Planning Authority Decision

3.1. Decision

On 28th June, 2018, Cork County Council decided to grant permission for the proposed development subject to three conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, the Area Engineer's report and third party submissions. It was acknowledged that the proposal would double the size of the existing dwelling and would take up most of the existing rear garden. There was concern about the massing and bulk of the extension and it was considered that it would result in overshadowing of adjoining properties. A redesigned flat-roofed extension or a single-storey extension was considered more suitable. A request for

further information requiring a revised design and a shadow analysis was recommended.

3.2.2. Other Technical Reports

The Area Engineer stated that there were no engineering issues with the proposal.

3.3. Prescribed Bodies

3.4. Third Party Observations

Third party objections to the proposal were received by the planning authority from Helen Mulcahy and Brigid Hughes. The grounds of the appeals reflect the planning concerns raised.

3.5 A request for further information was made on 22nd March, 2018 and a response was received by the planning authority on 2nd May, 2018. This included details of the applicant's need for the proposed development, a revised design for a flat-roofed, two-storey extension, and considerations on the impact of the development by way of overshadowing.

3.6 The reports to the planning authority following receipt of the further information were as follows:

The Conservation Officer had no objection subject to conditions.

The Planner considered that the neighbouring property to the east was likely to be affected by additional overshadowing in the evening. It was also submitted that the presence of the two-storey block adjacent to the neighbouring yard would be detrimental to that property. Clarification was recommended, seeking a primarily single-storey extension.

3.7 On 23rd May, 2018, clarification was sought in accordance with the Planner's recommendation and a response was received on 11th June, 2018. This reduced the extension at first floor level to a single bedroom and extended the ground floor extension on its east side to provide a w.c. and hotpress along with the kitchen.

3.8 Following the receipt of clarification details, the Planner had no objection and 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. Youghal Town Development Plan 2009-2015

Zoning

The site is zoned Town Centre / Mixed Use.

Conservation

The site is located within an Architectural Conservation Area and the Zone of Archaeological Potential for Youghal.

6.0 The Appeal

6.1. Grounds of Appeal from Helen Mulcahy

The appellant resides at No. 4 The Mall to the east of the site. The grounds of appeal may be synthesised as follows:

- The proposed development will severely injure the residential amenities of the appellant's property by virtue of proximity of the proposed development, overshadowing, loss of evening sun, and loss of privacy.
- The proposal will likely cause damage to the appellant's property due to prevailing ground conditions.
- As properties at this location are prone to flooding, it is imprudent to carry out additional development in this vulnerable flood zone.

The appellant notes that no overshadowing analysis was undertaken as was requested by the planning authority.

6.2. **Grounds of Appeal from Bridget Hughes**

The appellant resides at No. 3 The Mall to the east of the site. The grounds of appeal may be summarised as follows:

- The proposed development will severely injure the residential amenities of the appellant's property by virtue of proximity of the proposed development, overshadowing, loss of evening sun, and loss of privacy.
- The proposal will likely cause damage to the appellant's property due to prevailing ground conditions.
- As properties at this location are prone to flooding, it is imprudent to carry out additional development in this vulnerable flood zone.

The appellant notes that no overshadowing analysis was undertaken as was requested by the planning authority.

6.3. **Applicant Response**

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

6.4. **Planning Authority Response**

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

7.0 **Assessment**

7.1. The grounds of the appeals relate primarily to the impact of the proposed extension on the appellants' residential properties by way of overshadowing and loss of privacy, with concerns also raised about potential structural damage arising from the development and flooding potential.

7.2. I note that the proposed extension was substantially revised during the consideration of the planning application by the planning authority. The changes culminated in a proposal for a single bedroom first floor extension over the ground floor extension. The first floor extension would project approximately 2.8 metres from the existing rear wall of the house. The total gross floor area of the proposed first floor extension would be 7.8 square metres. This represents what could reasonably be called a

small extension at first floor level. The extension is also designed such that the first floor component would be flat-roofed. The significant reduction in the scale of the first floor extension and the design, incorporating a flat roof, produces a reasonable proposal to upgrade a small dwelling in a very confined site. I consider that the proposed development and upgrade of the existing house would make an important contribution to its location within an Architectural Conservation Area and would be welcome in principle in achieving a sustainable residential unit that is under a substantial threat of becoming derelict.

- 7.3. With regard to the impact of the proposed development on the appellants' properties to the east on The Mall, I first note the degree to which the properties in the vicinity have been extended in close proximity to, and adjoining the boundaries of, the proposed site. I further note that the existing yard area on the site is substantially overlooked by properties to the east. In addition, I note that the existing dwelling on the site has first floor windows in the rear elevation overlooking the yard and beyond. Having regard to these prevailing conditions, one cannot reasonably determine that the proposed development would cause an undue degree of overlooking and loss of privacy to the neighbouring properties. Furthermore, the Board will note how the applicant seeks to address overlooking concerns by the siting of the first floor bedroom window on the west elevation, such that potential for overlooking towards properties on The Mall is eliminated.
- 7.4. With regard to the potential for overshadowing, I note once again the very limited scale of development that is proposed at first floor level. I further note the entirely enclosed nature of properties and their rear yard spaces at this location caused by the existing two-storey structures on Water Street and the three-storey structures on The Mall. The potential for the small, flat-roofed, first floor extension for significantly undermining the degree of sunlight and daylight to adjoining properties over that which exists in this context, in my opinion, does not arise.
- 7.5. I note the extent of development that has occurred at this location, with many properties having been extended to the rear adjoining the appeal site. I consider that it is entirely unreasonable to determine that the proposed extension would pose any particular structural concerns for neighbouring properties in the context of what has prevailed to date at this location.

7.6. With regard to the issue of flooding, I again consider that, in the context of the prevailing pattern of development in this urban centre location, it would be unwarranted to refuse permission on the grounds of flooding potential. Furthermore, it would not be reasonable to draw any such conclusions in light of the lack of any information to support the claims of this flooding potential.

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.

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 design, siting and layout of the proposed development, together with the established pattern and layout of adjoining development, it is considered that the proposed extension would not adversely impact on the residential amenities of adjoining properties, would not undermine the structural integrity of adjoining structures or pose a potential flooding risk, and would otherwise be in accordance with the provisions of the current Youghal Town 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, as amended by the further drawings and details submitted to the planning authority on the 11th June, 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. 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

November, 2018