



An  
Bord  
Pleanála

## Inspector's Report 302806-18

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<b>Development</b>	Dwelling extension, demolition of front porch, widening of existing entrance, upgrading of on-site sewage treatment unit and associated site works.
<b>Location</b>	Gortroe, Lombardstown, Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	185311.
<b>Applicant(s)</b>	Paul and Michelle Crawley.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions.
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v Grant.
<b>Appellant(s)</b>	Maurice O'Keeffe.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	17/12/2018.
<b>Inspector</b>	Des Johnson.

## 1.0 Site Location and Description

- 1.1. The site is located at the village crossroads of Gortroe, a short distance south of Lombardstown in County Cork.
- 1.2. There is a 2 storey house on the site facing north west. Access is provided at the northern corner of the site at an acute angle to the public road. There are sheds to the rear of the house along the south western boundary.
- 1.3. The appellants dwelling is to the south of the appeal site. This house is on a large site which borders to south west and south east of the appeal site.
- 1.4. I attach photographs taken at the time of inspection.

## 2.0 Proposed Development

- 2.1. Extension to existing dwelling, demolition of front porch and a rear extension, widening of an existing entrance, up-grading of sewage treatment unit and associated site works. The site area is stated to be 0.082ha, the gross floor area of proposed works 180m<sup>2</sup> and gross floor area for demolition 14m<sup>2</sup>. The proposed extension is 2 storey.
- 2.2. Water supply is by mains, and wastewater treatment is by conventional septic tank with secondary treatment. Surface water disposal is by soakpit.
- 2.3. The application is supported by Cllr. John Paul O'Shea.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant Permission subject to 12 conditions.

Conditions generally refer to standard matters. Condition 2 requires the extension to be used solely for purposes incidental to the enjoyment of the dwelling house for reason 'in the interests of residential amenity'. Condition 11 requires that the foul drainage be by means of a proprietary wastewater treatment system and tertiary treatment system in the interests of public health.

The decision followed the submission of Further Information relating to sightlines at the entrance, distances of treatment unit and tertiary treatment systems from adjoining houses, FFL of the extension, cross and longitudinal sections. The FI was submitted to the planning authority on 30 August 2018.

***Objection/Observation:***

Maurice O’Keeffe, Gortroe, Lombardstown, Mallow, Co. Cork.

1. No objection in principle to proposed renovation and extension of dwelling.
2. The principles of good architectural design and a more sympathetic approach to adjoining dwellings should be adopted.
3. The FFL of the objector’s home is significantly lower than the FFL of the proposed extension. Objector’s home is single storey with modest roof height.
4. Rear bedroom windows in the proposed extension would overlook the objector’s rear garden and will cause significant shading.
5. The proposed density and massing combined with the existing dwelling is not consistent with good rural design.
6. Question as to how adequate sightlines can be achieved.
7. The proximity of the wastewater treatment system is of grave concern. There could be an over intensification of treatment systems in the area.

**3.2. Planning Authority Reports**

**3.2.1. Planning Reports**

Report dated 25 September 2018 concludes that the proposed development is acceptable from a residential amenity viewpoint subject to recommended conditions.

**3.2.2. Other Technical Reports:**

***Engineering Report*** – FI received and revised entrance details acceptable and site layout showing distances of treatment unit and tertiary treatment system are within EPA guidelines. Recommendation to Grant subject to conditions.

## 4.0 Planning History

None on file.

Planner's report refers to Reference 94380 – Permission granted for demolition of dwelling and construction of dwelling to M. O'Keeffe and Reference 981723 – Permission granted for garage to M & B O'Keeffe.

## 5.0 Policy Context

### 5.1. Development Plan

The site is within the Gortroe development boundary.

### 5.2. Natural Heritage Designations

Blackwater River SAC is 145m from the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Maurice O'Keeffe, Gortroe, Lombardstown, Mallow, Co. Cork.

The grounds of appeal are summarised as follows:

1. Appellant's house is single storey with a modest ridge height. It adjoins to the south of the appeal site.
2. The proposed extension is over double the area of the original dwelling. The extension does not appear to follow the contours of the sloped site. Adjoining dwellings are single storey. A single storey extension would be more suitable and address issues relating to overlooking from the first floor extension.
3. The two storey extension will shadow the gable and rear of the appellant's dwelling. Overshadowing will extend into the appellant's rear garden detrimental to the enjoyment of the home.

4. There is a ridge level difference of 1.675m. The proposed extension will be overbearing on adjoining dwellings.
5. The front boundary would need significant alteration to ensure the safety of pedestrians and vehicular movements. The required sightlines cannot be achieved and were not accurately represented on submitted plans and particulars.
6. The proximity of the secondary and tertiary treatment systems is of grave concern. The over intensification of treatment systems in the area and the disposal of treated effluent to water courses and unsuitable ground conditions is a concern.

This submission includes a Site Layout drawing illustrating points made in the written grounds of appeal.

## 6.2. Applicant Response

This may be summarised as follows:

1. The proposed extension is in accordance with the Council's Rural Design Guide. The existing dwelling is the precedence for the area as it forms part of the original dwellings constructed in the vicinity.
2. The only window to overlook the appellant's house is a frosted bathroom window. Other first floor windows face south west and are over 17m from the site boundary. There are trees and hedges on the boundary with the appellant's property and further infill planting is a condition of the permission granted.
3. There would be no overshadowing of any part of the appellant's property at any time of the year.
4. The planning authority are satisfied with proposed sight distances. Any additional requirements would be met during construction.
5. The proposed wastewater treatment system was designed by an approved site assessor and complies with all relevant regulations. There would be no disposal to an open watercourse.

6. Other residents and neighbours in the area are in full support of the proposed development.

### 6.3. Planning Authority Response

None on file.

## 7.0 Assessment

- 7.1. The site is at the crossroads of a small settlement, Gortroe. It is within the settlement boundary. The renovation of the existing dwelling is acceptable and will enhance the village settlement. The overall design is acceptable.
- 7.2. The key issue in this case is the impact, if any, the proposed two storey extension would have on the residential amenity of the appellants property adjoining to the south, south west and south east. The proposed extension would be in excess of 11 metres north west of the appellants house at the nearest point and at a higher level. Having regard to the orientation of the two properties and to the separation distance between them I submit that the proposed development would not give rise to any significant overshadowing of the appellants property.
- 7.3. The submitted floor plans show a bathroom window facing south west and at a distance of approximately 5 metres from the boundary and the appellants front garden. It would have frosted glass and would not give rise to significant overlooking. Three bedroom windows at first floor level face south east. The nearest of these would be approximately 12 metres from the side wall of the appellants house, and the other two would be approximately 18 metres from the south east boundary between the two properties. These windows would not give rise to significant overlooking or loss of amenity to the appellants property.
- 7.4. By way of further information the applicant submitted revised sightlines at the access and the planning authority engineer finds the revised details acceptable. I concur with this view and consider this aspect of the proposal satisfactory given the nature and scale of the proposed development. Wastewater treatment and disposal is proposed with existing septic tank and tertiary treatment. On site assessment details

give a 'T' value of 15.97 min/25mm. I consider this aspect of the proposed development is satisfactory.

#### 7.5. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment, no Appropriate Assessment issues arise. The proposed development would not 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. I recommend that Permission be Granted

### 9.0 **Reasons and Considerations**

Having regard to the location of the site within the settlement boundary, to orientation of the proposed two storey extension and the separation distance to adjoining property, it is considered that the proposed development would not be injurious to the amenities of residential property in the vicinity and would 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 plans and particulars submitted on 30 August 2018 by way of further information, 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. Before development commences the following matters shall be agreed with

the planning authority:

- All external finishes
- Landscaping of the site, including the retention of trees on the site boundaries, as appropriate
- details of finishes to the site entrance and front boundary with the public road

**Reason:** In the interest of visual and residential amenities.

3. S 48 Unspecified Financial Contribution – public infrastructure and facilities benefiting the development.

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Des Johnson  
Planning Inspector

20 December 2018