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## Inspector's Report ABP 303339-19

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<b>Development</b>	Extension to house
<b>Location</b>	Forge Cottage. Western Road, Clonakilty, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/173
<b>Applicant</b>	Kieran O'Gorman
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant</b>	Mary Ahern
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28/02/19
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site which has a stated area of 0.0805 hectares, is located on the south side of Western Road (R880) to the southwest of Clonakilty Town Centre. It is within the town's 50kph speed limit. It is roughly rectangular in shape with the Fealge River bounding it to the south and west. The overall site is bounded by a vacant site to the north-east with the entrance and driveway to Bushmount Nursing Home to the south-west with detached dwellings on the opposite side of the road.

The existing two storey dwelling is positioned in the western portion of the site and is occupied. It has been extended with the north-eastern portion in commercial use and occupied by a beauty salon. The said commercial unit is served by a separate entrance.

There is a two storey, standalone building in the north-eastern corner of the site which is in office use, currently occupied by an Auctioneer and a Solicitor. The area inbetween the two buildings is used for car parking with further parking associated with the residential use immediately to the south of its front door.

Western Road is well trafficked with sight lines to the west somewhat restricted due to the road's horizontal alignment. There are no on street parking restrictions in the vicinity of the site.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 04/04/18 with further plans and details submitted 09/11/18 following a request for further information dated 17/05/18.

The proposal, as amended, entails a 48 sq.m. two storey extension to the existing dwelling providing for an additional two bedrooms. The bedroom at ground floor level is to be ensuite. Internal connection with the existing dwelling is proposed at both levels. A separate entrance is proposed to the front elevation.

The extension is to have an overall height of 6.860 metres, stepped down from the ridge height of the main dwelling.

The extension is to project 1 metre forward of the front wall of the dwelling.

The extension is to be set back 1 metre from the river channel.

The application is accompanied by Flood Impact Assessment.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant subject to 9 conditions including:

Condition 2: Amendments requiring extension to be set back a minimum of 200mm from the front building line, front door to be omitted and replaced with a window and no use of frosted glass in any front window. The door ope, if required, can be located in the western gable elevation.

Conditions 3, 5 & 6: Proposal to be used solely as extension to existing dwelling and shall be confined to use as a single private dwelling unit.

Condition 7: Parking to be accommodated within the site as much as is practical to minimise the use of the public road for overspill parking.

Condition 8: Make provision for the construction of flood defence measures that may affect the site as part of the Clonakilty Flood Relief scheme.

Condition 9: Make provision to protect the development from flooding and any such proposals shall not negatively impact on neighbouring development.

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

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

The 1<sup>st</sup> Planner's report dated 17/05/18 notes that the proposed extension does not physically appear to be an extension but an additional independent dwelling unit. Its scale and design is completely unacceptable. A request for further information seeking redesign, assessment of structural integrity of river wall and parking recommended. The 2<sup>nd</sup> report dated 04/12/18 recommends modifications to the extension as amended. A grant of permission subject to conditions recommended.

### 3.2.2. Other Technical Reports

Estates section in a report dated 04/05/18 notes that the extension should not significantly impact on the existing flooding regime in this area nor impact on existing flooding risk elsewhere. It will not change the vulnerability of the building to flood risk. A justification test is not required. The structure cannot be accommodated on the site and will extend out over the existing river channel which will compromise the existing channel wall and possibly compromise the proposed flood defences locally. Such works would require Section 50 consent from the OPW. Amended plans seeking reduction in size of extension recommended. The 2<sup>nd</sup> report dated 03/12/18 following further information notes that the foundations is to be piled to ensure that the proposed extension will not impact on the structural integrity of the existing river wall. No objection subject to conditions.

Area Engineer in a report dated 16/05/18 agrees with the Estates section that a smaller footprint should be sought. Impact on the river wall structure during construction needs to be assessed. The extension would appear capable of operating as a separate unit. On site parking needs to be addressed. A request for further information recommended. The 2<sup>nd</sup> report dated 03/12/18 following further information notes that the foundations is to be piled and should not interfere with the wall structure. There are issues with the number of parking spaces estimated. The worst case assessment is that the site requires 16 parking spaces which is twice that being provided. The parking arrangements are not very convenient to use. The public road is wide enough to cater for on street parking and while this is not to be encouraged it is in the town and is normal for a town area. No objection subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Observations on the proposal received by the planning authority are on file for its information. Issues of on street parking, access, overdevelopment of the site and proposed use raised.

## 4.0 Planning History

**2000** – 34/00 permission granted to demolish dwelling and replace same.

**2002** – 14/02 permission granted for change of use of dwelling to ground floor commercial use with 1<sup>st</sup> floor store and change of use of family room of 2<sup>nd</sup> dwelling to auctioneers office and provision of signage.

## 5.0 Policy and Context

### 5.1. Development Plan

Clonakilty Town Development Plan 2009 refers.

The site within an area zoned Residential.

### 5.2. Natural Heritage Designations

The site is approx. 800 metres to the west of Clonakilty Bay SAC and SPA.

### 5.3. Environmental Impact Assessment

Having regard to the nature and extent of the proposed development within the town of Clonakilty 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The 3<sup>rd</sup> Party appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- The site is intensely used resulting in overspill parking on the adjoining road which gives rise to a traffic hazard. Sufficient parking is not provided for the uses.

- The appellant has issues entering and exiting her property due to the limited space and obstructions to her line of sight.
- Double yellow lines should be provided on both sides of the road for a distance of 30 metres each side.
- The development previously granted on the overall site under ref. 14/02 did not comply with the conditions attached.
- The adequacy of the documentation and assessment by the planning authority is queried.
- The replacement dwelling granted permission in 2000 is already sufficiently large to be successfully adapted to accommodate the needs of any family member, without the need for additional extension structures.
- It is anticipated that the extension will be used as a separate accommodation unit.

## 6.2. **Applicant Response**

The scale of the extension is modest and is required to accommodate the special needs of family members.

## 6.3. **Planning Authority Response**

Nothing to add to reports on file.

## 6.4. **Observations**

None.

## 7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Nature and Extent of Development and Suitability of Design
- Parking
- Flood Risk
- Appropriate Assessment

### 7.1. Nature and Extent of Development and Suitability of Design

The proposed extension, as amended, provides for an additional two bedrooms (one ensuite) to the existing dwelling, the purpose of which is so to meet the specific familial requirements of the applicant. Internal connection is proposed at both ground and 1<sup>st</sup> floor level.

The appellant contends that the applicant does not reside in the dwelling and expresses concerns as to the potential use of the extension as a separate dwelling unit. Notwithstanding, the proposal before the Board is for a two storey extension to the existing dwelling, only, and it is in that context that the proposal must be assessed.

The Board has no remit in terms of compliance with conditions attached to permissions granted for other development on the larger site, notably file ref. 14/02 referenced by the appellant. Such matters should be addressed to the planning authority.

I recommend that conditions clarifying the extent of the development permitted and requiring the use of the extension for purposes incidental to the enjoyment of the main dwelling house can be attached to address any concerns.

As amended, the proposal entails a modest extension of 48 sq.m. to the side of the existing dwelling. It is to have a ridge height which steps down from that of the main dwelling. In general I consider that it is acceptable but I would endorse the amendments set out in condition 2 of the planning authority's notification of decision which requires the setback of the front boundary wall from that of the main dwelling, omission of the door in the front elevation (and, if required, its repositioning to the

western elevation) and prohibition of use of obscure glazing to the front elevation. These changes will ensure that the extension presents as subordinate to the main dwelling. The alterations will require a possible internal rearrangement.

## **7.2. Parking**

A substantive issue of the 3<sup>rd</sup> party appeal is the adequacy of the parking serving the entire site, the consequences of overspill parking onto the road and impact on turning movements in and out of her dwelling which is opposite the appeal site.

As noted previously the proposal is for an extension to the dwelling, only. In itself it would not generate additional parking requirements as per the current Clonakilty Development Plan. As noted on day of inspection a car was parked directly in front of the entrance to the dwelling and it is reasonable to assume that it was by the occupant of same. The nature and extent of the existing uses on site and their parking requirements are not before the Board for adjudication or comment. Whilst on street parking was noted in the vicinity there are no restrictions in terms of double yellow lines or charges etc. I do not consider that the proposed extension would exacerbate the prevailing situation.

The matter of provision of double yellow lines is a matter for the Roads Authority and any request should be addressed to same.

## **7.3. Flood Risk**

Due to the fact that the site is bounded on two sides by the Fealge River and is within Flood Zone A the application is accompanied by a Flood Risk Assessment. A flood relief scheme is proposed for Clonakilty. As yet a timescale for its realisation is not available.

The extension, as amended, will have a 1 metre setback from the river channel. As the foundations is to be piled the works would have no impact on the structural integrity of the channel wall.

In view of the nature and extent of the proposal as assessed against section 5.28 of the Guidelines on the Planning System and Flood Risk Management, a justification test is not required.

I accept the conclusion that the proposal would not have any material impact on the existing flooding regime nor increase the flood risk elsewhere.



#### **7.4. Appropriate Assessment**

Having regard to the nature and scale of the development within the town of Clonakilty and the distance to the nearest European 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**

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

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

Having regard to the scale, nature and design of the proposed extension and to the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not give rise to a traffic hazard or obstruction of road users and would not give rise to flood risk. 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 plans and particulars submitted on the 9<sup>th</sup> day of November, 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 development to which this permission refers is as detailed in blue on the plans received by the planning authority on the 9<sup>th</sup> day of November, 2018, only, and does not refer to any other works on the site.

**Reason:** in the interest of clarity.

3. 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.

4. 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

5. (a) The proposed extension shall be set back a minimum of 200mm from the front building line of the existing dwelling.

(b) The proposed door opening on the front (north) elevation shall be omitted and replaced with a window opening which shall match the window openings in the existing dwelling. A door, if required, shall be located in the side (western) elevation.

(c) Obscure glazing shall not be used in any window opening in the front (north) elevation.

Revised plans and drawing with the necessary alterations delineated thereon shall be submitted to the planning authority for its written

agreement prior to commencement of development.

**Reason:** in the interest of visual amenity

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**March, 2019**