



An
Bord
Pleanála

Inspector's Report ABP 304154-19

Development	Demolition of ground floor structure and garage, construct extension and associated works.
Location	8 Hillside Drive, Glasheen, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	18/38074
Applicant	Eileen Hyde
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Monica Sexton
Observers	Carmel Duggan & Donal Mulcahy
Date of Site Inspection	25/06/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site is within the mature estate of Hillside in Glasheen to the south-west of Cork city centre. No.8 is a two storey, semi-detached dwelling with a detached garage to the side which immediately adjoins the converted garage structure of No. 10 to the west. The dwelling is served by a rear garden which slopes down from the house with an outbuilding constructed along the rear boundary. The said structure was subject of an appeal under re. PL28.246522 for which retention permission was secured.

No.6 to which the dwelling is connected has been extended to the rear with the flank wall of the extension immediately abutting the shared boundary. The remainder of the boundary is delineated by a timber fence and planting. The flat roofed converted garage attached to No.6 is two storey to the front and single storey to the rear.

2.0 Proposed Development

The application was lodged with the planning authority on the 03/10/18 with further plans and details received 15/02/19 following a request for further information dated 22/11/18. As amended, the proposal entails:

- Demolition of single storey garage to the side and part of the rear ground floor of the dwelling
- Construct a single storey flat roofed rear extension with a stated floor area of 46.11 sq.m. to provide for a kitchen area and ensuite bedroom. The extension is to have a stated height of 3.62 metres.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 12 conditions including:

Condition 3: submission of details for the protection of the dwelling to the west including measures proposed to make good the existing common wall.

Condition 4: Window in the south-western corner to be constructed in accordance with drawing nos.1080-08 and 1080-07 submitted 15/02/19.

Condition 5: Extension and dwelling to be used as a single dwelling unit.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Assistant Planner's report recommends a condition ensuring that the boundary wall to No.10 is protected and finished to a satisfactory standard for reasons of visual amenity. The single storey flat roofed extension would not have a serious negative impact on the visual amenity of the area. The use of obscure glazing in the window in the south-western corner will address any issues of overlooking. Given the height it is not considered that it would impact on the current levels of daylight, sunlight, outlook or privacy of adjoining property. Further information recommended seeking a revised site layout and drawings that comply with article 23 of the Planning and Development Regulations 2001, as amended, including site contours and landscaping in addition to revised plans delineating obscure glazing to the window in south-western corner. The 2nd report following further information recommends a grant of permission subject to conditions. The recommendation is endorsed by the Acting Senior Executive Planner.

3.2.2. Other Technical Reports

Environment Section has no objection subject to conditions.

Drainage Section has no objection subject to conditions.

Roads Design has no objection subject to conditions.

3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

3.4. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd party appeal and observation summarised in section 6 below.

4.0 **Planning History**

PL28.246522 (16/36758) – permission granted for retention of outhouse in the rear garden for domestic use.

5.0 **Policy and Context**

5.1. **Development Plan**

The site is within an area zoned ZO 4 – Residential, Local Services and Institutional Uses.

Part D: Alterations to Existing Dwellings Extensions

The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected and external finishes and window types should match the existing.

Extensions should:

- Follow the pattern of the existing building as much as possible;
- Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it;
- Roof form should be compatible with the existing roof form and character. Traditional pitched roofs will generally be appropriate when visible from the public road. Given the high rainfall in Cork the traditional ridged roof is likely to cause fewer maintenance problems in the future than flat ones. High quality mono-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials;

- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.

5.2. **Natural Heritage Designations**

None in the vicinity.

5.3. **Environmental Impact Assessment**

The proposed residential extension does not fall within a class of development for which EIA is required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The 3rd Party appeal can be summarised as follows:

- The appellant has no guarantee of the outcome and impact of the works. By way of condition the planning authority requires the appointment of a structural engineer.
- The floor level of the garage to be demolished is materially higher than the floor level of the appellant's property. There is concern that its demolition and construction works would cause damage to the side wall of her property.
- The demolition would cause the existing wall of her bedroom and garage to become an exposed external wall. No details have been provided regarding finishes to same.
- The proposed window in the north-west elevation would give rise to overlooking and loss of privacy. The window should be omitted.
- Taking into consideration the difference in levels and the fact that the extension will be higher than the existing garage additional overshadowing of windows in the side elevation and open area could arise. The height difference is not shown on the plans.

- The outline plan of the appellant's property is incorrect in that there is no recess.
- The plans do not show the unfinished shed to the rear. The ground levels as shown on the plans are incorrect as the ground has been built up since the building of the shed. The site is untidy.
- The shed to the rear of the site will be visible from the road with the demolition of the garage. This will alter the suburban character of the area.
- A rear garden of 77 sq.m. will remain and not 130 sq.m. as stated in the Planner's report.
- No details are provided on the layout and invert levels of the storm and foul sewers
- Existing storm runoff within the appeal site is impacting her property.
- The drawings are inadequate in that the north point is incorrect on some, whilst the soakaway is not shown.
- The applicant's address as given on the planning application form is incorrect.

6.2. Applicant Response

None

6.3. Planning Authority Response

No further comment.

6.4. Observations

The observation from Carmel Duggan & Donal Mulcahy can be summarised as follows:

- There are concerns relating to the proposal on what continues to present as an unfinished and unsightly site.
- The proposal will not be in keeping with the overall character of the area.

- The shed at the rear of the site will be visible from the road with the demolition of the side garage.
- The site levels have been raised. It is unclear if the site levels are to be returned to the original levels. It not there are concerns regarding overlooking of their property.
- The rear garden area in the planner's report appears to be incorrect.
- There is concern about the impact on existing poor ground soil conditions.

7.0 **Assessment**

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

- Principle of Development
- Impact on Amenities of Adjoining Property
- Other issues

7.1. **Principle of Development**

The site subject of the appeal is within the mature residential area of Hillside in the suburb of Glasheen and is zoned for residential, local services and institutional uses in the current Cork City Development Plan. The stated purpose of the zoning includes the protection and provision for residential amenities. Whilst an extension and alterations to the existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicant seeking to maximise accommodation with the requirement that such works should maintain the visual amenities and scale of the parent building whilst not compromising the residential amenities of adjoining property.

7.2. **Impact on Amenities of Adjoining Property**

The proposal entails the demolition of the existing detached garage to the side of the dwelling. This structure directly abuts the converted garage attached to the appellant's property which provides for living accommodation at both ground and 1st floor level. The appellant is concerned that the works would impact adversely on the integrity of the structure and boundary walls to the front and rear of same. I submit

that a condition requiring the works to be supervised by an appropriately qualified person is sufficient to address this matter. Any further issue between the property owners would constitute a civil matter best resolved through the appropriate channels. I would recommend that the applicant be informed of the provisions of Section 34(13) of the Planning and Development, Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

The demolition of the garage is so as to allow for a single storey flat roofed extension to the rear of the dwelling with a stated floor area of 46.11 sq.m. and height of 3.620 sq.m. It is to have a setback of 1.505 metres from the boundary with No.10 and will extend marginally beyond the building line of the main dwelling. No.10 has windows in its side elevation facing onto the appeal site in addition to ground and 1st floor windows in the converted garage. As prevailing, these windows and the enclosed area in front are overlooked from the front garden of the appeal site. As noted by the appellant the site layout plan delineates a recess in the side wall of her property which is incorrect. However, I submit that this discrepancy does not constitute a material failing. Notwithstanding the difference in site levels whereby the appellant's property is lower than the appeal site, and the absence of a contextual elevation drawing showing the extension relative to existing, I submit that the proposed development would be appropriate in scale and height and that the amenities as currently enjoyed by the appellant in terms of privacy and light would not be adversely affected.

There is a level of ambiguity as to whether the window proposed in the western elevation has been removed. I note that the covering letter to the further information and the floor and elevation plans delineate its omission although the site plan continues to show such a provision. The omission of this window is reasonable, and I consider a condition comparable to that attached by the planning authority to be appropriate in the interests of clarity.

The depth of the extension does not extend beyond that of the rear extensions to the properties on either side. As per the details given on the site plans submitted by way of further information the site has falls of approx.0.5 metres from the rear of the dwelling to the location of the shed built to the rear. Whilst a paved patio area is proposed to the rear of the extension there is nothing to suggest that site levels

would give rise to overlooking into adjoining properties, the boundaries of which are delineated by timber fencing and planting.

From the details given on the site layout submitted by way of further information the rear garden area, inclusive of the proposed patio area, would be 139.5 sq.m.

Issues of existing site drainage have been raised by the appellant in terms of impact on her property. I note that a condition attached to the grant of retention permission for the shed to the rear required all storm runoff to be retained within the site with details of supporting calculations for soakaways to cater for the run off to be submitted to the planning authority. Any outstanding issues in terms of compliance are a matter for enforcement by the planning authority. The additional runoff from the extension, taken in context with that arising from the detached garage which is to be demolished to facilitate same, would not be material. A condition requiring the disposal of storm water within the site boundaries would be appropriate.

The condition of the rear garden and shed therein are not matters for comment by the Board. The shed has been deemed acceptable. The fact that it may be visible on removal of the side garage to facilitate the development would not detract from the amenities of the area. Notwithstanding, it is not unreasonable to assume that in the interests of security that the applicant may erect a gate/door to prevent uncontrolled access to the rear garden.

7.3. Other Issues

Drawings

Whilst regard to the concerns as to the adequacy of the drawings I note that the planning authority sought amendments by way of further information so as to meet the requirements of article 13 of the Planning and Development Regulations 2001, as amended. The file has been validated by same. I note that the shed for which retention permission was secured is shown on the site layout plans. I consider that the plans are sufficient to allow for a proper assessment of the application.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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 foregoing 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 existing residential zoning objective for the area, the pattern of development in the vicinity and the scale, nature and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 particular lodged with the application as amended by the further plans and particulars submitted on the 15th day of February, 2019, 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. Works in the vicinity of the side wall of No. 10 Hillside Drive and the front and rear boundary walls shall be supervised by a suitably qualified and experienced structural engineer, with appropriate measures to be taken for the protection of the wall and boundary.

Reason: In the interest of protecting the amenities of adjoining property.

3. The proposed window in the western elevation of the proposed extension shall be constructed in accordance with drawing nos. 1080-07 and 1080-80 received by the planning authority on the 15th day of February 2019. No opening shall be developed in the western elevation facing onto No. 10 Hillside Drive.

Reason: In the interest of clarity and protecting the amenities of adjoining property.

4. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

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. 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 agreement has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. . 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.

8. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interests of sustainable waste management.

Pauline Fitzpatrick

Senior Planning Inspector

July, 2019