



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304487-19

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<b>Development</b>	Construction of a single storey rear extension.
<b>Location</b>	No.10 St. Lachtans, Fairy Lawn, Lough Road, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38282
<b>Applicant(s)</b>	Rodney and Grainne Herlihy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Refusal
<b>Appellant(s)</b>	Rodney and Grainne Herlihy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> July 2019
<b>Inspector</b>	Elaine Power

## **1.0 Site Location and Description**

- 1.1. The subject site is located on Lough Road in the south central suburb of Cork City and is located directly opposite The Lough. There are a variety of house styles in the immediate vicinity of the site.
- 1.2. The subject site accommodates a contemporary two-storey detached house with a gross floor area of 152sqm). There is an existing driveway to the front of the house from Lough Road. The rear garden has a minimum depth of approx. 7.5m and is elevated. The rear boundary treatment consists of a 1.8m - 2m high timber fence.

## **2.0 Proposed Development**

- 2.1. It is proposed to construct a single storey rear extension, with a stated gross floor area of 40.5sqm. The extension is approx. 6.5m in width by 6.2m in depth and is attached to the house by a link corridor, approx. 2.4m in width. The extension would accommodate a new living room and bathroom.
- 2.2. The extension is located approx. 0.7m from the existing rear building line of the house, approx. 0.9m from the rear (southern) boundary wall, approx. 0.8m from the eastern boundary wall and approx. 3m from the western boundary wall. It has a flat roof with a maximum height of approx. 3.4m.
- 2.3. The rear extension is contemporary in design with large windows on the western elevation and a high level window on the eastern elevation. The external materials include smooth plaster finish with a zinc coated roof, to match the existing.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for the following reason: -

1. Having regard to the provisions of Paragraph 16.72 of the Cork City Development Plan 2015-2021, the proximity of the proposed windows to site boundaries and existing windows to the proposed development and the height

of the extension relative to the adjoining properties, the proposed development would fail to provide appropriate residential amenity for future occupants and would have an overbearing impact on adjoining properties, the proposed development would therefore seriously injure the amenities of future occupants and of the adjoining properties, contrary to proper and sustainable development of the area.

2. The proposed extension would result in insufficient private amenity space to adequately serve the scale of development and would contravene minimum private open space standards for dwellings of this size located in suburban areas, as outlined in Table 16.7 of the Cork City Development Plan 2015-2021. The proposed development would therefore result in overdevelopment of the site and would seriously injure the amenities of future occupiers of the development contrary to the proper planning and development of the area.

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

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

The Area Planner raised a number of concerns regarding the proposed development and recommended that permission be refused for the reasons stated above.

#### **3.2.2. *Other Technical Reports***

Road Design (Planning) Report: No objection.

Drainage Report: No objection.

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

None

## 4.0 Planning History

**Reg. Ref. 18/37878:** Permission was refused in 2018 for a single storey rear extension. Reasons for refusal related to (1) impact on residential amenities of adjoining properties in terms of overbearing impact and loss of light for the existing house and (2) insufficient provision of private open space.

**Reg. Ref. 09/33779:** Permission was granted in 2009 to demolish an existing dwelling and construct a replacement 2-storey dwelling.

**Reg. Ref.08/33077:** Permission was granted in 2008 for alterations to an existing dwelling and a first floor extension.

## 5.0 Policy Context

### 5.1. Cork City Development Plan 2015 - 2021

The site is located in an area zoned Z0 4 – ‘Residential, Local Services and Institutional Uses’ with the associated landuse objective *‘to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3’*. Section 15.10 states that the provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area.

Part D – Alterations to Existing Dwellings is relevant and in particular Section 16.72 - Extensions.

### 5.2. Natural Heritage Designations

There are no relevant designated areas in the immediate vicinity of the site.

### 5.3. EIA Screening

- 5.3.1. Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that 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

6.1.1. This is a first-party appeal against the Planning Authorities decision to refuse planning permission. The main grounds of the appeal are summarised below.

- Having regard to the height of the extension, its distance from site boundaries and the height of the existing boundary fence the proposed development would not have an overbearing impact or overshadow adjoining properties.
- The rear garden of adjoining properties are the same level as the subject site. The garden level of the subject site would be lowered to accommodate the development therefore there would be no overlooking or overshadowing of adjoining properties.
- The parapet level of the proposed extension is approx. 0.9m below the parapet level of adjoining properties and matches the eaves of the existing house.
- New roof lights have been provided to serve the master bedroom to ensure there is sufficient light serving the bedroom.
- The Planning Authority could have requested Further Information to address the concerns raised. The applicant would accept any conditions the Board required to facilitate the development.
- The window on the northern elevation is high level, and therefore would not result in any overlooking.
- The proposed extension would not be used as a separate extension. It is proposed that it would provide additional living space for the applicant.
- Rear private open space of approx. 31sqm is retained. Having regard to the orientation of the site, its location in an inner city suburb and opposite The Lough, this is considered sufficient. It is also noted that under Schedule 2

Part 1 of the Planning and Development Regulations 2001 (as amended) 40 sqm rear extensions are exempt subject to the provision of 25sqm of rear private open space being retained.

- Examples of similar developments, which have recently been granted planning permission have been included.

## 6.2. **Planning Authority Response**

No further comments.

## 7.0 **Assessment**

7.1. The main grounds of this appeal relate to the reasons for refusal, in this regard residential amenity and open space. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings: -

- Residential Amenity
- Open Space
- Appropriate Assessment

### 7.2. ***Residential Amenity***

7.2.1. The Planning Authority refused permission on the basis that the proximity of windows to the site boundaries and the height of the proposed extension in relation to adjoining properties would have an overbearing impact on adjoining properties and the proximity of existing windows to the extension would fail to provide amenity for future occupants.

7.2.2. It is noted that permission was previously refused for a rear extension at the subject site. The width and height of the current proposal is significantly reduced from the previous proposal. The applicant states in the appeal that the design of the house ensures it does not impact on the existing residential amenities of the area or the residential amenities of the occupants. It is noted that roof lights have been added to the existing master bedroom to ensure there is sufficient light.

- 7.2.3. The existing house has a stated gross floor area of 152sqm with bedrooms located at the ground floor level and living accommodation provided at first floor level. It is proposed to construct a single storey rear extension with a stated gross floor area of 40.5sqm. Due to the level difference on site it is proposed to level the rear garden. The ground floor level of the extension would be approx. 1.4m above the ground floor level of the existing house. The extension has a flat roof with a maximum height of 3.4m, from the proposed ground floor level.
- 7.2.4. The existing properties located to the east and west of the subject site are single storey, with a maximum height of approx. 5.5m. It is noted that the rear gardens of these properties are at a similar level to the subject site. The proposed extension is located approx. 0.8m from the eastern boundary wall and approx. 3m from the western boundary wall. It is proposed to provide a high level window, approx. 1.85m above the ground floor level of the extension on the eastern elevation. Large contemporary windows and doors are proposed on the western elevation.
- 7.2.5. Having regard to the limited height of the extension, the positing of windows and the provision of an existing 2m high timber boundary fence, it is my view that the proposed development would not result in undue overshadowing, overlooking or have an overbearing impact on the adjoining properties to the east and west of the site.
- 7.2.6. The proposed extension is located approx. 0.9m from the rear (southern) boundary wall and approx. 17m from the rear building line of existing properties on Fairy Ville Lawn. There are no windows on the northern (rear) elevation of the extension. Having regard to the height of the extension and the distance from properties on Fairy Ville road it is considered that it would not result in any overlooking, overshadowing or have an overbearing impact.
- 7.2.7. Having regard to the proximity, approx. 0.7m, of the proposed extension to the rear building line of the existing house the Planning Authority raised concerns regarding the impact of the extension on access to light for the ground floor master bedroom. In the appeal, the applicant acknowledged the proximity of the extension to the existing window and noted the provision of 2 no. velux roof lights to provide additional light to the bedroom. In my view, the proposed roof lights would provide

sufficient natural for the bedroom and therefore should not form the basis of a reason for refusal.

7.2.8. In conclusion, having regard the location of the site within an existing residential suburb of Cork City, the variety of house types and styles in the area and the design and layout of the extension it is considered that it would not be out of character with the surrounding area, result in overdevelopment of the site or negatively impact on existing residential amenities in terms of overlooking, overshadowing or overbearing impact or on the residential amenities of the existing or future occupants of the house.

### 7.3. ***Open Space***

7.3.1. The Planning Authority refused permission on the basis that the proposed development would result in an insufficient quantity of rear private open space to serve the scale of the development.

7.3.2. In the appeal the applicant has stated that there is sufficient quantity and quality of private open space and notes that the subject site proximity to the city centre and its location adjacent to The Lough and its associated amenity space.

7.3.3. The Development Plan does not set out private open space standards for existing dwellings. The proposed development would result in the retention of approx. 31sqm of rear private open space along the western boundary of the site. The space is approx. 3m in width by 10m in length. It is noted that there is an existing 6sqm balcony at first floor level, on the front elevation of the house. Having regard to the orientation of the open space, the sites location within the south-central suburb of the city and its proximity to The Lough, it is my opinion that, in this instance, there is a sufficient quality and quantity of private open space provided on site.

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

7.4.1. Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from 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

It is recommended that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

9.1. Having regard to the residential zoning objective for the site, the provisions of the Cork City Development Plan, 2015-2021, the design, layout and small scale of the development and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the amenities of the area or of property in the vicinity of the site. 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 in accordance with the plans and particulars lodged with the application 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 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.

3. Site development and building works shall be carried out only between the hours of 0700 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 approval has been received from the planning authority.

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

4. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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Elaine Power  
Planning Inspector

14<sup>th</sup> August 2019