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Bord  
Pleanála

## Inspector's Report

**ABP-306299-20**

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<b>Development</b>	Permission to demolish domestic garage and extension and construct extensions and alterations to dwelling.
<b>Location</b>	No. 1, Fairy Lawn, The Lough, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38559
<b>Applicant(s)</b>	Christine and Seán Russell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party V Decision
<b>Appellant(s)</b>	Anne and Carmel Ellis
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2nd March, 2020
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1. The appeal site comprises a two-storey dwelling, with a single storey rear and side extension and a single storey attached garage to the side within the established Fairy lawns residential development, which is located off the Lough Road, approximately 1.8 kilometres south-west of the city centre. There are single storey residential dwellings located east and west of the site within the Fairy Lawns development and also north-west and south of the appeal site. The Cork Lough water feature is located further west of the site on the opposite side of the Lough Road.
- 1.2. There is a vehicular double gated access to the south of the property.
- 1.3. The appellants reside in a single storey dwelling immediately west of the appeal site.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the demolition of an attached single storey garage to the side (western elevation) and a single storey side and rear extension (west and north elevations) (28 square metres) and their replacement with a single storey extension to the side and a two storey extension to the side and rear (84 square metres), alterations and all ancillary works.
- 2.2. The proposed development was altered by way of a further information request from the Planning Authority which resulted in a modified/raised window ope on the western elevation at first floor level and submissions of plans and clarification of use of a domestic storage shed/home office within the rear garden area.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 16th day of December 2019, Cork City Council granted planning permission for the proposed development subject to 11 conditions. The pertinent conditions are set out below:

Condition no 9-Construction waste shall be segregated and submitted for recycling/disposal at an authorised facility.

Condition number 10(a) -Construction noise limits.

Condition number 10(b) -Construction working hours.

Condition number 11 -Ensure no appreciable negative environmental impacts occur during the construction works.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

In the initial planning report, the key issue was considered to be impact upon the residential amenity of neighbouring properties. A request for further information was recommended.

Following the receipt of further information, the Planning Officer recommended that planning permission be granted subject to standard conditions.

The Senior Executive Planner concurred with this recommendation.

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

Road Design (Planning): No objection, subject to conditions.

Drainage Division: No objection, subject to conditions.

Environment Waste Management & Control;: No objection, subject to conditions.

## **3.3 Prescribed Bodies**

3.3.1 Irish Water: No objections, subject to conditions

## **3.4 Third Party Observations**

3.4.1 During consideration of the application by the Planning Authority, submissions were received from two residents, who reside immediately west of the appeal site. The issues raised in the submissions are similar to those also raised in the grounds of appeal and are summarised within the grounds of the appeal set out below.

## **4.0 Planning History**

I am not aware of any relevant planning applications relating to this site.

## **5.0 Policy and Context**

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

#### **5.1.1. Zoning**

The site is zoned 'Z0 4-Residential, local services and institutional uses where the objective is: To protect and provide and /or residential uses, local services and institutional uses, having regard to employment policies outlined in Chapter 3.

Residential uses are acceptable within this zone also.

#### **5.1.2. Alterations to Existing Dwellings**

The design and layout of extensions to houses are required to 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.

#### **5.1.3. Section 16.72 of the Plan sets out the requirements f in relation to extensions and alterations to dwellings. 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**

Not relevant.

## **6.0 The Appeals**

### **6.1. Grounds of Appeals**

6.1.1 The grounds of the appeal may be summarised as follows:

- The proposal will have an injurious impact on the use, enjoyment and residential amenities of the appellants' home by reason of overlooking.
- The proposal, on an elevated site, due to its height and scale, in proximity to the neighbouring property to the west, would restrict light into the appellants property.
- Overlooking already occurs from the two ground floor windows on the western elevation of the applicants property.
- The proposal will result in a diminution in the value of the appellants' home.

### **6.2. Applicant's Response**

The applicant's response to the appeals may be summarised as follows:

- The applicants fully cooperated with Cork City Council in revising the drawings and showing consideration towards neighbouring properties.
- Direct overlooking of the neighbouring properties private rear amenity space has been obviated by the revised proposals submitted as part of the further information response.
- Proposed first floor bedroom window on western elevation will not impact upon the privacy of the adjoining property (to the west).
- Any potential overlooking will be of an element of the neighbouring roofline and a small portion of their side yard which is currently visible from the Lough Road.
- Appellants willing to modify design further by altering location of proposed door at ground floor on western elevation to rear (northern) elevation of proposed utility room as a further compromise.

### **6.3. Planning Authority Response**

The Planning Authority submitted that it had no additional comments to make from those included within the two earlier planning reports.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1 I consider the principal planning issue relating to the proposed development is that of potential impact on residential amenity.

### **7.2 Impact on Residential Amenity**

7.2.1 The proposed development has been designed such that there would be minimal direct overlooking of the neighbouring properties. The revised proposals provide for a high-level horizontal window at first floor level on the western elevation of the proposed extension and the inclusion of opaque glazing in the proposed first floor bathroom window on the same elevation. I am satisfied that the proposed development would not result in any undue loss of privacy for the neighbouring property to the west or any other neighbouring property.

7.2.2 With regard to the issue of loss of light, the appellants' house is located immediately west of the applicant's property. Having regard to the orientation of the two properties in question and the fact that a pitched roof is proposed to be developed on site, and having regard to the pathway of the sun, the separation distances between the properties and the existence of a two metre boundary fence separating the properties, I am satisfied that the proposed development would not result in any significant additional loss of light of the property to the west.

7.2.3 Overall, I conclude that the proposed extension has been designed with due regard to any potential adverse impacts on the neighbouring property to the west and other neighbouring properties.

### **7.3 Appropriate Assessment**

7.3.1 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**

8.1. I recommend that planning permission be granted subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the design and limited scale of the proposed development, the existing building on site and the pattern of development within the area, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties. 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 18<sup>th</sup> day of November 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. 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.

- 3 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 interest of sustainable waste management.

- 4 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 amenities of property in the vicinity.

- 5 The external finishes of the proposed extensions shall be consistent with those of the existing dwelling on site.

**Reason:** In the interest of visual amenity.

- 6 The first floor ensuite window on the western elevation shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

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Fergal O’Bric  
Planning Inspector

6th March 2020