



An
Bord
Pleanála

Inspector's Report

ABP-306718-20

Development	Construction of extension and carry out alterations to house
Location	11 Cloughleigh Road , Ennis , Co Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	19928
Applicant(s)	Michelle & Robert Cassidy.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Brendan Kenny & Anastatia Roche. Gert & Margaret Lacheiner - representative of the Gilligan Family.
Date of Site Inspection	5 th May 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to an existing dwelling located on the western side of Cloughleigh Road within a well established residential area to the west of Ennis town centre. The appeal site (0.0031hectares) accommodates a mid-terraced two storey dwelling. Access to the rear garden is gained via an arched alleyway which is shared with the adjoining dwelling No 10 to the south. The adjoining dwelling to the north has a single storey extension to the rear. Each of the dwellings has a front garden and a garden to the rear.

2.0 Proposed Development

- 2.1. The proposal involves a 2 storey rear extension with a floor area of 38sq.m. providing for a dining room at ground floor level and a bedroom and ensuite bathroom to first floor level. The proposed extension incorporates a flat roof with external finishes to include plaster render and slate cladding.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 30th January 2020 Clare County Council issued notification of its decision to grant permission and 5 conditions were attached including
- Condition 2. Construction management plan to be agreed.
- Condition 3. Encasing and reinforced bridging of existing sewers, storm water drains. Relocation of existing manholes, stopcocks, valves or other fittings.
- Condition 5. No part of the proposed development to overhang or encroach onto adjoining properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report recommends permission subject to conditions.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

3.4.1 Submission by Brendan & Anastasia Roche Kenny, 10 Cloughleigh Road & Gerry and Margaret Lacheiner on behalf of the Gilligan Family, 12 Cloughleigh Road.

Submission outlines concerns also raised in the appeal regarding the proposed windows, position and method of construction of the dividing wall, protection of the sewer. Alignment of the dividing boundary wall in the rear garden queried.

4.0 Planning History

No planning history on the appeal site.

5.0 Policy Context

5.1. Development Plan

The Clare County Development Plan 2017-2023 refers. The site is zoned "Existing Residential".

5.2. Natural Heritage Designations

The site is within 75m of the Lower River Shannon SAC.

5.3. EIA Screening

5.3.1. Having regard to the limited nature of the proposed development and to the nature of the receiving environment, 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 The appeal is submitted by Brendan Kenny and Anastasia Roche, 10 Cloughleigh and Gert & Margaret Lacheiner representatives of the Gilligan Family of 12 Cloughleigh. Grounds of appeal are summarised as follows:

- Concern arises regarding the window to the side of the proposed extension at ground floor level facing no 10 Cloughleigh. This will directly overlook the back garden and form a gross invasion of privacy. Timber fence has gaps in vertical battens and is not a solid structure.
- Proposed new rear window at first floor level level to existing house proximate to the separating wall between no.s 10 and 11. Concern that there is no cavity barrier and proposal will give rise to sound transfer. Current building regulations require a minimum 650mm clear between openings in external wall on either side of the separating wall with a cavity barrier along the line of the party/separating wall.
- Concerns arise regarding position and possible method of construction of the external wall of the proposed two storey extension. Potential to damage roof of existing single storey extension at no 12.
- Overshadowing and loss of light.
- Management of rainwater disposal -cut off gutter for house no 12.
- Potential damage to the roof of the existing single storey extension at no 12.
- Fire safety, health and safety issues.
- Concerns regarding construction over the main sewer.
- Alignment of the rear dividing walls between no 10 and 11 and between 11 and 12 does not accurately reflect the alignment of boundaries on the ground.

6.2. Applicant Response

6.2.1 The submission by Michael Williams Architectural Technician on behalf of the applicant is summarised as follows:

- Regarding window on side elevation the applicant proposes to carry out remedial works to the screen fence by counter battening thus sealing off the vertical gaps.
- Party wall between the houses is more than likely 215 concrete solid wall which may be extending into cavity of existing external wall. If not, a cavity barrier can be put in around the proposed window ope thus eliminating any prospect of flanking transmission of sound.
- Proposed party wall is located beside party wall of adjoining extension on site no 12. It is now proposed to construct a solid concrete wall here instead of studding, insulated on both sides and clad externally at first floor level in a cement-based cladding or slates in the interest of long-term maintenance. A lead flash apron shall extend from the proposed party wall over the roof edge of the adjoining extension.
- Proposed extension does not pass the line of the existing extension and will not affect lighting to ground floor living areas. Any overshadowing to first floor bedrooms of house 12 will be minimal. Direct sunlight to rear of house 12 is in a westerly direction.
- Storm water drainage from house 12 shall be accommodated on the side of the proposed extension with a downpipe in the applicants property.
- All works relating to foul sewers, storm water and watermains shall be managed and agreed with the council at construction stage.
- Site boundaries are in accordance with up to date maps from OSI.

6.3. Planning Authority Response

6.3.1 The response of the Planning Authority notes the grounds of appeal and considers that the issues have been addressed in the original planners report and in the conditions. Having regard to the existing residential use and zoning, the relevant section 28 Ministerial Guidelines, the policies of the current development plan and pattern of development in the area, it is considered that subject to conditions the

proposed development would not seriously injure the amenities of the area or of property in the vicinity and will be in accordance with the proper planning and sustainable development of the area.

7.0 **Assessment**

- 7.1. I note that the third party alleges that the application is deficient in terms of depiction of the property boundaries on the drawings. The first party notes that the property boundaries as depicted on the site layout plan are consistent with the up to date ordnance survey maps. In my view the application demonstrates compliance with the requirements for plans drawings and maps as set out in Article 23(1) of the Planning and Development Regulations 2001, as amended.
- 7.2. The issues arising in this appeal relate to the acceptability of the proposed development in light of the visual impact and impact on the character of the dwelling and the residential amenities of adjacent properties. Given the established residential use and residential zoning objective pertaining the principle of development of an extension intended to enhance and improve the level of residential accommodation on the site is acceptable.
- 7.3 The key issue is therefore to consider whether the intervention is acceptable in terms of its impact on residential amenity, its visual impact and impact on the character of the dwelling and the area in the specific circumstances of this site. Regarding the scale of the proposal, I note that the extension proposed is relatively modest (38m²) and the site is sufficiently large to accommodate the proposal. In the context of the established development in the vicinity the proposal adopts the same rear building line of the established single storey extension to No 12 and in terms of scale the proposal is not out of character.
- 7.4 As regards design and visual impact, the materials proposed in the development are to match the existing dwelling which is appropriate. Regarding the proposed additional window to the rear elevation of the existing dwelling I note that the applicant proposes

to provide for a cavity barrier as necessary to prevent the prospect of flanking transmission of sound. I consider that this is reasonable. As regards the ground floor window to the side elevation of the proposed extension it is in my view reasonable to provide for same and I note that the applicant proposes to carry out remedial works to the boundary fence with No 10 to ensure the mutual protection of residential amenity.

- 7.5 In design terms the proposal integrates appropriately with its context. As regards impact on light to No 12 given that the proposal maintains the rear building line of the extension to No 12, the ground floor windows will not be affected and impact on first floor windows is not significant. The proposed development is not likely to give rise to a significant impact in terms of outlook.
- 7.6 Detailed provision for stormwater, foul sewers, watermains and manholes will be subject to agreement with the local authority which is appropriate. Subject to standard best practice construction methods no adverse impact on adjoining properties will arise.
- 7.7 As regards Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment, and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that 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 have read the submissions on the file, visited the site and had due regard to the development plan and all other matters arising. I recommend that the Board uphold the decision of the planning authority and grant permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the Clare County Development Plan 2017-2023 it is considered that the proposal would comply with the zoning objective for the site and would be compatible with the visual and residential amenities of the area and would not impact unduly on the residential amenities of adjacent properties. No appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by full plans and particulars received by An Bord Pleanála on 13th March 2020 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 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.

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

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 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.

Brid Maxwell
Planning Inspector

7th May 2020