



An  
Bord  
Pleanála

## Inspector's Report

**ABP-307565-20**

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<b>Development</b>	Permission to demolish existing single storey rear extension and construction of new single storey extension to rear and first floor extension to side, two storey bay window to front, elevational alterations, conversion of attic and dormer window within rear roof space.
<b>Location</b>	No. 10, Laburnam Park, Model Farm Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	20/39028
<b>Applicant(s)</b>	Ronan Murray and Aideen Creedon
<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>	Rose and Denis Murphy
<b>Observer(s)</b>	Martin Murphy

**Date of Site Inspection**

16th September, 2020

**Inspector**

Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1. The appeal site comprises a two-storey dwelling, with single storey rear and side extensions within the established Laburnam Park residential development, which is located between the Wilton and Model Farm Roads, approximately 1.8 kilometres south-west of Cork city centre. There is a single storey dwelling located to the west and two-storey residential dwellings located south and east of the site, all within the Laburnam Park development and also north of the appeal site, within the Ridgeway residential development. The Cork University Hospital is located further south of the site.
- 1.2. There is a vehicular access to the site from the Laburnam Park internal access road.
- 1.3. The appellants reside in a two-storey dwelling immediately east of the appeal site.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the demolition of a single storey extension to the rear (nineteen square metres) and its replacement with a single storey extension to the rear and a first floor extension to the side (eighty six square metres additional space in total), two storey bay window on front elevation, elevational alterations and conversion of attic space. 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 narrowing of the first floor extension by approximately five hundred millimetres, the introduction of obscured high level glazing on the eastern elevation at first floor level within the proposed bedroom area, a revised Site Plan illustrating accurate site dimensions, the omission of the proposed second floor dormer window within the rear roof/attic space and the introduction of two rooflights in lieu and a contiguous elevation plan illustrating the existing dwelling on site number 10 in context with number 12 Laburnam Park.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 16th day of June 2020, Cork City Council granted planning permission for the development subject to ten conditions. The pertinent planning conditions are set out below:

Condition number 3 (a)-The Window serving the dining area on the western elevation shall be revised to a high level horizontally orientated window, non - openable and fitted with obscure glazing.

Condition number 3 (b)-The first-floor bedroom window on the eastern elevation shall be omitted,

Condition number 3 (c)-The high-level window serving the kitchen area on the eastern elevation shall be non-openable and fitted with obscure glazing,

Condition number 3 (d)-The roof to the single storey element of the extension shall not be used as a balcony/seating/amenity area at any time.

Condition number 4: Hedging on eastern and western boundaries shall be protected during construction works and retained.

Condition number 5: Construction waste shall be segregated and submitted for recycling/disposal at an authorised facility.

Condition number 6 -Construction noise limits.

Condition number 7 -Ensure no appreciable negative environmental impacts occur during the construction works.

Condition 9-Separation of drainage systems.

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

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

In the initial planning report, the key planning issues were considered to be the design and layout of the extensions and alterations and the 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, set out within section 3.1 above.

### **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, three submissions were received, two from adjoining residents, who reside immediately west and east of the appeal site (within numbers eight and twelve Laburnam Park) and another submission from family members of Number 12, Laburnam Park. Two further submissions were received from neighbouring residents within Laburnam Park following the submission of the further information response. 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.

### 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 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.
- Dormer extensions should not obscure the main features of the existing roof nor should not break the ridge or eaves lines of the roof.
- 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 Appeal**

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

- Concerns regarding the accuracy of the drawings submitted to the Planning Authority in relation to the distance between the party boundary line and the proposed extension and overhang associated with the first-floor extension.
- The Site Plan does not accurately reflect the actual situation on the ground.
- The scale of the extension represents an over-development of the site.
- With the building being proximate to the site boundary, it may restrict maintenance access.
- The development would result in overlooking of number twelve Laburnam Park.
- The development would impact upon the integrity of the existing boundary hedging, especially at construction stage, but also for maintaining the gable walls and associated rainwater goods.
- The hedging will occupy a consistent 0.5 metres of the eastern passageway at number 10 and impede access to the upper parts of the property.
- The width of the side passageway to the east of number ten narrows towards the rear of the property.
- This remaining narrow eastern passageway would prove difficult to serve domestic bins.
- The development would be visually obtrusive and out of character with the pattern of development in the area.
- Concerns over the creation of a new boundary treatment wall and loss of existing hedgerow boundary.
- Adverse impact upon neighbouring amenities by reason of noise, smells, illumination and increased traffic.
- Loss of light and overshadowing that would arise as a result of the development proposals.
- The development could compromise the development potential of the appellants property.

- The proposals would result in increased loadings on the surface water drainage system.
- Overlooking would arise from proposed side windows and bay window. It is unclear from the drawings submitted if these windows are fixed or openable.
- Concerns that the proposed flat roof over the proposed rear extension could be used as a balcony area.
- The development would create a wind tunnel effect.

## 6.2. Grounds of Observation

6.2.1 The grounds of the observation are similar to those laid out within the appeal submitted by the observer's parents, and a number of additional points raised within the observation may be synthesised as follows:

- That a survey carried out by the observer is at odds with the dimensions provided by the applicants and their agent within the drawings submitted to the Planning Authority.
- He cannot see the point of demolishing the existing ground floor side (eastern) elevation extension given its recent construction.
- Internal wall dimensions are provided but no definition of the thickness of the rising walls have been provided.
- The existing single-storey extension and associated west facing patio doors at the rear of the appellants property are not included within the revised site plan and this would be opposite a tall single-storey flat roofed extension
- The tall flat roofed extension to the rear of the proposed development will cast a shadow on the west facing patio doors to the rear of number twelve Laburnam Park.
- The tan brick external finish of the rear extension would be out of character with the area.
- The extension will tower over the existing eastern boundary hedge by 1.2 metres



- The proposed two storey bay window extension on the front elevation would add a further metre onto the front of the house and elements of same will extend forward of the front door and would result in overshadowing of the adjoining property at number twelve.
- That the plans submitted as part of the further information response reduced the first-floor separation distance by 255 millimetres and not 500 millimetres as stated by the applicants.
- The development proposals would result in the creation of a terracing effect and reduce the development potential to the western side of number twelve.
- The Planning Authority report fails to include a number of items within their development description which are proposed as part of the development works.
- The Planning Authority did not verify the accuracy of the situation on the ground.
- The Planning Authority did not adequately scrutinise the revised plans and check the validity of the claims made by the applicant's architect.
- The concerns raised by the appellants in relation to land survey or shadow analysis were not acted upon by the Planning Authority.
- That the second submission made by the appellants was dismissed without due consideration.

### 6.3. Applicant's Response

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

- The proposals are consistent with typical two-storey extensions of similarly scaled dwellings and the Planning Officer within the Planning Report noted the works would be within acceptable planning norms associated with domestic extensions.
- A laser measure survey was conducted in terms of determining the dimensions between the appeal site and neighbouring properties.

- The proposed extension was re-designed and set back from the eastern boundary, and a distance of 3.885 metres will remain between numbers ten and twelve Laburnam Park, a distance more than adequate to let light through to a blank wall, with one small window,
- Every dimension and measurement included within the drawings is accurate.
- Dampness nor cold would not arise as a result of the proposed development.
- No details have been submitted indicating that the roof of the proposed rear extension would be used as a balcony area, nor was it ever the intention of the applicants to use the roof of the single-storey extension for such a use.
- The applicants intend to install two velux rooflights in the roof space in the locations as submitted within the plans submitted and not cabrio style rooflights.
- The applicants have no intention of erecting a wall along the eastern (side) boundary.
- The appeal site is generally quadrilateral, generally with square corners and is typical of what is found within domestic sites.
- The applicants fully intend to honour conditions of any planning permission.
- The applicants fully cooperated with Cork City Council in revising the drawings and showing consideration towards neighbouring properties.

#### **6.4. Planning Authority Response**

The Planning Authority made no comments in relation to the appeal.

### **7.0 Assessment**

#### **7.1. Introduction**

7.1.1 I consider the principal planning issues relating to the proposed development are those of design and layout and of potential impact on neighbouring residential amenities. Appropriate Assessment will also be considered as part of the assessment.

## 7.2 Design and Layout

7.2.1 The ground floor rear extension and the first floor side (eastern) extension, revised as part of the further information response, are generally rectangular in shape with a gross floor area of approximately eighty six square metres, with the demolition of 19 square metres of part of an existing kitchen/dining area. The proposed extensions would accommodate an extended kitchen/dining/living room area, a utility and study at ground floor level and a first floor ensuite bedroom.

The proposed first floor extension would have a pitched roof with a maximum ridge height of approximately 8.3 metres, approximately two hundred millimetres above the ridge height of the existing dwelling on site, however, similar in height to many of the neighbouring two-storey dwellings within Laburnam Park.

Concerns were raised in the appeal that due to the mass, scale and bulk of the proposed first floor extension in proximity to the residential property to the east that the proposals are excessive for this site. I am satisfied that the applicants have made the necessary modifications within the revised design proposals, whereby the width of the eastern extensions have been narrowed, and therefore would be located further removed from the neighbouring residential property to the east to address any undue impact on the residential amenities of the neighbouring properties in this vicinity.

In terms of dimensions, I am satisfied that the dimensions provided on the drawings have been provided in accordance with the provisions of the Planning and Development Regulations 2001 (as amended). The width of the boundary hedge was noted to vary somewhat along the length of the side (eastern) boundary, however this is not uncommon with hedgerow boundaries where growth/maintenance can vary within such boundaries.

7.2.2 In conclusion, having regard to the revised location of the first floor rear extension further removed from the adjoining eastern party boundary, the reduced bulk and scale of the proposed works, it is considered that the revised proposals are suitably designed such that they would integrate with the existing dwelling on site and would be consistent with the urban character of the area.. It is, therefore, considered that

the revised design proposals would accord with the proper planning and sustainable development of the area.

### **7.3 Impact on Residential Amenity**

7.3.1 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 eastern elevation of the proposed extension. A planning condition can be included that this window be non-openable and fitted with opaque glazing. I am satisfied that no overlooking would arise from the proposed ground floor kitchen window on the eastern elevation or the ground floor dining room window, given the existence of the existing mature landscaping on both existing eastern and western side boundaries. It would be appropriate to include a planning condition that these side boundaries are protected during construction works and retained. I am satisfied that the proposed development would not result in any undue loss of privacy, by reason of overlooking, to the neighbouring property to the east or any other neighbouring property.

7.3.2 With regard to the issue of loss of light, the appellants' house is located immediately east 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 which will be approximately 3.9 metres and the existence of a mature 2.7 metre boundary hedging separating the properties, I am satisfied that the proposed development would not result in any significant additional loss of light or overshadowing of the property to the east.

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

### **7.4 Appropriate Assessment**

7.4.1 Having regard to the nature and 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 policies and objectives of the Cork City Development Plan 2015-2021, the design and 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 neighbouring 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 on the 14<sup>th</sup> day of January 2020 as amended by the further plans and particulars submitted on the 15<sup>th</sup> day of April 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 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 traffic, 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.

Noise levels during construction shall not exceed 65 dB (A), Leq, 30 minutes and the peak noise shall not exceed 75dB (A), when measured at any point off site.

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

- 5 Prior to the commencement of development precise details of the external finishes of the proposed residential units shall be agreed in writing with the Planning Authority.

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

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  - a) The first-floor bedroom window on the eastern elevation shall be non-openable and fitted with obscure glazing.
  - b) The high-level horizontal kitchen window feature on the ground floor on the eastern elevation shall be non-openable.
  - c) The roof to the single-storey rear extension shall not be used as a balcony/seating/amenity area

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

- 7 All existing boundary hedging on site shall be suitably protected during construction works and retained.

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

- 8 No appreciable negative environmental impacts shall occur on site as a result of the construction works as, noise, odour, litter, dirt on the public footpath and carriageway, surface water runoff and spillage of fuels. Operations liable to produce dust shall be screened and dust suppression devices shall be used where appropriate.

**Reason:** In the interest of proper planning and sustainable development.

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Fergal O'Bric  
Planning Inspectorate

28th September 2020