



An
Bord
Pleanála

Inspector's Report ABP- 309068-20

Development	Removal of a section of blockwork, alterations and extension to the dwelling with existing connection to the sewer and water supply, and ancillary site works.
Location	No 14 St. Flannan's Terrace, Ennis, Co. Clare.
Planning Authority	Clare County Council
P A. Reg. Ref.	P20/137
Applicant	John and Maura Neylon.
Type of Application	Permission
Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant	Carol Lane and Dolores McInerney
Date of Site Inspection	11 th May, 2021
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of .0476 hectares and is that of a small early twentieth century mid-terrace artisan cottage with a stated floor area of thirty-nine square metres. with small front gardens, front boundary walling and pedestrian entrances and they face onto the east side of Clare Road (R458) in the south east of Ennis. These houses have deep rear gardens at the end of which there is a minor road which also serves dwellings on its east side several of which have vehicular entrances and gates on the boundaries.
- 1.2. While the cottage is unoccupied it is evident that it is of solid construction and there is a part constructed extension is located to the rear. The rear garden is heavily overgrown, especially at the lower end where there is no boundary treatment. The rear gardens of most of the cottages are in use in either or a combination garden and off-street parking. Extensions have been constructed to the rear of the adjoining properties and several other properties along St. Flannan's Terrace.

2.0 Proposed Development

The application lodged with the planning authority indicates proposals for permission for removal of a section of the block work for alterations to the part built structure to provide for an extension to the house with connections to services. In a response to an additional information request, regarding concerns about overbearing impact, proximity to boundaries, overshadowing and potential for precedent the proposal was revised in that both the first-floor element and a dormer window at first floor level are reduced in size.

2.1. Planning Officer Report.

- 2.1.1. The planning officer in his report indicated satisfaction with the revised proposals in the further information submission and a grant of permission was recommended.

2.2. Third Party Observations

- 2.2.1. Two Observations were lodged by the two parties, who have lodged a joint appeal. They occupy the adjoining properties to either side and indicate concerns about encroachment on adjoining property, overdevelopment and adverse impact on the vernacular architecture of the area.

2.3. Decision

- 2.3.1. By order dated, 4th December, 2020 the planning authority decided to grant permission subject to conditions of a standard nature.

3.0 Planning History

- 3.1.1. There is no record of planning history for the application site property.

4.0 Policy Context

4.1. Development Plan

- 4.1.1. The operative development plan is the Clare County Development Plan 2017-2023 (as Varied).
- 4.1.2. The site location is subject to the zoning objective Existing Residential and within the Ennis Architectural Conservation Area. Policy Objective CDP 15.5 refers.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. An appeal was received from Dolores McInerney and Carol Lane of Nos 13 and 15 St Flannan's Terrace the properties on either side of the application site property.

According to the appeal:

- In principle, a proposal for development is to be welcomed as the existing derelict property affects the appellant party properties.
- The original and revised proposals submitted on 13th November, 2020 give rise to concerns about breach of privacy at the adjoining properties. There are windows in the side elevation which may set precedent.
- There is a similar sized extension at No 4 St Flannan's Terrace at which full size windows and doors on the sides were not permitted. There are skylights or 24" high rectangular windows under the ceilings from which the adjoining properties are not visible.

- The second storey window in the revised proposals allow for view of the adjoining properties along the entire rear of the site from the back door.

5.2. Applicant Response

5.2.1. A response to the appeal was received from the applicant on 28 January, 2020 according to which.

- The existing screen walls obscure all views from ground floor windows and provide privacy to either side.
- The first-floor window provides light to the stairs and landing and obscure glazing is to be used and the position is above the stairs and landing so no overlooking will occur.
- No windows from the first floor which was reduced in size in the further information submission overlook adjoining properties.
- The one metre separation distance from adjoining properties ensures no interference during construction.

5.3. Planning Authority Response

5.3.1. There is no submission file on from the planning authority.

6.0 Assessment

6.1. The appellant party comprises the occupants of the cottages to either side of the application site. The application is for alterations to and completion of a rear extension to the cottage. At present the existing condition of the rear garden and the part constructed extension in visual impact adversely affects the residential amenities of the adjoining properties.

6.2. The proposed extension is considerable in size and larger than most of the extensions that have been constructed at the rear of several cottages on St Flannan's Terrace. However, it is considered that owing to the considerable depth of the rear gardens of all the properties and the depth of the extension having regard to the reduced size of the first-floor element shown the further information submission

in conjunction with the one metre separation distances from the side boundaries there is sufficient capacity to accept the proposed extension within the site without consequent adverse impact on the adjoining properties by reason of overbearing impact.

6.3. At ground floor level the provision made for one metre's separation distance from the inside of the party boundary at ground level generally an acceptable distance from the perspective of protection of residential amenities of adjoining properties. In the case of the current proposal the provision for opaque glazing screening out any potential for overlooking is sufficient to ameliorate overlooking or perceptions of overlooking and intrusiveness on privacy of rear gardens. It is recommended that the first-floor side elevation window landing /stairwell also be fitted to eliminate the possible of viewing the adjoining property through an open window. The first-floor rear elevation window affords limited scope for undue overlooking and invasion of privacy, views being directed eastwards over the ground floor element with viewing towards the lower end of the rear gardens of adjoining properties being peripheral.

6.4. Finally, it is noted that the application drawings indicate proposals for wing walls and gates at the frontage onto the lane, a public road to the rear. While site works are indicated in the development description there is no reference to proposals for an entrance on the rear boundary or evidence of a prior vehicular entrance, the reinstatement of which is intended by the applicant. It is recommended that, for the purposes of clarity, a condition be included indicating that the grant of permission does not include opening of a new rear vehicular entrance. It is possible that a separate application, may be required for a vehicular entrance.

6.5. **Environmental Impact Assessment.**

6.5.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.6. **Appropriate Assessment.**

6.6.1. Having regard to the scale and nature of the proposed development and to the location removed from any European Sites no Appropriate Assessment issues arise.

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.

7.0 Recommendation

- 7.1. In view of the foregoing, it is recommended that the planning authority's decision to grant permission be upheld. Recommended reasons and Considerations and Conditions follow.

8.0 Reasons and Considerations

Having regard to the Clare County Council Development Plan, 2017-2023 according to which the site is located within an area subject to the zoning objective: *'Existing Residential and the Ennis Architectural Conservation Area*, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities and character of the area and would be in accordance with the proper planning and sustainable development of the area.

9.0 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 lodged with the planning authority on 13th November, 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 wing walls and gates shown on the site layout plan to be erected at the rear boundary of the site at the frontage onto the public road are not include

in the grant of permission. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, revised site layout plan showing these details omitted.

Reason: In the interest of clarity,

3. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

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

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

Jane Dennehy
Senior Planning Inspector
13th May, 2021.