



An
Bord
Pleanála

Inspector's Report

ABP-310239-21

Development	House extension.
Location	Ard Faille, Church Bay, Crosshaven Hill, Crosshaven, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	206400
Applicant(s)	Michael & Lucy Buckley.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Eveline Curran.
Observer(s)	Catherine Leonard.
Date of Site Inspection	30 th November 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to the site of an established dwellinghouse “Ard Faille” located within the coastal settlement of Church Bay, Crossavenhill, Co Cork approximately 1.3km southeast of Crosshaven Village Centre and 8km south of Carrigaline. The dwelling which forms part of a row of well-established dwellings occupies an elevated position with expansive views southwards over Poulnacallee Bay. Weaver’s point is located circa 400m to the northeast of the site. The area is characterised by a variety of housing types and styles with detached, semi-detached two storey properties predominant on the northern side of the road while lower lying lands to the south are generally occupied by single storey / dormer style houses.
- 1.2. The appeal site has a stated area of 0.043 hectares and has an elongated rectangular shape. The appeal dwelling a two-storey semi-detached building is set back circa 25m from the public road and has been recently extended at ground floor level to the front. Access to the site is via a pedestrian right of way through the adjacent property to the immediate east with a pedestrian access adjacent to the cul de sac serving houses on Maryland Park to the north. To the west is a two-storey detached dwelling.
- 1.3. The dwelling is sited above road level and to its rear is a small hard surfaced area with steps accessing an elevated grassed garden to the rear. There is a single storey detached garage structure located towards the rear/ northern end of the site.

2.0 Proposed Development

- 2.1. The proposal involves the construction of a part single storey and part two storey extension to the rear of the existing dwelling. The initial proposal was to construct a flat roofed two storey extension of 87.6sq.m. Following requests for additional information and clarification of additional information significant revisions were made to the proposal including revision to the design and form of the rear extension in particular the reduction in the extent of the first-floor element. The extension as revised extends for 3m to the rear of the existing dwelling at second floor level and it stepped back 1m from the common boundary. The single storey element extends a further 8m to the rear. The extension provides for an extended dining and utility area bathroom bedroom and sitting room at ground floor level with an additional bedroom

at first floor level. The existing dwelling has a floor area of 92m² while the extension area is 83m² of which 62.5m² is proposed at ground floor level and 20.5m² at first floor level.

3.0 Planning Authority Decision

3.1. Decision

Following an initial request for additional information. Cork County Council issued notification of the decision to grant permission subject to 6 no conditions which included Condition 6 requiring payment of development contribution of €773.88 in accordance with the Cork County Council Development Contribution Scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report noted inaccuracies on the submitted drawings and expressed concerns regarding the potential for negative impact on the adjoining property. A request for additional information was recommended to include scaling back of first floor extension and an overshadowing assessment. Confirmation was sought with structural capability and implications of construction along common / party boundary. Following an initial response which was deemed incomplete, a clarification of further information was sought. Final report concluded that the revised proposal addressed concerns regarding impact on established residential amenity. No undue overshadowing was deemed likely and permission was recommended accordingly.

3.2.2. Other Technical Reports

No additional reports were provided to the Board. Planner's report indicated that the area Engineer indicated "No comment" regarding the application.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

Submission from John MacCarthy consulting Engineers on behalf of Ms Eveline Curran, Rochville, Weaver's Point the neighbouring resident of the adjoining property. Objection is outlined in detail on the grounds of negative impact on established residential amenity. Submission asserts that:

- Drawings misrepresent the adjoining property and should be invalidated. Single storey rear return and oil storage tank not depicted. Elevation drawings inaccurate. Window on side elevation of single storey rear projection and venting system not depicted.
- Proposal will dominate and overshadow the adjoining property and result in diminution of the appellant's home.
- Planning history is not acknowledged in application.
- Application should be invalidated due to failure to provide accurate drawings and contiguous elevation in accordance with Article 23(1). Site contours.
- Proposal due to its location, height, mass, bulk and scale will totally dominate and overshadow the adjoining property.
- Boundary wall structurally incapable of supporting such a structure
- Unclear how the historic water tank type structure which supports the oil storage tank is to be addressed.
- No consent given to execute construction and finish
- No shadow projection diagrams submitted. Proposal will result in loss of and residential amenities and diminution in value of the established home.

4.0 Planning History

PL04.248169 16/6533 Permission granted to Michael Buckley and Lucy Deane to demolish existing bay window and construct an extension of the front of the existing dwelling.

5.0 Policy Context

5.1. Development Plan

The Cork County Development Plan 2014 and the Bandon Kinsale Local Area Plan 2017 refer. The site is within the settlement boundary of the Key Village of Crosshaven and Bays.

The site is within a designated High Value Landscape

The L2500 to the south is a designated scenic route.

5.2. Natural Heritage Designations

None

The site lies circa 2.2km southeast of the Cork Harbour SPA

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by John MacCarthy Consulting Engineers on behalf of Ms Eveline Curran, Rockcliffe the adjoining semi- detached property to the east.

Grounds of appeal are summarised as follows:

- Amendments during the course of the application do not address the concerns regarding negative impact on residential amenity.
- The applicant should be encouraged to devise a solution to eliminate the first-floor element. There is ample scope to provide additional accommodation.
- No detail is provided on how the contiguous and shared boundary arrangements, structures will be addressed. Concern regarding the undermining of boundary structures.
- Application should be invalidated as the Application details involving significant amendments and changes in ground levels shared structures and boundary arrangements are not fully described disclosed or explained and not referenced in

public notices. Conflict with Article 17 19 and 23 of the Planning and development Regulations,

- Proposal due to its height, mass, bulk and scale will be overbearing when viewed from the appellant's property and will dominate and overshadow the appellant's' home.
- Expanse of first floor flanking wall to the flat roofed structure has been reduced in length but not height. Proposal will present as a relentless wall when viewed from the appellant's property.
- Proposed structure will dominate and detract and will be overbearing resulting in negative impact on residential amenity.
- Proposal will result in significant overshadowing. No shadow projection drawings provided.
- Proposal will result in significant loss of residential amenity.
- Proposal will result in diminution of value of the appellant's property arising from significant adverse consequences which diminish the use enjoyment and residential amenities of her home.
- Proposal is contrary to the proper, orderly planning and sustainable development of the area.

6.2. Applicant Response

The applicant did not respond to the grounds of appeal.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

Observations are submitted by Catherine Leonard, No 26 Fitzwilliam Lane, Dublin 2, daughter in law of the appellant. Supports the grounds of appeal. Failure to submit shadow projection drawings. No thought provided as to the consequences of works on the shared water storage tank and garden areas. Undermining of garden area arising from level differences are of significant concern.

7.0 **Assessment**

- 7.1. I note that the third-party questions the validity of the application and alleges deficiencies in detail in particular with respect to the depiction of the site context property boundaries and detail of proposed treatment of boundary structures. I note that the revised submission in response to the request for additional information clarified the detail of existing boundary structures. In my view the application documentation enables the assessment of the proposal and 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 as revised in response to the request for additional information is 83m² to the established dwelling of 92m². In my view the site is sufficiently large to accommodate this level of development proposed. I note that a number of the adjacent dwellings have availed of the

opportunity to extend the relatively modest floor areas of the historic dwellings and therefore the proposal is not out of character and I consider it to be reasonable in the context.

- 7.4 As regards design and visual impact, the materials proposed in the development are to match the existing dwelling which is appropriate. I note that the proposal will involve the removal of the existing fuel store / boiler house and any necessary remedial works to the common boundary fence and structures will ensure the mutual protection of residential amenity. As regards construction impacts I consider that any negative impacts on established residential amenity can be appropriately mitigated by way of best practice construction methods and practices. In relation to potential for interference with the appellant's property consequent on the proposed development by reference particularly to common boundary structures, I note that such issues amount to civil matters for resolution between the parties and in this regard I would refer the parties to Section 34 (13) of the Planning and Development Act, 2000, as amended, which states that "A person shall not be entitled solely by reason of a permission under this section to carry out any development."
- 7.5 In design terms the proposal integrates appropriately with its context. As regards impact on the appellant's dwelling the two-storey element extends for 3m (not beyond the existing single storey annex on the appellant's dwelling) at a setback of 1m from the common boundary and it is a flat roofed structure. The remainder of the structure is single storey with a flat roof. Given its scale and design the proposed extension it is not likely to give rise to a significant impact in terms of outlook from the adjacent dwellings and will not be overbearing.
- 7.6 As regards overshadowing, I have considered in detail the appeal site context and that of the appellant's dwelling. The rear of these dwellings face north and due to this orientation and the nature of the site topography, incorporating significantly elevated rear gardens, and also noting the existence of established site boundary features and structures, the rear yard areas do not currently provide significant sunlight amenity. This is in contrast to the south facing front gardens which also benefit from the fine elevated views over Poulnacallee Bay. Having considered the proposal in detail I am satisfied that the proposal will not give rise to any substantial

overshadowing or light impacts that would diminish established residential amenity. I consider that based on the nature of the location within the built up area some degree of overshadowing would be expected. In this context and having regard to the surrounding pattern of development the proposed development, as revised during the application to the local authority, appropriately mitigates negative impacts arising on established residential amenity and achieves an appropriate balance in terms of improvement of living accommodation on the appeal site whilst protecting the amenities of the adjoining property. I consider that there is no basis for the assertion that the proposal will result in a diminution of established residential amenity or devaluation of property.

- 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 location of the site and pattern of development in the area, it is considered that the proposal 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 on 1st April 2021 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.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning

authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme.

Bríd Maxwell
Planning Inspector

1st December 2021

Bríd Maxwell
Planning Inspector

30th November 2021