



An  
Bord  
Pleanála

## Inspector's Report ABP-310477-21

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<b>Development</b>	Demolition of bungalow, garage, greenhouse and septic tank, construction of a house and domestic shed, and provision of a foul sewer connection
<b>Location</b>	"The Cottage", Woodville, Glanmire, County Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	21/40025
<b>Applicant(s)</b>	John & Mona Crowley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sean & Anne Marie Malone and Others
<b>Date of Site Inspection</b>	21 <sup>st</sup> September, 2021
<b>Inspector</b>	Kevin Moore

## 1.0 Site Location and Description

1.1. The 0.2242 hectare site is located within a residential scheme of detached and semi-detached two-storey and single-storey houses referred to as “Woodville”, with accessed provided from local road L2998 to the east. The estate is located to the south-east of the village of Glanmire and west of the M8 motorway. The site of the proposed development is located to the south of an internal roadway referred to as “The Avenue”. There are a number of detached houses accessing this road, including the existing house on the appeal site, “The Cottage”. The existing house is a single-storey structure and it has extensive garden space around it. The site slopes from west to east. The site is screened by mature hedgerow, trees and other boundary vegetation. There is a detached single-storey house and domestic garage to the south, detached houses to the east fronting onto a cul-de-sac, and houses to the west on the opposite side of “The Avenue”.

## 2.0 Proposed Development

2.1. The proposed development would comprise:

- (a) The demolition of a bungalow, garage and greenhouse and the removal of a septic tank;
- (b) The construction of a two-storey plus attic level house with attached car port and a domestic shed;
- (c) A new foul sewage connection to the mains sewer; and
- (d) All associated site development works.

The house would have a stated floor area of 613 square metres. The car port would provide an additional 37 square metres and the domestic shed would be 16 square metres. The proposal would accommodate a bedroom wing on the ground floor to meet with the applicants’ daughter’s needs.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 17<sup>th</sup> May 2021, Cork City Council decided to grant permission for the proposed development subject to 19 conditions.

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

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

The Planner noted the site's planning history, the third party submissions, reports received and policy provisions. Previously permitted proposals, amendments and the reasons for the amendment now seeking permission were set out. Similarities with other permitted proposals were noted, including configuration and footprint.

Acknowledging that the proposed house is large in comparison to other houses in the area, the site was considered sufficient to accommodate the proposal.

Separation distances with neighbouring properties were noted and there were no concerns relating to overlooking. Revisions to the stairs glazing on the rear elevation were considered necessary to address a perception of loss of privacy. A grant of permission was recommended subject to a schedule of conditions.

The Senior Executive Planner concurred with the Planner's recommendation.

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

The Environment Section had no objection to the proposal subject to a schedule of conditions.

The Rural Water Section had no objection subject to the attachment of a condition.

The Area Engineer had no objection to the proposal subject to a schedule of conditions.

The Technician dealing with contributions had no objection to the proposal and set out development contribution conditions.

### 3.3. **Third Party Observations**

Objections were received from David Fitzpatrick and Sean and Anne Marie Malone. The concerns raised related to overlooking, impact on light/sunlight, building height, and visual impact,

## 4.0 **Planning History**

### P.A. Ref. 19/38751

Permission was granted for the demolition of a house, the construction of a two-storey house and connection to public sewer.

### P.A. Ref. 19/38439

Permission was granted for the demolition of a house, the construction of a two-storey house, and connection to public sewer.

### P.A. 05/2103

Permission was granted for an extension and retention of alterations to a house and raising of a boundary wall.

### P.A. 81/538

Permission was refused for a residential development.

### P.A. 72/2731

Permission was granted for a bungalow and septic tank.

## 5.0 **Policy Context**

### 5.1. **Cobh Municipal District Local Area Plan**

The site is located within the settlement boundary of Glanmire and is on lands designated 'Existing Built Up Area'.

## 5.2. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The proposal has substantially raised the east and south facing wall heights and overall roof height, creating a new second floor living space. Additional windows have been provided at second floor level overlooking neighbouring properties to the east and south.
- The decision to omit glazing at attic level has been done in the absence of the final design and third parties are excluded from comment.
- Vegetation on the eastern boundary is sparse and is deciduous. Vegetation inside the southern boundary provides little screening.
- Reference is made to consideration given to a neighbouring permission raising planning concerns and necessitating revision and the need to respect established building height.
- The need for a contiguous site elevation and the absence of shadow projection diagrams are requested.
- The proposal will negatively impact on the amenities of properties on The Lane.
- No account is taken by the Planner of the gradient of the land or the height of the first and second floor windows on the eastern side of the proposal and the loss of privacy on the existing house on the east side of The Lane.
- Whether previous decisions were appealed or not does not diminish the appellants' concerns with the current proposal.

- The proposal will have a significant detrimental effect on the amenity of the garden to the south of the site, even with substantial planting on the southern side.
- The requirement to omit stairs glazing at attic level on the southern side is acknowledged and it is not understood why similar glazing at attic level on eastern side cannot similarly be omitted.

Photographs with illustrations relating to the proposal are attached to indicate the impact of the proposal

## 6.2. Applicant Response

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

- The Board is asked to consider the rationale for the development provided with the original application.
- The footprint over that previously permitted has not changed. The main changes are the enlargement of the first floor towards the north, the raising of the roof ridge to provide additional accommodation, the inclusion of a domestic garage, and some minor remodelling inside. A permitted clear glazed window in the first floor office looking south is replaced with obscure glazing.
- The Planner took account of the planning submissions and dealt with each in the report.
- The two-storey plus attic level accommodation clearly describes the proposal. The upper level is located fully within the roof structure.
- The condition to omit glazing is clear and there is no need for third parties to comment on the final design.
- The site is well screened on all sides and a landscaping plan is proposed. The applicants are disposed to increasing the volume and height of planting along the eastern and southern boundaries.
- The other application referred to by the appellants is located on The Lane and has an unrelated context.

- The requirement for a contiguous site elevation is not warranted given the site survey drawing submitted, the size of the site and distances to the boundaries, and the site inspection undertaken. The house would be north and north-west of the appellants' houses, with shadows projecting away from the prevailing sunlight.
- The distances from the south and east boundaries well exceed the usually applied rule of 11m for rear gardens. The eaves height has increased by 400mm from that previously permitted. The main height increase is the ridge, an increase of 2.25m and the higher ridge is located away from the southern boundary. The house will be visible from adjoining houses on The Lane but will not have a material negative impact on adjoining houses.
- Even taking into account the approximate 2m drop in site level from the house location to the east boundary, the separation distance is multiples of the standard 11m from first floor windows to boundary.
- The applicants refute the details contained in the appellants' submitted photographs and provide photographs indicating the scale and context of the proposal.
- All first floor windows facing south, except the stairs, are obscure. First floor windows facing east have no need to be obscure due to the 24m distance to the east boundary.

The applicants also commented on the third party submissions to the planning authority.

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

The planning authority submitted that it carried out its duties in accordance with the provisions of the Planning and Development Act and considered the proposal to be in accordance with the provisions of the current Cork County Development Plan, whose policies apply, noting the lands are part of "transition lands" transferred to Cork City Council in May 2019.

## 7.0 Assessment

- 7.1. The principal planning issue of concern relates to the impact on the residential amenities of neighbouring properties, primarily to the south and east of the site.
- 7.2. I first note the location, layout and orientation of the proposed development. I further note the substantial separation distances between the proposed house and houses in the vicinity. No issue arises with regard to overshadowing of neighbouring properties, with shadow likely cast by the proposed house affecting the site itself and lands west and north of it where there is no adjacent residential property.
- 7.3. I note the recent planning history relating to this site. Permission was granted for the demolition of the existing house, the construction of a two-storey house and connection to the public sewer under P.A. Ref. P.A. Ref. 19/38751. Permission was also granted prior to this for the demolition of the house, the construction of a two-storey house, and connection to public sewer under P.A. Ref. 19/38439. The principle of the development is, therefore, well established.
- 7.4. The differences between the current proposal and the most recently approved house relate to the enlargement of the first floor towards the north, the raising of the roof ridge to provide additional accommodation at attic level (with the provision a den, bathroom, physio room and store at that second floor level), the inclusion of a domestic garage, and some remodelling inside the house. The Board will note that there is no established residential development immediately to the north of the site and the enlargement of the first floor towards the north would cause no particular concern for established residential amenity. It is also noted that the footprint of the overall development would be similar to that previously approved. Therefore, the development would not be brought closer to the site boundaries and neighbouring properties in any substantive manner. The principal issues of concern would appear to relate to the increased height of the structure and the potential for overlooking.
- 7.5. I acknowledge that the recently permitted development under P.A. Ref. 19/38751 was for a replacement house with a floor area of 501 square metres. It was 8.209 metres over ground level at its highest. The current proposal is for a house with a stated floor area of 613 square metres and, with the attic development, would be 10.464 metres in height over ground level at its highest. I acknowledge the location, layout, orientation, distances to site boundaries, the large size of the site, and the



hedgerow, trees and boundaries flanking this site. I further note the applicant's proposed landscaping plan, which includes new fencing, walls, hedgerow and tree planting, as well as the maintenance of existing trees and hedgerow. I accept that the proposal constitutes a very large house in terms of floor area and I note the needs of the applicants' daughter as presented. The height and scale of this proposed house can be accommodated without causing any concerns relating to potential overshadowing as I have referred to above. There is no particular concern about the proposal posing any significant overbearing impact due to the separation distances of the house from neighbouring properties and the intervening vegetation and boundary treatment (in excess of 20 metres to the south and more than 40 metres to the east).

- 7.6. The issue of overlooking and loss of privacy is one of perception in this instance, in my opinion. The Board will note the siting and layout of the proposed development in comparison to the previously permitted development. It can be seen that the rear (southern) elevation is in many ways similar to that previously permitted. I note the increased height once again, the provision of two small rooflights, and the extension of the landing window to the second floor level. There would not be any increased impact by way of overlooking from habitable rooms above first floor level. Whatever opportunity the window to the landing affords by way of overlooking, the provision of increased window area to a landing at the second floor would not provide a significant, material change over that which has been permitted previously. There is no necessity to seek to eliminate natural light to the landing from the window at second floor level, in my opinion. I acknowledge that there is an established hedge separating the site from the property to the south. In my opinion, a screen in the form of a tree line along the southern site boundary and inside this established boundary would aid in addressing the concern arising from the perception of overlooking. Regarding the east elevation, I first note the distance, in excess of 24 metres, between the proposed gable elevation and the site boundary to the east, the existence of an estate road abutting the eastern boundary, and detached houses being sited on the opposite side (east) of that estate road and located well back from the road. There can be no question of any issue of overlooking given the separation distance and prevailing conditions as they apply, inclusive of boundary hedgerow

retention. It is reasonable, however, to seek reinforcement of the existing hedgerow along this boundary to aid in the screening of the development.

- 7.7. Finally, I accept that the upper levels of the proposed house would be visible at a local level. Notwithstanding this, this large site can accommodate the proposed development and it would not cause any particular concerns with regard to impact on residential or visual amenity. I again note the recently permitted development under P.A. Ref. 19/38751. The changes being proposed in this application would have no substantive, material impact on neighbouring properties over that which was previously approved.

### *Appropriate Assessment*

The site of the proposed development is located within the serviceable urban area of Glanmire and within a residential estate. This is a location which is separated from Cork Harbour SPA (Site Code: 004030) by roads, residential and other properties and lands. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the proposed development, the nature of the receiving environment, and the separation distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise as 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 recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

## **9.0 Reasons and Considerations**

Having regard to the planning history of the site and to the design, character and layout of the proposed development, it is considered that the proposed development,

subject to the conditions set out below, would not adversely impact on the residential or visual amenities of adjoining properties, and would otherwise be in accordance with the provisions of Cobh Municipal District Local Area Plan as they relate to Glanmire. 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

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

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the retention of established boundary hedgerow and site boundary trees to the satisfaction of the planning authority, the provision of a screen belt of tree planting along the southern boundary, and the reinforcement of hedgerow along the eastern site boundary.

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

4. Water supply and drainage arrangements, including 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.

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

**Reason:** In the interest of public health.

6. The provisions for the decommissioning of the existing septic tank shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of public health.

7. 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 made under section 48 of the Act be applied to the permission.

8. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under

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Kevin Moore  
Senior Planning Inspector

29<sup>th</sup> September, 2021