



An
Bord
Pleanála

Inspector's Report ABP-311258-21

Development	House extension
Location	No. 12 St. Joseph's Place, Cullenagh, Courtmacsherry, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/5707
Applicant(s)	Caitriona & Shane O'Brien
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Maguire
Date of Site Inspection	19 th October, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. St. Joseph's Place, Courtmacsherry comprises 3 no. terraces of five two-storey houses at the west end of the village of Courtmacsherry in County Cork. No. 12 St. Joseph's Place is a mid-terrace, two-storey house in the easternmost terrace. It has frontage onto a cul-de-sac which is behind and parallel to the R601, the main road leading to the village centre. The house has a front garden and a deep back garden. The latter is accessible from a laneway which provides access to all of the back gardens in St. Joseph's Place. A number of the houses in St. Joseph's Place have been extended to the rear. No. 13 adjoining the site (the appellant's property) has an extension to the rear which is part two-storey / part single-storey. No. 11 to the west of the site has not been extended to the rear. Other houses that have been extended to the rear include Nos. 7 and 8 to the west, each of which have two-storey extensions.

2.0 Proposed Development

- 2.1. The proposed development would comprise a two-storey extension to the rear of the terraced house. The floor area of the extension would be 54.7 square metres and would consist of a kitchen / dining room at ground floor level and a bathroom and bedroom at first floor level.

3.0 Planning Authority Decision

3.1. Decision

On 16th August 2021, Cork County Council decided to grant permission for the proposed development subject to 7 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted that a number of houses in the area had been granted permission for two storey rear extensions. There was no objection in principle to the development. Development plan provisions, reports received, and a third party

submission were noted. It was submitted that the proposed window at first floor level on the southern elevation would not impact significantly on the residential amenity space of adjoining neighbours. It was acknowledged that the proposed extension would be within the confines of No. 12. Noting the orientation of the development, it was submitted that the proposed first floor extension would not cause undue overshadowing of No. 13. A grant of permission, subject to a schedule of conditions, was recommended.

3.2.2. Other Technical Reports

The Conservation Officer had no objection to the proposal.

The Area Engineer had no objection to the proposal.

3.3. **Third Party Observations**

An objection to the proposal was received from John Maguire and raised concerns relating to the proximity of the proposal to his house, impact on light to rooms, overlooking, construction impact, and overbearing impact.

A response to this objection was submitted to the planning authority on 3rd August 2021.

4.0 **Planning History**

I have no record of any planning application or appeal relating to the site.

5.0 **Policy Context**

5.1. **West Cork Municipal District Local Area Plan**

The site is located within the development boundary of the designated 'Key Village' of Courtmacsherry.

5.2. EIA Screening

Having regard to the nature, scale 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 appellant resides at No. 13 St. Joseph's Place immediately adjoining the site to the east. The grounds of the appeal may be synthesised as follows:

- The distance between boundary walls is only 1.1 metres and as low as 0.7 metres. It should be 2 metres. The distance between the extension and the appellant's house would not allow sufficient room to conduct repairs or maintenance.
- The extension would block light from the appellant's dining room and would encroach on privacy.
- The applicants would have ample light on the west side with two windows on the ground floor.
- The owner of the property is employed by the Council and is being taken care of by the Council.

6.2. Applicant Response

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

- The reduction in space between properties to 0.7 metres is where the appellant has constructed a new garden wall on the applicant's property without permission. The appellant has also built an extension to the rear of his house on the original boundary wall between the two sites, with the fascia and soffit of that extension protruding into the applicant's land. No planning permission was granted for that extension. The access problem has only

arisen from the fact that he did not allow space between his own extension and the applicant's boundary.

- The only window on the west side of the appellant's rear extension is a window at ground floor level with translucent glass. The appellant's wife sought the boundary wall to be raised to 1.8 metres in height. This was done so light reaching this window is already substantially restricted. The window has translucent glass so there is no view from inside.

6.3. Planning Authority Response

The planning authority submitted that all relevant issues had been covered in its technical reports and had no further comment to make.

7.0 Assessment

- 7.1. The proposed development would form a small extension to the rear of a house in an existing residential area. There could be no objection in principle to the extension of this house.
- 7.2. I note that the appellant's house has been extended to the rear, part of which appears to have been constructed as far as the boundary with the site of the proposed development. It is clear that the proposed development is intended to be wholly developed within the confines of the site, providing space between the gable walls of the extension and the flank site boundaries. The maintenance concerns of the appellant result from the form, layout and location of the appellant's own extension, which has been developed close to and abutting the flank site boundary.
- 7.3. Due regard has been given to the protection of privacy in the proposed extension, with a single bathroom window provided at first floor level on the east elevation and a small landing window on the west elevation. This is a village location and the provision of a bedroom window at first floor level on the rear elevation overlooking the back garden is wholly in keeping with the established pattern of development.
- 7.4. With regard to the issue of overshadowing, I note the orientation of the properties at this location. The extension would be located on the southern side of the property. Shadow that would be cast would mostly occur in the evening period. The Board will

note the nature and extent of the appellant's existing extension which results in overshadowing of the appeal site over a more extensive period from early morning onwards. I note the appellant has provided two rooflights on the west-facing section of the roofs of his extensions. The development of the proposed extension would not affect daylight entering through these rooflights. Furthermore, I note the appellant has provided a window at ground floor level on the west elevation of his two-storey extension and that this window is glazed in frosted glass. The existing boundary wall between the properties is of a height which reduces the visibility of this window. The area that would be maintained between the proposed extension and this window would form a lightwell that will maintain light to this area.

- 7.5. In conclusion, it is my submission to the Board that the nature, extent, layout and location of the appellant's extension to the rear of his property has resulted in lack of consideration of the potential developability of the neighbouring property to the west, i.e. the appeal site. This is a question of seeking to attain a balanced response when seeking to extend the house on the appeal site. It is evident that the applicants have had due regard to the appellant's property in an appropriate manner, while seeking to provide a modest extension to their property. There can be no denying that the proposed extension will affect light to the western gable of the appellant's house. However, the appellant's extension has created these difficulties. It is not a question that because the appellant has built an extension first that all protections should be afforded to him. I am satisfied that the proposed extension presents as a considered and balanced response to the conditions at this location.
- 7.6. Finally, I note the submission by the appellant that the owner of the property is employed by the Council and is being taken care of by the Council. This is not a planning issue of relevance to the Board as the Board's considerations are focused on the proper planning and sustainability of the area.

Screening for Appropriate Assessment

The site lies approximately 60 metres south of Courtmacsherry Estuary SAC (Site Code: 001230) and Courtmacsherry Bay SPA (Site Code: 004219).

Description of Development

The proposed development comprises a relatively small extension to the rear an established terraced house.

European Sites

Courtmacsherry Estuary SAC

The qualifying Interests of this SAC are:

Estuaries [1130]

Mudflats and sandflats not covered by seawater at low tide [1140]

Annual vegetation of drift lines [1210]

Perennial vegetation of stony banks [1220]

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]

Mediterranean salt meadows (Juncetalia maritimi) [1410]

Embryonic shifting dunes [2110]

Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Courtmacsherry Bay SPA

The qualifying Interests of this SPA are:

Great Northern Diver (Gavia immer) [A003]

Shelduck (Tadorna tadorna) [A048]

Wigeon (Anas penelope) [A050]

Red-breasted Merganser (Mergus serrator) [A069]

Golden Plover (Pluvialis apricaria) [A140]

Lapwing (Vanellus vanellus) [A142]

Dunlin (Calidris alpina) [A149]

Black-tailed Godwit (Limosa limosa) [A156]

Bar-tailed Godwit (Limosa lapponica) [A157]

Curlew (Numenius arquata) [A160]

Black-headed Gull (Chroicocephalus ridibundus) [A179]

Common Gull (Larus canus) [A182]

Wetland and Waterbirds [A999]

Identification of Likely Effects

- The proposed development is not directly connected with or necessary to the management of any European site.
- The site of the proposed housing development is not located in any European site and there are no qualifying interests of any Natura 2000 site at this residential property.
- The shoreline to the north of the site comprises extensive areas of mudflats and sandflats of known importance to a range of qualifying species associated within Courtmacsherry Bay SPA.
- Runoff from construction works from the proposed development could potentially have negative indirect effects on Courtmacsherry Estuary SAC and Courtmacsherry Bay SPA by loss of and damage to habitats used by qualifying species. However, there is no known pathway linking the site to the European sites.
- The construction works could also cause disturbance to qualifying species, namely waterbirds, for which the SPA is designated. However, the extension would be constructed to the rear of an established house within an urban

settlement and the nature of the small-scale works would not have any known significant disturbance impact on the SPA.

- Surface water runoff and wastewater provisions are already in place at this location.

In-combination Effects

I am not aware of other developments requiring consideration for in-combination effects. I note the established nature of adjoining development.

Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the proposed alterations on a European site have been relied upon in this screening exercise.

Screening Determination

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on Courtmacsherry Estuary SAC (Site Code: 001230) and Courtmacsherry Bay SPA (Site Code: 004219), in view of their Conservation Objectives, and Appropriate Assessment is therefore not required.

This determination is based on the following:

- The nature and extent of the proposed works associated with the proposed development,
- The lack of any known pathways between the site associated with the proposed development and any European site, and

- The site for the proposed development not having habitat to support the Special Conservation Interests of the Special Protection Area nearest to the proposed development.

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 siting of the proposed development and its design, character and layout, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be compatible with the design, form and character of established properties in the vicinity, would be consistent with the provisions of the West Cork Municipal District Local Area Plan and would otherwise 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. 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. 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.

Kevin Moore
Senior Planning Inspector

3rd November 2021