



An
Bord
Pleanála

Inspector's Report ABP-311422-21

Development	House extension
Location	1 Highfield, Maryborough Woods, Douglas, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/40334
Applicant(s)	Ciara Lambe & Hugh Meade
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ciara Lambe & Hugh Meade
Date of Site Inspection	30 th November, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. No. 1 Highfield, is a two-storey, end-of-terrace house in a cul-de-sac of terraced houses within the Maryborough Woods estate at the southern end of Douglas in Cork City. It has a front garden and driveway open to the estate and a deep back garden. The flanking houses are similar in form and character. The rear boundary of the site adjoins the cul-de-sac end of Nutgrove Mews, a residential scheme set back from the road. The rear boundary comprises a block wall. The site is flanked to the west by the Maryborough Woods Road and the western site boundary comprises a dense hedgerow.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a part two-storey, part single-storey extension to the rear and side of the house and alterations to the existing elevations to include new rooflights. The stated floor area of the proposed extension would be 60 square metres and it would provide a new kitchen/dining area at ground floor level and an en-suite bedroom at first floor level.

3.0 Planning Authority Decision

3.1. Decision

On 26th August, 2021, Cork City Council decided to refuse permission for the proposed development for two reasons relating to injury to amenities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the policy provisions relating to the development and the reports received. There was no objection to the principle of the development. It was submitted that the proposed extension is large and contemporary in style and it would be highly visible, being at the end of a terrace and at a junction. The extension was viewed as being excessive in size and would not follow the pattern of, or be subordinate to, the existing dwelling, particularly when viewed from the public road to

the west and from houses to the south. It was considered that its scale, design, form and high visibility would negatively impact on visual amenity and would set an undesirable precedent. It was also submitted that the proposal would give rise to a reduction in the amount of sunlight and daylight in the rear garden of a property to the east due to the height and depth of the first floor extension and it was concluded that it would have an overbearing impact on that garden. A refusal of permission was recommended for two reasons relating to injury to amenities of the area and neighbouring property.

The Acting senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal subject to two conditions.

The Technician in the Community, Culture & Placemaking Section set out the development contribution condition.

4.0 Planning History

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

5.0 Policy Context

5.1. Ballincollig Carrigaline Municipal District Local Area Plan

The site is located within the area designated Cork City South Environs. The site is zoned 'Existing Built Up Area'.

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 grounds of the appeal may be synthesised as follows:

Reason No. 1

- The planning authority fails to acknowledge precedence for planning permissions with regard to similar developments. Five examples are provided.
- It is unclear under which development plan the application is being assessed. The assessment relies on the County Development Plan. There is no reference to the City Development Plan and scant reference to the Draft City Plan.
- There is no change to the front elevation, substantial screening ensures no undue visual impact on the streetscape, and the design aligns with contemporary local development.
- A 12 year old Google image of Nutgrove Mews is used by the planning authority to reference a view of the property from the rear. This is misleading, it is now substantially different, and Nutgrove Mews is neither a vantage or receptor point.

Reason No. 2

- Incorrect measurements are used in the planning assessment in relation to distance to the neighbouring boundary and the proposed height. A Shadow Survey is included to demonstrate minimal impact on nearby property. The rear of the house and the neighbouring property is south facing.
- There were no third party objections.
- There was a litany of clerical errors in the planning report.

The appeal submission includes current photographs of the property, photographs of five properties in the area for comparison, responses to the planning assessment, identification of clerical errors, a shadow survey, and planning drawings.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

7.1. I first note for clarity for the Board that the site lies within the administrative boundary of Cork City Council following an extension of the city boundary in 2019. Until such time as a new Cork City Development Plan is adopted, the provisions of Cork County Development Plan and the Ballincollig Carrigaline Municipal District Local Area Plan apply to proposed development at this location.

7.2. Regarding the issue of impact on the visual amenity of the area, I first note the limited scale of the proposed development. The provisions impacting the front elevation would comprise the introduction of a rooflight that would be recessed from the main roof area to the front. The proposed extension would be 60 square metres in area, i.e. approximately 20 square metres more than that allowed for under the exempted development provisions of the Planning and Development Regulations. The first floor level would provide a small extended area beyond the established rear building line that would incorporate an en-suite bedroom. The ground floor extension would incorporate a kitchen/dining area. The extension would be approximately 5 metres deep and 7 metres wide. The property has a deep back garden and the house would remain with a substantial back garden. This site is flanked to the rear by a high boundary wall which adjoins a cul-de-sac end and it is bounded to the west by a dense hedgerow. I acknowledge that the proposed extension would be visible from the cul-de-sac of Nutgrove Mews. But I must also acknowledge that the existing rear elevation of the house is also visible from this cul-de-sac. I submit to the Board that the proposed extension is small in scale and simple in form and it could not reasonably be seen as causing any significant intrusive impact on the visual amenities of the area in the vicinity of Nutgrove Mews. Regarding the impact on the Maryborough Woods Road and the public realm to the west, I first note the incline of the road at this location and the understanding given on the approach from the south that housing at this location is sited on elevated ground. However, I must also acknowledge that the western site boundary comprises a dense hedgerow, together with further additional plant along the road edge. This results in substantial screening

of the western elevation of the house. I submit to the Board that the 5 metre deep extension would have minimal visual impact when viewed from the west.

- 7.3. Regarding the impact of the proposed extension on nearby properties, I again note the small scale of the proposed extension. I observe also that the rear elevation of the existing house already projects slightly beyond the neighbouring property to the east of this site. I also note that the eastern flank of the proposed bedroom at first floor level would be set back from the party wall with the neighbouring property to the east. I then acknowledge that the properties in the terrace at this location are south facing. I submit that it is apparent that the design of the proposed development has taken due regard to the impact on neighbouring properties both in terms of its limited scale and its layout. Fenestration has also been provided to avoid any overlooking. The Board will note that new fenestration for the extension would avoid windows on the eastern gable. Regarding overshadowing, I again acknowledge the set back of the extension from its eastern flank at first floor level and the shallow 5 metre depth of the extension. I also reiterate that the properties at this location are south facing. I note the appellants have submitted a shadow analysis. I acknowledge that it is inevitable that there would be some overshadowing for the property to the east in evening times arising from an extension to the rear of the existing house. However, it is not reasonable to suggest that such an impact from a shallow extension to the house would constitute a significant impact by way of overshadowing as the appellants' shadow analysis ably demonstrates. I do not consider that the small extension would have any notable overbearing impact on any properties at this location. With regard to Nutgrove Mews to the south, the Board will note that the residential properties are set back from the cul-de-sac at this location and no issue arises with impact on these properties.
- 7.4. Overall, I am satisfied to conclude that the proposed extension would not result in any significant impact on the visual amenity of this area or on the amenities of properties in the vicinity.

Appropriate Assessment

The site of the proposed development is located within the serviceable urban area of Cork City and within an established residential area. 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 serviced nature and the limited scale of the proposed development, its location, 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 siting of the proposed development and its design, character and layout, it is considered that the proposed development would not adversely impact on the visual amenity of the area or the residential amenities of adjoining properties, would be compatible with the design, form and character of the established dwelling, would be consistent with the provisions of Cork County Development Plan and the Ballincollig Carrigaline 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 submitted to and agreed in writing with the planning authority prior to the commencement of development.

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.

4. 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.

Kevin Moore
Senior Planning Inspector

9th December 2021