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Bord  
Pleanála

## Inspector's Report ABP-312630-22

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<b>Development</b>	Retention of house extension
<b>Location</b>	Jorie House, 11 Knockrea Lawn, Ballinlough Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2140660
<b>Applicant(s)</b>	John & Marie Lecane
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dan & Anne McCarthy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	05/05/2022
<b>Inspector</b>	Gillian Kane

## **1.0 Site Location and Description**

- 1.1.1. The subject site is located on the southern side of Knockrea Lawn, a mature residential estate of detached dwellings in the suburb of Ballinlough, Cork city.
- 1.1.2. Currently on site is a detached gable-fronted dwelling with a single storey extension to the rear. The site is bound to the east and west by similar dwellings. To the north is an area of open space.

## **2.0 Proposed Development**

- 2.1.1. On the 17<sup>th</sup> November 2021 planning permission was sought for the retention and completion of a single storey extension (26sq.m.) to the rear of an existing dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 20<sup>th</sup> Jan 2022, the Planning Authority issued a notification of their intention to GRANT permission to retain, subject to two standard conditions.

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

- 3.2.1. **Planning Report:** No objection in principle. Development would normally be considered exempt, differing interpretation on height of the rear wall between the Regulations and the advice given by the Office of the Planning Regulator. Considers a single storey extension with walls similar in height to the existing walls of the dwelling and a mansard roof to be acceptable. Notes that the dwelling is on slightly higher ground than neighbours but does not consider overlooking to be significant.

### **3.3. Prescribed Bodies**

- 3.3.1. None on file

### **3.4. Third Party Observations**

- 3.4.1. Two objections to the proposed development raised the following issues: overlooking, impact on privacy and light, scale of development, lack of information.

## 4.0 Planning History

- 4.1.1. Planning Authority reg. ref. **R646/21** and **R670/21** Section 5 declaration stating that rear extension is not exempt.

## 5.0 Policy Context

- 5.1.1. The 2022-2028 Cork City Development Plan is due to be adopted between June and August 2022. The operative development plan for the area of the **Cork City Development Plan 2015 -2021**.
- 5.1.2. Under the 2015-2021 plan the subject site is zoned **ZO 4 Residential, Local Services and Intuitionial Uses**, the objective for which is to protect and provide for residential neighbourhoods uses, local services, institutional uses and civic uses having regard to employment policies outlined in the development plan.
- 5.1.3. Chapter 16 contains Development Management Standards. **Extensions and alterations to dwellings**. The following extracts from the policy are considered relevant:

The design and layout of extensions should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing. Extensions should:

- Follow the pattern of the existing building as much as possible.
- Be constructed with similar finishes and with similar windows to the existing building so they can integrate with it.
- Roof form should be compatible with the existing roof form and character.  
Traditional pitched roofs shall generally be appropriate when visible from the public road. High quality mono-pitched and flat roof solutions will be considered appropriate providing that they are of a high standard and employ appropriate detailing and materials.
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not be permitted where visible from the public area.
- Traditional style dormers should provide the design basis for new dormers.

- Front dormers should normally be set back at least three tile courses from the eaves line and should be clad in a material matching the existing roof.
- Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.

## **5.2. Natural Heritage Designations**

- 5.2.1. Cork Harbour SPA (004030) lies approx. 1.3km to the south-east.

## **5.3. EIA Screening**

- 5.3.1. Having regard to nature and scale of the development and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. An agent for Dan & Anne McCarthy of 12 Knockree Lawn has submitted a third-party appeal against the decision of the Planning Authority to grant permission. The appeal notes that the two properties share a boundary wall and that the topography of the estate is such that the applicant property has a higher ridge height and floor level to that of the appellant property.

- 6.1.2. The grounds of the appeal can be summarised as follows:

- The extension has been fully constructed and impacts the residential amenity of the adjoining dwellings.
- The Board is requested to provide additional screening by way of an extension of the boundary wall and that the flat roof never be used as a balcony.
- The proposed development is contrary to section 16.72 of the development plan as the size and scale injures the amenity of adjoining properties.
- The scale massing and arrangement of fenestration results in overlooking, loss of privacy and light to the adjoining properties and amenity area.

- The subject extension looks down on the appellants property. The appellant property has been temporarily screened. The Board is requested to make this permanent.
- The interface between the extension and the appellants property is overbearing and has an adverse effect on the amenity and the ability to use the private open space. This is exacerbated by the ground level difference.
- The appellants consider that their concerns can be mitigated by screening within the application site, an extension of the boundary wall and a condition prohibiting a balcony on the site.

## **6.2. Applicant Response**

6.2.1. An agent for applicants responded to the third-party appeal, as follows:

- The extension is modest in size- single storey, 26sq.m. and with the same floor level as the dwelling
- There is no intention to use the flat roof as a balcony.
- Side / corner windows are a common feature in the area. The original houses have a kitchen window within 1m of the side boundary. The extension to the rear of the appellants house has windows on the entire side facing the applicants dwelling.
- The boundary walls are as originally constructed and overlooking has not been an issue.
- Issues relating to the raising of boundary walls is a matter for the parties to resolve. Rear boundary walls can be up to 2m without planning permission.
- There is a doubt about whether the extension ever needed permission as the roof design is considered exempt according to guidance published by the OPR and Cork City Council Leaflet no. 5. Both documents allow for the rear gable to be higher than the side walls.
- The Board is requested to grant permission.

## **6.3. Planning Authority Response**

6.3.1. None on file.

#### **6.4. Observations**

6.4.1. None on file.

### **7.0 Assessment**

7.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Appropriate Assessment

#### **7.2. Principle of Development**

7.2.1. The subject site is located in an area zoned to protect and provide for neighbourhood residential uses. The principle of extending an existing dwelling is acceptable, subject to other planning considerations.

7.2.2. The development to be retained is a single storey extension of 26sq.m. with an overall height of 3.25m at the highest point (flat roof). The development extends beyond the original rear wall by 3.7m, of which 2.8m is solid wall and the remaining 0.9m is glazing which wraps around the corners. The appellants dwelling to the east has also been extended at ground level.

7.2.3. The extension to be retained causes no greater overlooking than exists from the appellants extended dwelling. I am satisfied that no injury to residential amenity arises from the development to be retained, nor any injury to the light received by the appellants property.

7.2.4. I am satisfied that the extension to be retained is in keeping with the pattern of development in the area, is in accordance with section 16.72 of the development plan and is in keeping with the proper planning and sustainable development of the area.

#### **7.3. Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, 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 recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the policies and objectives as set out in the Cork City Development Plan 2015-2021, to the scale and nature of the development to be retained and completed and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be retained 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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Gillian Kane  
Senior Planning Inspector  
09 May 2022