



An
Bord
Pleanála

Inspector's Report

ABP-315021-23

Development

Permission for construction of a single storey garage extension to the side of the dwelling house, new front porch, attic conversion to incorporate new dormer window and new gable window, velux roof lights to rear roofs, all associated material alterations to existing facades and all associated site works

Location

No 11 Pairc Na gCrann, Rathgaggan, Glanworth, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

225436

Applicant(s)

Colm O'Shea

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

James Crowley

Observer(s)

None

Date of Site Inspection

30th July 2023

Inspector

Mary Crowley

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1.0 Site Location and Description

- 1.1.1. The appeal site with a stated area of 0.046ha comprises an existing detached two-storey dwelling house that forms part of the Paric na gCrann housing estate. The dwelling fronts onto an internal access road which serves the site and 4 no dwellings to the north. There is a designated open space to the south of the site. The general area is characterised as established residential. The estate is characterised by dwellings of similar style and appearance. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission is sought for a single storey garage extension to the side of the dwelling house (166.65 sqm), new front porch, attic conversion to incorporate new former window and new gable window, velux roof lights to rear roofs, all associated material alterations to existing facades and all associated siteworks. The gross floor space of proposed works is stated as 32.54 sqm.
- 2.2. Further information was submitted on 3rd October 2022 comprising a site section.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork County Council issued a notification of decision to grant permission subject to 12 no generally standard conditions. Conditions of note are as follows:
- **Condition No 2** – Garage and extended area of dwelling shall be used only for purposes incidental to the enjoyment of the dwelling house
 - **Condition No 3** – Dormer window on the western elevation shall be fitted with permanently obscure fixed glazing.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- The Case Planner in their first report requested further information in relation to the submission of a site section. Further information was requested on 15th August 2022.
- The Case Planner in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision issued by Cork County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Area Engineer** – No objection subject to conditions

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

- #### 3.4.1.
- There are 4 no observations recorded on the appeal file from (1) Elaine Murphy- Barry, (2) Judith White, (3) James Crowley and (4) Julie Long. The issues raised relate to the scale of the development, elevational treatment, loss of privacy and visual amenity.

4.0 Planning History

- #### 4.1.1.
- There is no evidence of any previous appeal at this location. No planning history has been made available with the appeal file.

5.0 Policy Context

5.1. Development Plan

- #### 5.1.1.
- The operative plan for the area is the **Cork County Development Plan 2022**. The site is within the development envelop of Glanworth. There are no designated zonings within this envelop. The following policies, set out in the Cork County Development Plan are relevant in this appeal;

- **ZU 18-3: Development Boundaries** - For any settlement, it is a general objective to locate new development within the development boundary, identified in this Plan that defines the extent to which the settlement may grow during the lifetime of the Plan.
- **ZU 18-4: Land Use Zoning of Other Lands** - Where lands have not been explicitly zoned, in the Plan the specific zoning shall be deemed to be that of the existing use of the lands (if such a use is not an authorised use under the Planning Acts) or, if such use is unauthorised, that of the most recent authorised use of the lands.
- **ZU 18-7: Ancillary Uses** - Ensure that developments ancillary to the parent use of a site are considered on their merits.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. 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. The first party appeal has been prepared and submitted by Coakley O'Neill Town Plannign Ltd on behalf of James Crowley, No 12 Pairc Na gCrann and may be summarised as follows:

- The proposed dormer window which will directly look into the appellants bedrooms, kitchen and gardens area and will result in an unacceptable loss of privacy and residential amenity. Photos attached.
- The proposed dormer windows will decrease the value of the appellants property.

- The proposed attic conversion and dormer window will set a precedence for other houses in the estate to do likewise.

6.2. **Planning Authority Response**

- 6.2.1. All relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation. No additional comments.

6.3. **Observations**

- 6.3.1. None

6.4. **Further Responses**

- 6.4.1. None

7.0 **Assessment**

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. **Principle**

- 7.2.1. Having regard to the existing house on site I am satisfied that the principle of extending this dwelling for uses ancillary to the main house i.e. that being storage space at attic level and garage use at ground floor is acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance. Drawing No 0888-PL-100 and 0888-PL-101 refer.

7.3. Residential Amenity

- 7.3.1. I note the concerns raised that the proposed dormer window will look directly look into the appellants bedrooms, kitchen and gardens area and will result in an unacceptable loss of privacy and residential amenity.
- 7.3.2. I am satisfied that the scale and design of the scheme does not overwhelm or dominate the original form or appearance of the parent house and that the side garage extension and front porch, will not have a significant negative impact on the character or visual amenities of this established residential area or the overall streetscape. Having regard to the scale and location of the rear dormer extension I do not consider that the scheme would if permitted, form an unduly overbearing or dominant element when viewed from the adjoining properties or surrounding areas.
- 7.3.3. Notwithstanding the foregoing I share the concerns raised by the appellant that the extension could negatively impact on their adjoining residential amenity due to overlooking and loss of privacy. In this regard I refer to the cross section submitted by way of further information that indicates that the proposed dormer window sits at a distance of just over 21m from the neighbouring widow. It is further noted that the applicant in their further information response also stated that they are willing to place obscure / frosted glazing on the dormer window to alleviate any overlooking concerns. Having regard to the nature of the proposed attic conversion that being for the purposes of storage as indicated on Drawing No 0888-PL-101 I consider the use of obscure / frosted glazing to be acceptable in this instance. I am satisfied that this matter can be dealt with by way of suitably worded condition.

7.4. Depreciation of Property Values

- 7.4.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. The proposal is for a residential extension to an existing dwelling within a well-established residential estate where it is reasonable to expect that developments of this nature would normally be located. The extension (subject to condition as outlined above) is not considered to be a bad neighbour in this context and I do not consider that to permit this development would lead to devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance.

7.5. Precedence

- 7.5.1. I note the concerns raised that the proposed attic conversion and dormer window will set a precedence for other houses in the estate. As mentioned above this is an established residential estate where it is reasonable to expect developments of this nature. Any planning application would be subject to the full rigours of the development management process and would be considered from first principles. I do not therefore consider this matter to be material to the consideration this appeal.

7.6. Other Issues

- 7.6.1. **Development Contributions** – I refer to the Cork County Council Development Contribution Scheme and the exemptions and reductions therein. The proposed works comprise a stated floor area of 32.54sqm and therefore it is recommended that should the Board be minded to grant permission a Section 48 Development Contribution condition is **not attached**.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would 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. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site, the design and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not

seriously injure residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of October 2022, 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</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>a) The attic area shall be used solely for storage purposes associated with the main residential accommodation as indicated on Drawing No Drawing No 0888-PL-101</p> <p>b) The garage area shall be used solely as a garage, a non habitable use, associated with the main residential accommodation as indicated in Drawing No 0888-PL-100</p> <p>c) The glass serving the rear dormer attic extension shall be obscure / frosted glazing. Details shall be agreed in writing with the Planning Authority prior to commencement of work on site.</p> <p>Reason: In the interest of clarity and residential amenities.</p> |
| 3. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p> |

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| 4. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p> |
| 5. | <p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p> |
| 6. | <p>All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area</p> |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Crowley

Senior Planning Inspector

30th July 2023