



An
Bord
Pleanála

Inspector's Report

ABP-315049-22

Development	Construction of a two-storey extension to rear of dwelling and all ancillary site works
Location	1 Upper Bridge Street, Skibbereen, Co. Cork
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	22561
Applicant(s)	Toonard Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant
Appellant(s)	Timothy P. Whooley
Observer(s)	None.
Date of Site Inspection	9 th March 2023
Inspector	Eoin Kelliher

1.0 Site Location and Description

- 1.1. The subject site is located on Upper Bridge Street on the west side of Skibbereen Town, County Cork. Upper Bridge Street is a residential street characterised by a mix of house types including traditional terraces and modern bungalows.
- 1.2. The site comprises a vacant two-storey end-of-terrace house fronting directly onto the street with a long garden to the rear. The site has a stated area of 0.03ha. The house belongs to a terrace of three such properties, all of which have a painted render finish and slate roofs. The other two houses on the terrace have been extended to the rear by way of two-storey gabled ended extensions spanning the full width of the houses. The appellant's property to the east of the subject site comprises a bungalow set back from the street with an attached flat-roofed garage to the side abutting directly onto the subject site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two-storey extension to the rear of the existing dwelling and all ancillary site works. The proposed extension has a stated floor area of 54sq.m. I note that the submitted floor plan drawings indicate that the proposed extension would have a floor area of 58sq.m (29sq.m at ground and 29sq.m at first floor level). The extension would span the full width of the house and would extend 6 metres from the rear of the house; its rear building line would correspond with the rear extension of the adjoining property to the west. The proposed extension would have a pitched gable-ended roof with a ridge height of 5.68m above garden level. Windows are proposed in the rear elevation and in the roof of the extension. A painted render finish and black roof slates are proposed externally.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 20th October 2022 Cork County Council granted permission, subject to 9 conditions. Condition No. 5 is of relevance to the issues raised in the third-party appeal:

Prior to commencement of development, the developer shall submit a clear indication, including drawings as to how rainwater from the development shall be disposed of. Full mitigation measures reducing any impact on the dwelling to the immediate east shall be included.

Reason: In the interests of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report and recommendation is reflected in the decision of the Planning Authority.

3.2.2. Other Technical Reports

Area Engineer: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The Planning Authority received one observation from the resident of the adjoining bungalow to the east, who objected to the construction of an extension against his garage wall. The appellant has provided further detail in this regard in the grounds of appeal (see Section 6 hereunder).

4.0 Planning History

Subject Site: None

Adjoining Sites:

P.A. Reg. Ref. 18/407 – Permission granted to demolish a single storey extension and construct a two-storey domestic extension to the rear of No. 2 Upper Bridge Street. This permission has been executed.

P.A. Reg. Ref. 06/57066 – Permission granted to demolish existing store and construct a two-storey domestic extension to the rear of No. 45 Upper Bridge Street. This permission has been executed.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The subject site is located within the development boundary of Skibbereen Town in an area zoned 'Existing Residential / Mixed Residential and Other Uses'.

Section 18.3.3 of the County Development Plan states, *inter alia*, that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

This third-party appeal has been made by the resident of the adjoining bungalow (No. 19 Upper Bridge Street) located immediately to the east of the subject site. The

appellant has concerns that the proposed extension would encroach 18 inches on his property and interfere with the existing gutter and fascia to the side of his garage. The appellant states that he has no objection to the proposed extension subject to it being built within the applicant's grounds. The appeal letter refers to an enclosed boundary map obtained from Burns Land Surveyors; there is no copy of same on file.

6.2. Applicant Response

None within the prescribed period.

6.3. Planning Authority Response

No additional comments.

7.0 Assessment

I consider that the main issues to be dealt with in this appeal are as follows:

- Encroachment
- Appropriate Assessment

7.1. Encroachment

- 7.1.1. I note that the redline boundary of the subject site runs along appellant's side garage, the gable of which presently forms part of the common boundary between the two properties. As per the planning drawings submitted with the application, the proposed rear extension is to be constructed on the common side boundaries of the site and tight against the rear extension of No. 2 Upper Bridge Street and the appellant's side garage. As such, the proposed extension would conflict with the flat roof and rainwater goods to the side of the appellant's garage, which overhang the common (eastern) boundary. Conversely, the eaves of the roof of the proposed extension, as depicted in the 3D visualisation submitted with the application, would overhang the common boundary and the appellant's property. Similar issues would arise along the western common boundary where the proposed extension would

abut onto the rainwater goods of the extension to the rear of No. 2 Upper Bridge Street.

- 7.1.2. Whilst these issues will need to be addressed by the developer, they are not so significant to warrant refusing permission, particularly as they may be overcome by way of immaterial design changes, if necessary. Ultimately, the onus is on the developer to ensure that the proposed development, if granted, can be executed in accordance with the permission; any disputes arising about rights over land are matters for resolution in the Courts. In this regard it should be noted that Section 34(13) of the Planning and Development Act 2000, as amended, states that a person shall not be entitled solely by reason of a permission under this section to carry out any development. The Board may attach a note to this effect to a decision to grant permission if it is of a mind to do so.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the scale and domestic nature of the development, its location in a serviced urban area, and the distance to the nearest European sites and the absence of known pathways to European sites, 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. Accordingly, Appropriate Assessment is not required.

8.0 Recommendation

Having regard to the foregoing I recommend that permission be GRANTED for the reasons and considerations set out below subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the policies and objectives of the Cork County Development Plan 2022-2028, and the nature 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 the amenities of the area or property in the vicinity. The proposed development would,

therefore, be in accordance with the proper planning sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.</p>
3.	<p>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.</p> <p>Reason: In the interest of public health.</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.

Eoin Kelliher
Planning Inspector

21st March 2023