



An
Bord
Pleanála

Inspector's Report ABP 315165-22

Development	First floor extension to existing house.
Location	Cappa, Kilrush, Co. Clare.
Planning Authority	Clare Co. Council.
Planning Authority Reg. Ref.	22/802.
Applicant	Patrick Mc Knight.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	Third Party
Appellant	Anne Mc Kiernan.
Observer(s)	None.
Date of Site Inspection	April 17 th , 2023.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located in Cappagh village, an attractive seaside settlement close to the town of Kilrush in Co. Clare. It lies to the north of Coast Road, which is a designated scenic route and faces Cappa pier. The site is adjoined to the west by Pilot House and to the east by the rear garden of the adjoining dwelling that fronts onto Fort Road. To the rear of the garden there are shed/garages and a vacant single storey building that is currently vacant.
- 1.2. The site accommodates an attractive two-storey house with front porch, with later single-storey extensions to the side and rear. The eastern side elevation of the rear extension forms the boundary with the adjacent property.

2.0 Proposed Development

- 2.1. The proposal is to provide a first-floor extension (6.99 m²) to an existing dwelling. The extension would incorporate a bathroom and a balcony.
- 2.2. Unsolicited further information was received from the applicant on October 25th, 2022. It included revised drawings and shadow analysis. The revised drawings incorporate a privacy wall to the balcony area and the repositioning of the bathroom window.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 5 no. conditions.

Condition No. 2 requires that the proposed first floor extension and balcony be set back a minimum of 0.5m from the shared boundary with the adjacent private amenity space area to the east of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report of 27/10/22 is summarised as follows:

- The extension is proposed to the rear of the house which is significantly screened. From the road to the south the views would be limited to the balcony. The proposal would not therefore result in adverse impact on the ACA or the views available from the Scenic Route.
- The revised drawing include a privacy wall to the east and the relocation of the bathroom window, which addresses overlooking issues.
- To avoid overbearing issues a setback of 0.5m is required which would provide a visual break between the existing ground floor and the proposed first floor.
- The proposal would result in a minor increase in overshadowing of adjoining property. Relative to existing overshadowing and having regard to the urban context, this increase is not considered to be significant.
- No supporting evidence has been provided to demonstrate adverse impacts on property prices. There is no encroachment onto adjacent property.

3.3. Other Technical Reports

West Clare Municipal Engineer – No observations on the subject proposal.

4.0 Planning History

The planning authority notes that there is no planning history relating to the site.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is the Clare County Development Plan 2023-2029 came into effect on April 20th, 2023 and following the planning authority's decision. The site is zoned for 'Mixed Use' developments.

The site is located within the Cappa Architectural Conservation Area (ACA). Policy CDP15.5 applies.

The site is located north off a designated scenic route (LP2502). Policy CDP 14.7 applies.

5.2. Natural Heritage Designations

The site lies to the north of the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA.

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations and accordingly no EIAR or a screening determination is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- Unsolicited further information was submitted outside the 5-week period and was not subject to public consultation.
- Notwithstanding the provisions of Condition No.2 the proposal by reason of its overbearing and visually oppressive impact would seriously impact on the residential amenity of appellants adjoining property
- The Sunlight/Daylight analysis submitted as unsolicited further information is inadequate.
- The design of the proposal would be incongruous with the character of the ACA in which it is located and contrary to Policy Objective CDP15.5 in relation to ACA's.
- Impact on designated scenic route.

- Impact on the redevelopment of opportunity site (OP 7), which includes part of appellants property.

6.2. Applicant Response

- The applicant did not submit any response to the grounds of appeal.

6.3. Planning Authority Response

The planning authority's response is summarised as follows:

- The unsolicited further information was not considered to be significant and the application proceeded on that basis.
- The proposal would lead to a minor increase in overshadowing which is not considered to be significant.
- A set back of 0.5m from the site boundary is considered adequate to address the concerns of adjoining residents.
- The planning authority does not consider that the proposed development would result in adverse impacts on the character of the ACA or views from the scenic route.
- No adverse impacts to opportunity site OP 7 are envisaged. Any future redevelopment of the site will be assessed on its planning merits.

6.4. Observations

None

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered.

7.1.2. The main issues, therefore, are as follows:

- Residential Amenity
- Impacts on Architectural Conservation Area
- Other matters
- Appropriate Assessment

7.2. Residential Amenity

7.2.1. The appellant's property is located on the adjoining site to the east. The proposal is to provide an extension over the existing extension to the rear of the house. The wall of the extension runs along the common boundary with appellant's property. The proposed bathroom and balcony would improve the residential amenity afforded by the subject dwelling, which has limited private open space.

7.2.2. The original proposal included a bathroom window in the side elevation with appellant's property. The unsolicited further information submitted to the planning authority includes revised drawings providing for the relocation of the window to address potential overlooking issues. The original proposal indicates the provision of a privacy screen along the front and the east side of the balcony facing appellant's property. The revised drawings replace the balcony screen facing appellants property with a solid wall.

7.2.3. While these measures reduce impacts on the privacy of the adjoining dwelling, it results in an extension which is overbearing and detracts from the amenities of the adjoining house. I consider that the maintenance of the window in this elevation reduces the overall mass of the structure and provided it is fitted and maintained with opaque glass, no overlooking issues will arise. I consider that the replacement of the wall with a 1.8m privacy screen along the eastern wall of the balcony would also reduce overbearing impacts, while ensuring that no overlooking of neighbouring property will arise. I recommend that a condition similar to Condition No 2 of the planning authority be attached requiring the set back of the extension by 0.5m from the eastern boundary to further mitigate impacts.

7.2.4. Regarding overshadowing, the sunlight analysis submitted by the applicant is scant in detail. I accept that there will be a marginal increase in overshadowing of appellant's garden to the east. However, having regard to the level of

overshadowing caused by appellant's own house, this is not considered to be significant.

7.3. Impacts on Architectural Conservation Area/Scenic Route

- 7.3.1. The site is located within Cappa ACA and fronts onto the coastal road which is a designated scenic route. Having regard to the location of the extension to the rear of the house and the screening afforded by existing buildings, I do not consider that the proposed development will significantly impact on the character or integrity of the ACA or detract from the scenic quality of the designated scenic route. The proposed development would not therefore be at variance with the objectives of the plan regarding the protection of the ACA or the designated scenic route.

7.4. Other matters

- 7.4.1. The appellant contention that the proposal would prejudice Objective OP 7 (designated OP 6 in the current plan), is not accepted by the planning authority. Objective OP 6 relates to Cappa Shop located adjacent to the appeal site. It is identified as an Opportunity Site, and the objective is to encourage the development of appropriate shop signage and the visual enhancement of the local shop, which clearly would not be curtailed by the proposed development.

The matters relating to the acceptance of unsolicited further information during the processing of the application is entirely a matter for the planning authority.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development and its location within a built-up area connected to public services, 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. On the basis of the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the existing residential use on the site, the limited size and scale of the proposed extension and its location to the rear of the house and the screening afforded by existing development, I consider that subject to the following conditions, the proposed development will not impact on the amenities of the area or depreciate the value of properties in the vicinity, would not detract from Cappa Architectural Conservation Area or the designated scenic route in the vicinity of the site and would, therefore, be in accordance with the proper planning and 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 completed in accordance with agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed extension shall be set back by at least 0.5m from the building line of the existing extension on the east side of the site.</p> <p>Reason: To reduce overbearing impacts and protect residential amenity.</p>
3.	<p>The bathroom window in the east elevation shall be fitted with and permanently maintained with opaque glass.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
4.	<p>A privacy screen 1.8m in height shall be erected on the east side of the balcony area which shall be stepped down to 1.2m at the front, to details to be submitted and agreed in writing with the planning authority prior to commencement of the development.</p>

	Reason: In the interests of residential amenity.
5.	All drainage arrangement including the disposal of surface water shall be in accordance with the detailed requirements of the planning authority for such works and services. Reason: In the interests of proper and efficient drainage.
6.	The external finishes of the proposed extension shall match the external finishes of the existing house in both colour and texture. Reason: In the interests of visual amenity.
7.	Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not 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. Reason: To safeguard the amenities of property in the vicinity.

Breda Gannon
Planning Inspector

26th, April 2023