



Development	Extension and alteration of existing dwelling.		
Location	17 Browningstown Park West, Ballinlough, Cork		
Planning Authority Ref.	2341705		
Applicant(s)	James Geaney		
Type of Application	Permission	PA Decision	Grant w Conds.
Type of Appeal	Third party	Appellant	Finbarr O'Leary
Observer(s)	None		
Date of Site Inspection	19/12/2023	Inspector	D. Aspell

Context

1. Site Location/ and Description

The site is at No. 17 Browningstown Park West, Ballinlough, Cork City. It is located within a residential estate and comprises a 2-storey semi-detached dwelling. The dwelling is at the junction of Browningstown Park West and Eglantine Park and is angled to face the corner of the junction.

2. Description of development

The proposal is for extension and alteration of the existing dwelling as follows:

- Removal of single storey extensions to rear;
- 2-storey side extension and single storey rear/side extension;
- Alterations to rear window.

3. Planning History

Subject site:

- None recorded.

Nearby sites:

- PA Ref. 0529370: Planning permission granted by the planning authority in 2005 for development at No. 19 Browningstown Park comprising a 1- and 2-storey extension to side/rear and alterations to elevations.

I note a number of other 2-storey side / rear extensions permitted by the planning authority in the area (Refs. 2039679, 1837791, 1737527, 0630453 and 0530253) respectively at 53 Beechwood Park; 70 Browningstown Park; 77 Browningstown Park; 'Westview' Browningstown Park; and 'Summerville', Eglantine Park.

4. Planning Policy

I note the following provisions of the Cork City Development Plan 2022-2028:

- The land use zoning for the area is 'ZO 01 Sustainable Residential Neighbourhoods', the objective of which is "To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses";
- Sections ZO 1.1, ZO 1.2, and ZO 1.3 relating to residential uses;
- Paragraphs 11.12, 11.140, 11.141, 11.142 and 11.143 relating to adaptation of existing homes.

5. Natural Heritage designations

None relevant.

Decision and Grounds of Appeal

6. Planning Authority decision

The planning authority issued a notification of decision to grant permission on 13th March 2023 with 9 no. conditions.

- Condition No. 2 requires that a revised side elevation drawing shall be submitted to and agreed in writing to show an amended fenestration patterns to the first-floor side elevation.

7. Appeal

The submitted third party appeal, from Finbarr O’Leary of No. 16 Browningstown Park, is summarised as follows:

- Requests if the Board is minded to grant permission to condition the stepping back and reduction of the extension similar to No. 70 Browningstown Park;
- The planning authority planning report’s comparison of the proposal to extensions at No. 19, 26 and 70 Browningstown Park is flawed;
- Subject site is more visually prominent / dominant;
- Concerns regarding impact on residential amenities of his and neighbouring properties, and on the character of the area;
- Dwelling will be significantly larger / out of proportion to adjoining dwellings;
- Extension will be very prominent and will break the building line;
- The shape and form is ill-fitting, incongruous, and out of keeping with the area, and to the uniform design and scale of dwellings in the area;
- While the height of the extension is not out of scale, it will not look subservient;
- Dwelling will be out of proportion, excessively large, visually dominant, discordant, and set an undesirable precedent;
- The extension will be closer to appellant’s property, will be unduly prominent and overbearing, and will interfere with privacy;
- The elevation is not akin to others granted in the area;
- The fenestration is at odds with the design / style of houses in the area, particularly the high-level window prominent on the southeast elevation;
- It will give rise to overlooking of appellant private amenity space and introduce additional overshadowing of the private amenity space;
- It is inconsistent with paragraphs 11.142 and 11.143 of the development plan.

8. Planning authority response

None recorded.

9. Applicant response

Applicant response to appeal dated 27th April 2023 is summarised as follows:

- Proposal has no impact on residential amenity or privacy of No. 16 Browningstown Park. The only first-floor side window is to be removed as per Condition No. 3. The first-floor rear window is in an en-suite and will be frosted;
- Proposal will cause no undue overshadowing of the appellant or other property;
- Precedents at No. 19 Browningstown Park; 'Summerville', Eglantine Park; 53 Beechwood Park; 77 Browningstown Park; & 'Westview' Browningstown Park;
- Proposal will fit very well with the character of the area;
- Applicant proposes to erect a hedge & fence between appellant and subject site to respond to privacy concerns;
- The proposal is consistent with paragraph 11.141 of the development plan.

Environmental screening

10. Environmental Impact Assessment screening

The proposed development is not within a class where EIA applies, and therefore is not subject to requirements for preliminary examination of EIA (Refer to pre-screening Form 1, Appendix 1 of this report).

11. Appropriate Assessment screening

Having regard to the nature of the development and the location in an urban area with connection to existing services, and absence of connectivity to European sites, I conclude 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 any European site.

2.0 Assessment

2.1. Having regard to the foregoing; having examined the appeal and the documents on file; having visited the site; and having regard to relevant policies and objectives, and I consider the main issues in this appeal are:

- Size and scale;
- Design and character;
- Residential amenities;

- Visual amenities.

Size and scale

- 2.2. The proposal provides for reconfiguration of habitable space at the ground floor, and at first floor will increase the number of bedrooms from 3 to 4. I consider this to be reasonable. The height of the 2-storey element will sit below the existing house, and the proposed front elevation will sit behind the existing. In broad terms the side extension will add an additional bay to the front of the dwelling. I am satisfied the proposed size and scale is not out of proportion or excessive for the site or area.
- 2.3. I note a number of 2-storey side/rear extensions have been permitted and constructed on corner sites in the estate. Whilst these vary in context, size and design, I consider a number of these are comparable, in particular No. 19 Browningstown Park, and I am satisfied they appear to have been accommodated without significant detrimental impacts to the character or amenities of the area.

Residential amenities

- 2.4. In relation to overlooking, the side extension would have a first-floor bedroom window and 3 no. ground floor windows. The first-floor side window would be a high-level letterbox type window and would be c.12m from the party boundary with No. 16. The applicant and appellant dwellings (No. 17 & No. 16 respectively) are angled away from each other. The appellant's side elevation has one window, which is at first floor and serves a stairwell. The appellant's closest outdoor area is a parking area, with the main private amenity space located to the rear of the dwelling away from the proposed side extension. Having regard to the foregoing, I do not consider the proposal would have a significant detrimental impact on the privacy of No. 16.
- 2.5. In relation to the additional first floor rear bathroom window proposed, having regard to the fact that this is a bathroom; the distance from this window to the rear private amenity space of No. 16 being c.12m; and the applicant's garage and appellant's shed would sit between the window and the rear private amenity space of No. 16, I am satisfied there will be no significant detrimental impact in terms of overlooking in this regard.
- 2.6. In relation to overbearance, the proposed side extension would sit below the height of the existing dwelling and would be hip-roofed. It would be c.7.8m from the party

boundary with No. 16 (decreasing the current distance from c.10.3m to c.7.8m) and c.17m from No. 16 itself. As per the existing dwelling the extension would be angled away from No. 16. Having regard to the design and layout of No. 16 as set out above I do not consider the proposal would give rise to significant overbearance.

- 2.7. In relation to sunlight and overshadowing, the proposal is due west of No. 16. Most sunlight and overshadowing impacts would be limited mainly to evening time and during the summer. Having regard to the proposal's scale; its location relative to No. 16; and the lack of habitable room windows and private amenity space in close proximity, I do not consider there would be significant detrimental impacts in these regards. In relation to daylight, having regard to the absence of habitable room windows in the side elevation of No. 16 I do not consider there would be significant detrimental impacts in this regard.
- 2.8. I note in their response to the appeal the applicant proposes boundary screening along the party boundary with No. 16. Currently there is glazing at ground floor within the side elevation of the existing dwelling. The proposal includes increased glazing which would be closer to No. 16. I note there is only a half wall between the two dwellings. However, having regard to the layout of No. 16 as set out above I do not consider that boundary screening is required.

Design and character

- 2.9. The area has a distinct character which emerges primarily from the style of dwellings, pebbledash finish, grey and white colouring, low boundary walls, hipped roofs, and layout of the estate. There is variation among the existing dwellings in the area, particularly in terms of ground and first floor extensions and fenestration. The area is not an Architectural Conservation Area and there are no Protected Structures in the vicinity. The proposed external wall and roof finishes are to match the existing. I am satisfied the proposed design and finishes would in general complement the style and character of the existing dwelling and wider area.
- 2.10. In relation to fenestration, I note the points made by the appellant, applicant and planning authority in this regard. Condition 3 of the planning authority notification of decision required alteration of the first-floor fenestration pattern. In their response to appeal the applicant proposes to remove this window. I consider the proposed design, proportions and placement of windows in the side elevation generally match

the existing dwelling and wider area, with the exception of the window proposed at first floor. As such I consider a condition for the omission of this window is warranted.

Visual amenities

- 2.11. The site is located on a corner and angled away from the adjoining dwellings which increases its prominence. However, as set out above the 2-storey element is set back from the front elevation, is lower in height, and I consider it to be reasonable in terms of width. I am satisfied the size, scale, design and finishes are generally in keeping with the existing dwellings and the wider area. Whilst relatively prominent, I do not consider the proposal would be unacceptably obtrusive or dominant. I am satisfied the dwellings in the area are relatively large and can accommodate the proposal without significant detriment to visual amenities.
- 2.12. I note the appellant points regarding building line. Whilst the proposal would sit slightly forward of the southernmost corners of other dwellings along the northern side of Eglantine Park and Hettyfield Park, I do not consider that there is a rigid building line, and in any event I do not consider the proposal would have an unacceptable impact on the streetscape or the visual amenities of the area.

Conclusion

- 2.13. I am satisfied the development will protect and provide for residential uses and amenities and respect the character of the neighbourhood. I consider the proposal comprises an appropriate built form which takes into account its context, character and setting, including the roof form, and which harmonises with the wider area. In line with development plan Section 11.142 I am satisfied the design and layout generally have regard to the amenities of adjoining properties including with regard to light and privacy. I am also satisfied the character and finishes of the existing building have been respected and match the existing, subject to conditions relating to fenestration.
- 2.14. Overall I consider the dwelling improvements are in line with the zoning objective for the area, and will help ensure the dwelling is utilised and adapted to meet evolving needs in line with development plan Section 11.141.

3.0 Recommendation

- 3.1. I recommend that permission be granted subject to conditions for the reasons and considerations below.

4.0 Reasons & Considerations

Having regard to the design, scale and layout of the proposed extension and alterations, it is considered that subject to conditions the development would contribute to sustainable residential neighbourhoods consistent with the ZO 1 zoning objective for the area and would be consistent with relevant provisions of the Cork City Council City Development Plan 2022-2028. The proposal would protect and provide for residential uses and amenities, would respect the character and scale of the development in the area, would not injure the visual amenities of the area, and would therefore be consistent with the proper planning and sustainable development of the area.

5.0 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 first-floor bedroom window on the south-eastern elevation shall be omitted. Reason: In the interests of the design and character of the area.
3.	Water supply and drainage arrangements for the site, including the disposal of surface and foul water, shall comply with the requirements of the planning authority for such works and services. Foul and surface water drainage shall be separated. There shall be no new connections to the public sewerage system.

	Reason: In the interest of public health.
4.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water. All development shall be carried out in compliance with Irish Water standard codes and practices.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The Developer shall comply with the following:</p> <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, access, construction parking, management of on-street parking, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>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.</p> <p>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.</p>

-I confirm 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.-

Dan Aspell

Inspector

13th February 2024

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	316231-23		
Proposed Development Summary	Extension and alterations to existing dwelling		
Development Address	17 Browningstown Park West, Ballinlough, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X		Preliminary Examination required
Yes			Screening Determination required

Inspector: _____

Date: __26th January 2024__