



An
Bord
Pleanála

Inspector's Report

ABP-317955-23

Development	Retention of single storey extension and all ancillary works
Location	No. 15 Ringmeen Estate, Ballyvoloon, Cobh, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	235374
Applicant(s)	Simon and Irene Dow.
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Patrick Lane
Date of Site Inspection	22 nd November 2023.
Inspector	Niall Sheehan

1.0 Site Location and Description

- 1.1. The site comprises a two-storey end-of-terrace dwelling (terrace of four) within an established residential area comprising of similar type development at Ringmeen, Cobh. The site is located c.1km west north west of Cobh town centre, and c.800m north west of Cobh railway station. The site measures 0.038ha in area. The topography of the site and immediate surrounding area are relatively flat.
- 1.2. There is a single storey porch extension to the front, single storey extension to the rear and an outbuilding to the rear of the rear garden.
- 1.3. The majority of the front boundary wall has been removed and the area to the front of the dwellinghouse has been hard surfaced (concrete). There is a small section of front boundary wall c.1m high for which is rendered and capped.
- 1.4. Rear flank boundary treatment is c.1.8m high rendered wall to northern side, and, c.1.8m high timber fence to opposite southern side.

2.0 Development to be Retained

- 2.1. Development to be retained comprises of the following:
 - Regularisation of vehicular entrance to measure 5.02m wide with hard surfacing of entire front area.
 - Retention of pitch roof front entrance porch measuring c.2.8m high at eaves and c.3.265m high at ridge. Painted render to match existing.
 - Retention of single storey full width rear extension built onto mutual boundary with No.16 measuring c.5.1m and further projection measuring c.3.3m (8.4m in overall depth). The combined extension measures c.2.8m high at the eaves, and, c.3.553m high at the ridge. The combined extension is finished in painted render to match the existing dwellinghouse. Internal configurations comprise of kitchen/dining room to full width extension and TV room to further extension.
 - Single storey dual pitch roof garden room/store to rear of rear garden area with solid timber doors(double door entrance) and window to either side measuring c.2.4m high at the eaves, c.2.8m high at the ridge and c.19.76sq.m in floorarea. The outbuildings are finished in painted render to match existing dwellinghouse.

3.0 Planning Authority Decision

3.1. Planning Reference: 235374

Decision Notification to grant permission with 10 no. conditions attached on 25th August 2023. Condition No.2 states that the garden room/shed shall be used solely for use incidental to the enjoyment of the dwellinghouse and shall not be used for the carrying out of any trade, business or human habitation

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report takes the view that that the porch to the front elevation to be an improvement on that pre-existing, the extension to the rear to be acceptable in terms of design and scale with no overlooking impacts with sufficient remaining private amenity space, and, the garden room to the rear of rear garden to have no significant negative residential amenity impacts on surrounding neighbouring properties.

The Planner's Report notes that the Area Engineer has no objections to the removal of the front boundary wall for the provision of a vehicular entrance and car parking area for which it is stated that neighbouring properties have carried out same.

3.2.2. Other Technical Reports

Area Engineer No objection

Water Services No comments

3.3. **Prescribed Bodies**

An Taisce No observations received

The Arts Council No observations received

Faite Ireland No observations received

Irish Water No observations received

3.4. **Third Party Observations**

1 no. observation from neighbouring property at Patrick Lane, occupier at No.16 Ringmeen Estate, immediately due north of the application (also appellant). The observation reflects the third party appeal.

4.0 **Planning History**

4.1. No recent relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The Cork County Development Plan 2022-2028 refers:

Volume 1

18.3.3 Existing Residential/Mixed Residential and Other Uses (ER). *'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’.

ZU 18-9: Existing Residential/Mixed Residential and Other Uses

‘The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area’, and, should be in ‘compliance with appropriate design/amenity standards and protecting the residential amenity of the area’.

Volume 4, South Cork, Chapter 2: Cobh Municipal District

5.2. Natural Heritage Designations

The site is located both c.3km south and 2.7km north of Cork Harbour Special Protection Area (SPA) (Site Code 004030), c.3km south of Great Island Channel Special Area of Conservation (SAC) (Site Code 001058)

The subject lands are contained within the Screening Zone for Cork Harbour Special Protection Area. Given the distance of the site from the SPA, the location within an established urban area and the level of development to be retained, no further action is necessary

The site is also located c.1.9km north east of Monkstown Creek proposed Natural Heritage Area (pNHA), (Site Code 001979), c.3km north of Lough Beg pNHA (Site Code 001066), c.4.5km north west of Whitegate Bay pNHA and c.3km south of Great Island Channel pNHA (Site Code 001058) respectively.

5.3. EIA Screening

The extension to be retained is not a class of development as prescribed in Schedule 5 of the Planning and Development Regulations 2001 (as amended and

consolidated), therefore preliminary screening or EIA is not required. Please see form 1.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by Mr. Patrick Lane who lives in the adjoining dwellinghouse immediately adjoining north of the application site. Objection is on the following grounds:

- Around 2007 or 2008, No.15 Ringmeen removed section of mutual boundary wall and then constructed single storey rear extension which became the structure separating our properties;
- The appeal is based on loss of southern boundary at No.16 and encroachment onto joint boundary by No.15.
- The development as constructed would interrupt future engineering reports due to Non-compliance with normal building regulations (regarding boundaries) which may impact on future conveyancing/sale of their property.
- When assessing the planning application, the local authority failed to visit my property and address my concerns.

6.2. Applicant Response

The applicant did not respond to the grounds of the appeal.

6.3. Planning Authority Response

The planning authority did not respond to the grounds of the appeal.

6.4. Further Responses

None

7.0 Assessment

7.1. Introduction

I have read the documentation attached to this file including the appeal and the reports of the planning authority.

I consider that it is appropriate to address the appeal under the following broad headings.

- Private property matters;
- Visual impact;
- Residential amenity;
- Appropriate Assessment.

7.1. Private Property Matters

- 7.1.1. With respect to stated encroachment on the mutual property boundary with the neighbouring property at No.15, while there may be a difference of opinion on the entitlements of both neighbours, it is not the Board's role to determine such disputes. As observed on my assessment of the appeal including my site visit, the ground floor plan is more accurately reflected onsite than the rear elevation drawing. The ground floor plan drawing shows the extension constructed across the width of the boundary wall which appears to be the case, while the rear elevation drawing shows the extension constructed upto the boundary wall with remaining section of rear flank boundary wall built on the boundary line. In this regard I refer the Board to Section 5.13 of the Development Management Guidelines (2020) which outline that the planning system is not designed to resolve disputes about title to land and even if there is doubt in relation to the legal title, the planning authority may still decide to grant permission. Such permission is subject to the terms of Section 34(13) of the Planning and Development Act 2000, as amended, which states that *'a person shall not be entitled solely by reason of permission under this section to carry out any development'*.
- 7.1.2. Should the Board decide to grant planning permission, the onus is on the applicant to ensure adequate legal interest is/was present and an advice note to this effect should be attached in the event of a grant of permission.

7.1.3. With respect to stated/alleged non-compliance with building regulations regarding boundaries, this is not a substantive planning consideration.

7.2. Visual Amenity

7.2.1. On assessment of the visual impacts of the single storey rear extension, given the modest overall height, conventional roof pitch, finish to match existing dwellinghouse, I am of the view the appearance of the rear extension to be retained (in its entirety) visually integrates with the host property and those surrounding. This is notwithstanding the projection of the southernmost part of the extension at c.8.2m for which would exceed that of single storey rear extensions to surrounding neighbouring properties. I am of the view that given the modest height to eaves and ridge and design commensurate with full width part of extension in addition to retention of adequate rear garden area, the combined extension to be retained in its entirety is in keeping with the appearance of the host dwellinghouse, the host terrace and the immediate and wider surrounding areas.

7.2.2. The single storey outbuilding to be retained is modest in height (eaves and ridge), floorarea, conventional in design with finish in keeping with the main dwellinghouse, host terrace and surrounding pattern of development. Access inside was not available on the day of site visit, however it appears to be used for purposes ancillary to the enjoyment of the main dwellinghouse and does not appear to have any sanitary fittings. I would consider it appropriate to attach a condition stipulating that the building be used for purposes ancillary to the enjoyment of the main dwellinghouse only and not for any other purposes including habitation purposes, and, no sanitary fittings shall be installed.

7.2.3. The front porch to be retained is a simple dual pitch roof porch which is compact in floorarea and integrates successfully with the appearance of the front elevation of the host property and host terrace also.

7.2.4. The front area has been laid in concrete with a ramp from the public road to provide access. This area is similar to No.'s 16 and 17 further north and other properties in the

wider estate. These alterations as performed are not objectionable, integrate with the host property and those surrounding and have been performed to various properties in the surrounding area. A condition will be attached to dish the footpath at the front entrance in the interests of pedestrian and road safety.

7.3. Residential Amenity

- 7.3.1. On assessment of residential amenity impacts to the appellant's property at No.16 to the north, there is a ground floor window positioned to the inside of the mutual boundary/party wall. From the third party observation made during the planning process, it appears that this window may serve a kitchen. Notwithstanding, it was not possible to confirm this onsite. Given the modest projection of the full width extension to the mutual boundary and also the separation distance (c.2.7m setback from the boundary) of the later extended part together with modest eaves and ridge height, I am of the view that there would be no significant overbearance, overshadowing or loss of light or outlook impacts resultant of the combined extension. It is noted that the extension wall to the boundary is not significantly higher than the pre-existing mutual boundary wall. From my site visit, it appears to be c.0.7m higher (for the duration of the extension on the boundary (c.5.2m)).
- 7.3.2. With regard to overlooking impacts, there would be no significant overlooking or loss of privacy impacts upon the subject ground floor rear window or rear garden area from a French door to the southernmost part of the rear extension given the presence of a 1.8m high boundary wall in between.
- 7.3.3. The garden room to be retained to the rear of the rear garden would not affect the residential amenity of the neighbouring properties to either side (north or south) given its modest dimensions. As aforementioned, I have recommended the attachment of a condition stipulating that the building be used for purposes ancillary to the enjoyment of the main dwellinghouse only and not for any other purposes.

7.4. Appropriate Assessment

- 7.4.1. As regards Appropriate Assessment having regard to the nature of the development and the separation distance to any 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 any other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend that retention be **GRANTED** subject to conditions.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2022-2028, the nature, scale and design of the development to be retained with respect to visual and residential amenity, and, other impacts, the surrounding pattern of development, I consider that the development to be retained would not give rise to unacceptable impacts ,and, would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development retained in accordance with the plans and particulars lodged with the application received by the planning authority on the 03/07/2023, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity.
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2.	<p>The existing dwellinghouse and extensions to be retained shall be jointly occupied as a single residential unit and the rear extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwellinghouse.</p> <p>Reason: To restrict the use of the extension in the interests of residential amenity.</p>
3.	<p>The outbuilding to be retained shall be used for purposes ancillary to the enjoyment of the main dwellinghouse and shall be used for any other purposes. It shall not be used for human habitation and no sanitary fittings shall be installed. It shall not be sold, conveyed or leased separately from the main residence, and when the need for the family flat no longer exists the unit must be returned to a garden storage unit.</p> <p>Reason: To protect the amenities of property in the vicinity and in order to comply with the Objectives of the current Development Plan for the area.</p>
4.	<p>Entrance recess between public road edge and entrance gate shall be set level with public road surface edge to the Planning Authority's satisfaction and shall not extend beyond road surface edge.</p> <p>Reason: In the interests of road safety.</p>
5.	<p>The footpath at the entrance to the site shall be dished. The works in this regard shall be to the satisfaction of and agreed with the Planning Authority within 6 months of the date of grant of planning permission.</p> <p>Reason: To ensure satisfactory access to the site from the public roadway.</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.



Niall Sheehan
Planning Inspector

11th December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Retention of single storey extension and all ancillary works		
Development Address	No. 15 Ringmeen Estate, Ballyvoloon, Cobh, Co 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) or 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	Not a class of development
			No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: *Niall Sheehan* Date: 11th December 2023