



An
Bord
Pleanála

Inspector's Report

ABP-319106-24

Development	<i>Permission for retention of minor alterations to granny flat extension permitted under planning reference number 22/4364.</i>		
Location	<i>7 Egalantine Drive, Quartertown, Lower, Mallow Co. Cork</i>		
Planning Authority Ref.	<i>236340</i>		
Applicant(s)	<i>William & Margaret O'Donoghue</i>		
Type of Application	<i>Retention</i>	PA Decision	<i>Grant Permission</i>
Type of Appeal	<i>Third Party</i>	Appellant	<i>Joe Gill</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>24/06/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description.

The site is located in a small housing estate of detached houses in the south western suburbs of Mallow, Co. Cork. There is a detached house on site with front and rear gardens. To the east is No. 6 Egalantine Drive, there is an area of open space to the west and to the south there is a pair of semi-detached houses which form part of Egalantine Crescent. There is a side passage to the rear garden to the east.

2. Description of development.

The proposed development comprises of permission for the retention of minor alterations to an existing granny flat extension as previously granted under Planning Reg. Ref. 22/4364 comprising of the following:

- Retention of additional floor area provided to the rear single storey extension between permitted rear living room and the existing rear sunroom
- Retention of change of roof type to the rear single storey extension from pitched roof to flat roof

3. Planning History.

- Planning Reg. Ref. 22/4364 in the name of William and Margaret O'Donoghue granted permission to construct a two storey extension to the side of existing dwelling for use as a granny flat and all associated site works

4. National/Regional/Local Planning Policy

The Cork County Development Plan 2022- 2028

- The Cork County Development Plan 2022- 2028 is the statutory plan in force at present
- The site is located within the settlement boundary of Mallow in the Cork County Council Development Plan 2022-2028 and is zoned as 'Existing Residential/Mixed Residential and Other Uses'
- Objective ZU18-9 therefore applies which seeks that

'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. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards

and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

5. Natural Heritage Designations

- Blackwater River SAC Site Code 002170 is located 200 metres to the north of the site.

Development, Decision and Grounds of Appeal

6. PA Decision.

Permission was granted subject to 7 conditions

- Condition 3 stipulates use of granny flat to be ancillary to the use of the main dwelling only and shall not be used as a separate dwelling

7. Internal Reports

- Area Engineers Report dated 25th January 2024 – permission recommended subject to conditions

8. Submissions

There is one submission on file from a Joe Gill of 6 Eglantine Drive (dated 30th November 2023) His concerns in summary are with respect to the following;

- The level of the flat roof exceeds the height permitted and is very high on the boundary wall
- That he has erected fencing on the boundary wall but the residents of No. 7 have added windows which were not in the original plans and are a clear invasion of his privacy as the windows look directly at the front of his property.
- That the residents of No. 7 can look into his property when walking along the side passage

9. Prescribed Bodies

- TII dated 5th December 2023 – no observations to make

10. Grounds of Appeal

A third party appeal was received by Joe Gill on the 21st February 2024. The appeal in summary states:

- That the proposed development for retention includes for a flat roof which is very high on the boundary wall
- That windows were inserted that were not included in the original application
- That the height of the side passage to the house is higher than it was previously and users of the passage can look into over it into his property

11. First Party Response

A response from the first party was received on the 18th March 2024. The response in summary states:

- That the main reason for making the alteration to the rear extension was to close off a gap between the existing rear conservatory and the new granny flat.
- With this change it made sense to connect these two extensions with a flat roof instead of creating a valley between two pitched roofs. This reduced the roof by 1.37 metres from that of the pitched roof which was permitted previously.
- That the windows referred to in the appeal are actually permitted under Planning Reg. Ref. 22/4364. They are high level windows that cannot be seen out

12. PA Response

A response to the appeal was received on the 19th March 2024 and states that the Planning Authority is of the opinion that all of the relevant issues have been

covered in the technical reports already forwarded to the Board and that the Planning Authority has no further comments to make on this matter.

13. Observations

None received.

Environmental Screening

14. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

15. AA Screening

Having regard to the modest nature and scale of development and absence of connectivity to European sites, it is concluded 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 a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Residential Amenities
 - Visual Impact

2.2. Residential Amenities

- 2.2.1. The proposed development for retention comprises of two main elements;
- (a) Retention of additional floorspace which was added to fill in a gap between an existing conservatory on site and the single storey element of a permitted granny flat extension (the permitted granny flat comprised of a two storey extension to the side of the existing house with a single storey extension to the rear of the same as granted under Planning Reg. Ref. 22/4364)
 - (b) The construction of a flat roof over the single storey extension in lieu of the pitched roof granted under Planning Reg. Ref. 22/4364
- 2.2.2. There would be no impact to the residential amenity of the appellants property as a consequence of item (a) above.
- 2.2.3. The only element which would impact upon the appellants property to the east would be the change of roof type as per item (b) above. I note from the drawings submitted that the height of the roof has actually reduced from that of the permitted pitched roof by 1.37 metres as shown in the drawings submitted with the application. I consider therefore that flat roof as built would be less of an impact to the residential amenity of appellants property than that which was previously permitted
- 2.2.4. The other issue raised by the appellant is with respect to windows on the eastern gable of granny flat extension facing the appellants property. I note in this regard that the windows which comprise of two high level windows on the ground floor serving a dining and living room and a frosted window at first floor serving a landing already has the benefit of permission under Planning Reg. Ref. 22/4364. In any rate the occupants of the granny flat extension cannot see out these windows and therefore I do not consider that they result in any residential amenity impacts to the appellants property.
- 2.2.5. The other final issue that the appellant raises is with respect to the side passage which is used to serve the applicants rear garden. The appellant states that users of the side passage can look over the party boundary into his property.
- 2.2.6. I have examined this issue on site and I consider that the boundary between the two properties is sufficiently high so as to prevent passive overlooking. You would need to

climb a low wall on the applicants side in order to properly look over to the appellants property.

- 2.2.7. With respect to the foregoing I do not consider that the proposed development for retention impacts upon the residential amenity of the appellants property.

2.3. Visual Amenities

- 2.3.1. The proposed works for retention are minor in nature and will not impact significantly on the form and design of the granny flat extension as permitted previously under Planning Reg. Ref. 224364.
- 2.3.2. With respect of the foregoing it is considered that the proposed development for retention would not be injurious to the visual amenities of the area.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted permission.

4.0 Reasons & Considerations

- 4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective as set out in the Cork County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	The development shall be retained 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
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	<p>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>Surface water drainage arrangements 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.

Andrew Hersey

Planning Inspector

25th July 2024