



An  
Bord  
Pleanála

## Inspector's Report ABP-320035-24

<b>Development</b>	Extension, demolition, internal alterations and renovations.
<b>Location</b>	South Terrace, Schull, Co cork, P81 KC42
<b>Planning Authority</b>	West Cork County Council
<b>Planning Authority Reg. Ref.</b>	2454
<b>Applicant(s)</b>	Christine McCarthy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Noel & Eileen O'Keefe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	31 <sup>st</sup> December 2024.
<b>Inspector</b>	Mary Crowley

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
3.3. Other Technical Reports .....	6
3.4. Conditions .....	6
3.5. Prescribed Bodies .....	6
3.6. Third Party Observations .....	7
4.0 Planning History .....	7
5.0 Policy Context .....	8
5.1. Development Plan .....	8
5.2. Natural Heritage Designations .....	9
6.0 Environmental Impact Assessment (EIA) Screening .....	9
7.0 The Appeal .....	9
7.1. Grounds of Appeal .....	9
7.2. Applicant Response .....	11
7.3. Planning Authority Response .....	12
7.4. Observations .....	12
7.5. Further Responses .....	12
8.0 Assessment .....	12
8.2. Principle .....	12
8.3. Overlooking .....	13

8.4.	Overshadowing .....	13
8.5.	Design.....	14
8.6.	Precedent.....	14
8.7.	Depreciation of Property values .....	14
8.8.	Conditions .....	15
8.9.	Other Issues.....	15
9.0	AA Screening.....	15
10.0	Recommendation .....	16
11.0	Reasons and Considerations.....	16
12.0	Conditions .....	17
13.0	Form 1 EIA Pre-Screening .....	19

## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.015 ha lies at the southern part of Schull town at South Terrace and comprises of a modest two bedroom terrace property (75.3sqm) fronting onto a narrow road, with on-street parking within a 30km/h zone. To the rear is a small single storey projection (kitchen and bathroom) that backs onto an irregular shaped but modest garden area.
- 1.2. I refer to the photos available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

## 2.0 Proposed Development

- 2.1. The development consists of a proposed extension (58 sqm), demolitions (20.6sqm), internal alterations and renovations to an existing dwelling at South Terrace, Schull, Co. Cork.
- 2.2. **Further Information** - In response to a request for further information the following was submitted on 15<sup>th</sup> April 2024 as summarised:
  - Revised drawings 2023-26-1010 & 1011, omitting the first-floor terrace area and the four glazed barrier panels as requested.
  - The revised extension area has been reduced to 54 sqm
- 2.3. In addition to the further information submitted the following information was submitted in support of the scheme:
  - The existing dwelling is overshadowed by the adjoining / existing developments, making for a very dark ground floor living space. The upside-down living concept will create a lighter and healthier main living space. At least two existing dwellings in the immediate vicinity of the proposed development have permitted first storey living accommodation.
  - In respect of the adjoining dwelling to the west of the proposed extension, to the west has been pulled back to avoid the neighbouring gable wall and freshly exposed rock at foundation level.

- The proposed two-storey extension element has been maintained in line with the adjoining two storey element of this existing structure to the east.

2.4. Following a request for revised notices by Cork County Council on the 24<sup>th</sup> April 2024 the applicant submitted revised public notices on the 6<sup>th</sup> May 2024.

2.5. **Unsolicited Information** – Submitted that there was an error in referencing existing local dwellings with permitted first storey living accommodation; namely planning reference 23/683, should read as 23/684. Stated that the applicant has not done an exhaustive search for such permitted examples of first storey living accommodation within Schull but can reference at least four such permitted examples.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Cork County Council issued a notification of decision to grant planning permission subject to 7 no generally standard conditions relating to compliance with plans submitted, materials, surface water, recycling of solid waste, disposal of hazardous waste and no mud or debris shall be carried onto the public road / footpath.

#### 3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** in their first report noted that the scheme as submitted under this application (Ref 24/54) is not the exact same as that submitted of the pre-planning stage (PPW 23/751) but that it is not dissimilar from it. However the revisions made were considered to be quite minor and significant concern was raised with regard to the loss of privacy and amenity and the form and design of the proposed development. Accordingly further information was sought requiring the deletion of the first floor "Terrace Area" and removal of the balustrade.

3.2.3. Following the submission of further information response on the 15<sup>th</sup> April 2024 the applicant was asked to re-advertise the scheme as "significant further information" in accordance with Article 35 of the Planning and Development Regulations 2001 -2023.

3.2.4. The **Case Planner** in a further assessment following the submission of further information concluded that the amendments now made omitting the first floor terrace and reducing the floor area to 54 square metres is acceptable and does not seriously impinge upon the privacy and amenity of any neighbouring property to such a degree to justify a refusal of the application. The Case Planner recommended that permission be granted subject to conditions.

3.2.5. **Supplementary Report** – In a further report the Senior Executive Planner (SEP) recommended that permission be granted in accordance with the conditions already given in the Case Planners report. The notification of decision to grant permission issued by Cork County Council reflects this recommendation.

### 3.3. **Other Technical Reports**

3.3.1. **Environment** – In their first report have no stated objection to grant of permission on environmental grounds subject to conditions relating to site clearance waste, construction waste and demolition waste and hazardous waste being attached. In a further report dated 19<sup>th</sup> April 2024 it was recommended that permission be granted, subject to conditions consistent with the original report dated 20<sup>th</sup> February 2024.

3.3.2. **Area Engineer** – In their first report have no stated objection to the proposed development subject to conditions relating to surface water, no dust, mud or debris on the public road/footpath and cleaning spillages on the public road. In a further report dated 18<sup>th</sup> April 2024 recommended permission, subject to conditions consistent with the original report dated 29<sup>th</sup> February 2024.

### 3.4. **Conditions**

3.4.1. The conditions attached to the grant of permission are considered to be those that what would be expected in a scheme such as this. Conditions set out in the Environment and Area Engineers report, as documented above are discussed in the assessment below.

### 3.5. **Prescribed Bodies**

None

### 3.6. Third Party Observations

3.6.1. **Planning Application** - There are two observations recorded on the appeal file from (1) Pierce & Jacqueline O'Driscoll and (2) Helen & Noel O'Keefe. The issues raised may be summarised as follows:

- **Pierce & Jacqueline O'Driscoll** – Concern in relation to the stability of development works on adjoining foundations, proposed extension be setback to address these concerns or detailed assurances of how the construction will take place with minimal interference to adjoining foundation including but not limited to engineering drawings, materials proposed, etc.,
- **Helen & Noel O'Keefe** - Welcome any proposal to renovate and upgrade this property in a manner sympathetic to its historic setting, neighbouring dwellings and without undue inference with the privacy and enjoyment of adjoining properties. Concern is raised in relation to living space at upper storey and impact to adjoining private open space, overshadowing of velux window, modernist architectural treatment is inconsistent with the long established and traditional architecture of the area, diminishment of sunlight, shadow study required, lack of any detailed proposals to provide for waste and surface water disposal, welcome proposals to seal off an inaccessible void between both properties.

3.6.2. **Further Information** – Following the submission of further information there is one observation recorded on the planning file from **Noel & Helen O'Keefe**. The additional issues raised relate to the terrace area remaining and being accessible from the proposed living area, overlooking from the living area, revised proposals fail to address concerns raised, there are inaccuracies in the examples cited by the applicant and others overlook the public road and inappropriate modernist design.

### 4.0 Planning History

4.1. There is no evidence of any previous appeal on this site and no planning history has been made available with the appeal file.. The following planning history is noted from the appeal file:

- 4.2. **PPW 23/751** – In response to a pre planning inquiry in 2024 the former area planner submitted a number of comments including the recommendation that the balcony be omitted or significantly reduced in size.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Cork County Development Plan 2022 -2028**. The subject site lies within the development boundary of Schull and within the High Value Landscape as mapped in the Development Plan.
- 5.1.2. Relevant planning policies are as follows:
- BE 15-2 Protect all-Natural Heritage sites including Special Area of Conservation, Special Protection Area, Natural Heritage Areas, Statutory Nature reserves, Refuges for Fauna and Ramsar.
  - GI 14-9 Landscape
    - a) Protect the visual and scenic amenities of County Cork's built and natural environment.
    - b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
    - c) Ensure that new development meets high standards of siting and design.
    - d) Protect skylines and ridgelines from development.
    - e) Discourage proposals necessitating the removal of extensive amounts of trees, PL 3-1 Support measures to improve building design quality accessibility and movement across the settlements linked to specific design criteria.
  - PL 3-2 Suggests the commitment to compact growth and resilient places including the development of brownfield, infill and underutilized lands within the built envelope of the existing settlement network.



- PL 3- 3 Promotes a better sense of place and distinctiveness and quality of life having regard to the Guidelines on sustainable residential development in urban areas which seeks to create a high quality inclusive place and living Environment
- TM 12-9 Car parking and Cycle parking Ensure a high standard of design, layout and landscaping accompanies any proposal for surface car parking .....
- WM 11-3 Preserve from protected groundwater and surface water quality throughout the county.
- WIM 11-5 Ensure that the discharge from septic tank and waste water treatment systems comply with relevant approved standards EPA Code of Practices including installation and maintenance. Consider the cumulative impact.

## **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is not located in a European Site. The site lies within 75 metres of the Roaring Water Bay and Island SAC (Site Code 000101).

## **6.0 Environmental Impact Assessment (EIA) Screening**

- 6.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of my report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. The third-party appeal has been prepared and submitted by Gordon Warner Planning Consultant on behalf of: Noel and Helen O'Keefe, Lilac House, South Terrace, Schull County Cork (adjoining property to the east of appeal site) and may be summarised as follows:
- 7.1.2. Applicants welcome any proposal to renovate and upgrade this property in a manner sympathetic to its historic setting neighbouring dwellings

#### 7.1.3. **Overlooking and Privacy Issues**

- Applicant's response to the Further Information request to delete the first floor "Terrace Area" is not adequate and does not fully address the concerns of the appellant.
- The developer has simply deleted the words "Terraced Area" from the drawing, renamed the sliding doors as "picture window" while also increasing the size of the kitchen window significantly.
- The layout is the same and in time the flat roofed area could be used as a formal outdoor recreational space. The grant of permission did not include any condition to restrict the use of this open flat roof area to prevent it being used as formal outdoor recreational space.

#### 7.1.4. **Relevant Planning Application Ref 22/00118**

- Attention is drawn to a similar application to an adjoining site immediately to the south which the Council had an issue with in regard to a proposal to construct a new dwelling which included an overlooking balcony:

*PL. Ref 22/00118 Permission to demolish existing dwelling house and to construct a new dwelling house including all associated site works at: South Terrace, Schull, County Cork*

- The appellant also submitted an objection to this application indicating the negative effect it would have on their amenity in respect to loss of privacy and light. This application was subsequently withdrawn by the applicants.

#### 7.1.5. **Overshadowing of Velux Window to Sunroom**

- Appellants are concerned that a large velux window, which is their main source of light to their sunroom, would be overshadowed by the proposal.

#### 7.1.6. **Modern Architectural Design Inappropriate to the Area**

- The built environment in this area of Schull consists of predominately traditional style Irish townhouses, giving the area its particular charm and rural style.
- The proposed extensions would, detract from the traditional style of the terrace, and consequently would be at variance to the aims and objectives of the Development Plan.

#### 7.1.7. **Conclusion**

- The proposal, if it were to be granted without amendments to mitigate its impact, would seriously injure the amenities, set an undesirable precedent, and depreciate the value of the appellants property, and would as a result be contrary to the aims and objectives of the Cork County Development Plan and the proper planning and sustainable development of this area, for the reasons we have highlighted above.

#### 7.2. **Applicant Response**

- 7.2.1. The first party response to the appeal was prepared and submitted by Edge Architecture and may be summarised as follows:
- 7.2.2. **Overlooking and privacy issues** - The first-floor terrace has been fully removed, along with the safety glass barrier. The large picture window to the upper living area is setback some 10m from the application property's southern site boundary making overlooking impossible. The kitchen extension element also flanks eastern views towards the adjoining property, from the main living area.
- 7.2.3. **Relevant Planning Application, Ref: 22/00118** - This application was withdrawn and is therefore not relevant planning history. An application under 23/102 for the same site was granted.
- 7.2.4. **Overshadowing of velux windows to sunroom** - It is evident that the two-storey element of the proposed extension is directly in line with the adjoining two storey gable of the appellants property, and therefore does not overshadow their property, or affect any rights to light principles. The velux in question is located on the roof of a projecting single storey section of the O' Keefe property, which faces directly due south, and cannot be compromised by the proposed two storey extension element.
- 7.2.5. **Modern Architectural Design Inappropriate to the area** - The proposed development has faithfully preserved and recreated the existing street elevation to the development property along South Terrace. The rear of South Terrace is landlocked, where no consistent architectural forms exist. We submit that the contemporary elevations to the rear are simple and well balanced.

### **7.3. Planning Authority Response**

7.3.1. None

### **7.4. Observations**

7.4.1. None

### **7.5. Further Responses**

7.5.1. None

## **8.0 Assessment**

8.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Overlooking
- Overshadowing
- Design
- Precedent
- Depreciation of Property values
- Conditions
- Other Issues

### **8.2. Principle**

8.2.1. The appeal site is wholly contained within an established residential area of Schull where residential extensions and alterations to an existing dwelling for residential purposes is considered acceptable in principle. This is however subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

8.2.2. The appeal site including the rear garden is particularly compact as indeed is the existing house (75.30 sqm). In terms of private open space, I agree with the Case Planner that while the proposed extension will remove part of the already modest garden, once landscaped, as proposed in the scheme before the Board, it will be sufficient to provide some basic private amenity area. I am satisfied given the well-considered detailed design of the scheme that no issues arise in this regard.

### 8.3. **Overlooking**

8.3.1. The appellants raise concerns that the flat roof area at first floor could be used as a formal outdoor recreational space. While I note that the first-floor terrace and safety glass barrier as initially proposed has been removed by way of further information I share the concerns raised. It is recommended that should the Board be minded to grant permission that a condition be attached restricting access to the flat roof area and that it shall not be used as an outdoor recreational space. Subject to this condition I am satisfied that the scheme (as amended) is acceptable in terms of overlooking.

### 8.4. **Overshadowing**

8.4.1. The appellants, whose property adjoins the appeal site to the northeast are concerned that a large velux window in their single storey sunroom extension will be overshadowed. Photos attached.

8.4.2. The appeal site and the appellants property are generally south facing. The proposed two storey flat roofed extension (as amended) does not project beyond the main rear building line of the appellants property to the northeast. The extension to the rear of appellants property has substantial glazing on the rear gable wall. Overall, I agree with the Case Planner that some reduction in daylight would result to the single storey velux window of this neighbouring property but that it is a secondary source of light. I am satisfied that no serious issues arise in this regard. The scheme (as amended) is therefore acceptable in terms of overshadowing.

## **8.5. Design**

- 8.5.1. I note the concerns raised that the modern architectural treatment proposed would detract from the established tradition style of buildings in the immediate area.
- 8.5.2. This is a compact urban site with a delicate and varied context. Within established residential areas such as this there is always opportunity to encourage high quality, innovative, modern design that contrasts with the existing building. It is evident that the applicant has had careful and diligent regard to the sites restrictive nature and has produced a scheme (as amended) that respects its context while also maximising living accommodation for future inhabitants. The extension (as amended) does not overwhelm or, dominate the original form, or appearance, of the house and it does not detract from the integrity of the original building or character of the area
- 8.5.3. Overall, I am satisfied that the design and choice of material albeit contemporary in nature has been carefully crafted in its simplicity and is appropriate to the site without detracting from the visual amenity of the area. The scheme (as amended) is therefore acceptable in terms of design and finish.

## **8.6. Precedent**

- 8.6.1. I note the appellants concerns that without further amendments the proposed scheme would set an undesirable precedent. Having regard to the foregoing assessment I am satisfied that the scheme together with conditions as recommended would not seriously injure the visual or residential amenities of adjoining properties and would therefore not set an undesirable precedent.

## **8.7. Depreciation of Property values**

- 8.7.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity

## 8.8. Conditions

- 8.8.1. As mentioned in Section 3.1 Decisions of this report above Cork County Council issued a notification of decision to grant planning permission subject to 7 no generally standard conditions relating to compliance with plans submitted, materials, surface water, recycling of solid waste, disposal of hazardous waste and no mud or debris shall be carried onto the public road / footpath. These conditions reflect the recommendations of the Area engineer and CCC Environment Section. No further bespoke conditions were attached by the Planning Authority.
- 8.8.2. As set out in Section 7.3 Overlooking above and Section 7.9.2 below it is recommended that in addition to the standard conditions to be attached in the event of a grant of planning permission two further conditions are recommended in relation to restricting any future use of the any out door are at first floor and the submission of a construction management plan to address construction management concerns.

## 8.9. Other Issues

- 8.9.1. **Development Contributions** – I refer to the Cork County Council Development Contribution Scheme. The size of the extension has been reduced to 54sqm which is below the 60sqm threshold where charges are made. Accordingly, no development contributions are due. The aligns with the comments of the Case Planner.
- 8.9.2. **Construction Impact** – I note specific concerns raised in the observations to the Planning Authority in relation to impacts of development works adjoining existing foundations. Any such concerns are an engineering issue and is not a planning issue whereby it falls to the developer to ensure that no damage or deterioration occurs to adjoining properties. In this regard should the Board be mindful to grant permission for the proposed development I consider that a construction management plan should be submitted prior to commencement of development, in order to address construction management concerns.

## 9.0 AA Screening

- 9.1. I have considered the scheme in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within 75 metres of

the Roaring Water Bay and Islands (Site Code 000101). The proposed development comprises the extension, demolition, internal alterations and renovations of an existing dwelling. No nature conservation concerns were raised in the planning appeal.

9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development with use made of the existing public sewer and the public water supply.
- Location-distance from nearest European site and lack of connections

9.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.4. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

10.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

## 11.0 Reasons and Considerations

11.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development (as amended) 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 residential or visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.



## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15<sup>th</sup> April 2024, 7<sup>th</sup> May 2024 and 23<sup>rd</sup> May 2024, 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 flat roof area to the rear shall not be used as an outdoor recreational space.

**Reason:** In the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

5. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area

6. 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:

Reason: In the interest of amenities, public health and safety and environmental protection

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.

---

**Mary Crowley**

**Senior Planning Inspector**

**26<sup>th</sup> February 2024**

## 13.0 Form 1 EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP-320035-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Extension, demolition, internal alterations and renovations		
<b>Development Address</b>	South Terrace, Schull, Co cork, P81 KC42		
<b>Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
<b>Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
Yes			Proceed to Q3.
No	X	Class of development relates to a 'house' or 'dwelling unit'. Extension/ modification to an individual house/ dwelling is not a class or type	No further action required
<b>Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
<b>Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

Yes			Preliminary examination required (Form 2)
-----	--	--	---

Has Schedule 7A information been submitted?			
No		Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_