



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320489-24

<b>Development</b>	Demolition of existing rear extension, construction of rear and side extension, together with all associated site works
<b>Location</b>	11 Amberley Green, Grange, Douglas, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2442951
<b>Applicant(s)</b>	Shane & Roisin Kiely
<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>	Pasquale and Francesca De Vivo
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> October 2024.
<b>Inspector</b>	Paul Kelly

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Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

The subject site is located within a larger established residential development known as Amberley Park, Drive, Court, Lawn, Heights and Green in the southern Cork City suburb of Douglas. The subject site itself is in a small cul-de-sac within Amberley Green. Looking towards the front elevation of the subject dwellinghouse it sits within a row of 5no. detached two-storey hipped roof dwellings numbered 8-12 (inc) which rise gently with the gradient of the land from north to south. The arrangement of the dwellings is such that each dwelling is sited on the northern boundary of its respective plot, with a separation distance and side access provided to the south. The subject site is No.11, and the appellants property is No.12 (to the south).

The subject site ("No.11") is presently occupied by an existing detached two-storey hipped roof dwellinghouse, with single storey extension to the rear. The cul-de-sac generally has an open plan arrangement, with each plot having an open frontage, hedging or low-level boundary treatment. Other side & rear boundary treatments vary with both rendered block walls and close board post & timber fencing in the vicinity of the site.

## **2.0 Proposed Development**

The proposed development comprises:

- The demolition of existing rear extension, construction of a rear and side extension, together with all associated site works.

The existing rear extension to be demolished is a single storey structure extending from the rear wall of the dwelling only, with a stated floor area of 18.5 sq.m facilitating a living and dining area.

The new extension proposed to the side and rear of the dwelling is a two-storey structure. At ground floor level it facilitates a new utility/storage area and door entrance to the side with an extended kitchen and living area to the rear. At first floor level it facilitates a re-arrangement of the bedroom accommodation resulting in a new extended master bedroom to the side, and two new bedrooms to the rear, providing a nett increase of 1no. additional bedroom (from 3 bed to 4 bed) overall.

The existing dwelling has a stated floor area of 100.22 sq.m. The nett additional floor area of the proposed extension is stated as 51.4 sq.m.

The finishes of the proposed extension match those of the existing dwellinghouse, with a dashed finish to the side and rear and a smooth plaster finish to the small (stepped back) front elevation element.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority (“PA”) decided by Order dated 17<sup>th</sup> July 2024 to grant planning permission subject to 12no. conditions.

The conditions are all of a standard nature, except for Condition No.3, which requires that revised front boundary treatment details are submitted for approval providing for soft landscaping (i.e planting/hedging) and the omission of upper timber railing, vertical supporting post and gates.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The report of the Senior Executive Planner dated 12<sup>th</sup> July 2024 reflects the PA’s decision to grant planning permission subject to 12no. conditions. The report describes the proposed development and the site location. It notes that there is no recent planning history on the subject site and sets out the recent planning history of adjoining properties and confirms that there were no pre-application consultations.

The report sets out the zoning and policy context for the consideration of the application, including: the location of the site within an area zoned as ‘ZO 01 Sustainable Residential Neighbourhoods’ in the Cork City Development Plan 2022-2028 (“CCDP”); and the provisions of Chapter 11 of the CCDP ‘Placemaking and Managing Development’ as it relates to extensions and alterations to dwellings. In particular the Planner’s report notes the provisions of Chapter 11 as it relates to residential extensions, daylight, sunlight and overshadowing, private amenity space for houses and design quality. The Sustainable Residential Development and

Compact Settlements Guidelines for Planning Authorities, 2024 and Quality Housing for Sustainable Communities, 2007 are also noted in the Planner's report.

A third-party submission (made by the appellants) is noted. This submission raised the same grounds of concern as those set out in the current appeal.

The report concludes following a preliminary examination that EIA is not required. The report concludes that Appropriate Assessment is not required and that the proposed development is not located within a flood zone.

The report opines that the proposed design of the extension is in keeping with the architectural character of the estate, will not cause any negative visual impact on the area and will not significantly reduce the rear private amenity space that serves the dwelling to be extended.

In relation to the lateral separation distance between the subject dwelling and that adjoining (to the south) the report notes that this is presently 2.87m and will be reduced to a lesser separation distance measuring between 950mm to 1.05m. The report finds that there are many side extensions permitted in the wider estate where reduced separation distances (generally 1m) have been accepted and finds no objection to the proposal on this basis.

In relation to overlooking of adjoining third party property, the report finds that having examined the location of proposed ground and upper floor windows in relation to the orientation and proximity of adjoining properties to the north and south, that no undue loss of privacy will occur.

In relation to loss of light, the report finds that potential impacts will be minimal having regard to orientation of dwellings and position of the extension. Otherwise, the open plan and soft landscaping boundary treatment of the site is noted and the proposed brick wall and horizontal railing finish is considered unacceptable. This is dealt with in the terms of Condition No.3 as previously described.

The report recommends permission subject to 12no. conditions consistent with the decision of the PA to grant permission.

### 3.2.2. Other Technical Reports

- Area Engineer – no objection subject to standard conditions.

- Executive Technician – no objection subject to development contributions.
- Environment Waste Management & Control – no objection subject to standard conditions.

### 3.2.3. Conditions

- Condition No.3 of the PA decision to grant permission stated:

*“Prior to the commencement of development, the applicant shall submit the following for approval by the Planning Authority: (a) Revised details and elevation drawings of the front boundary treatment with the omission of the upper timber railing and vertical supporting posts and gates in lieu of soft landscaping i.e. planting/hedging.*

*Reason: In the interests of the visual amenity of the area.”*

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

A single third-party submission was made to the application. This submission was made by the appellants and raised the same grounds of concern as those set out in the current appeal.

## 4.0 Planning History

There is no recent planning history on the subject or adjoining sites. The following planning history within the wider estate is considered to be relevant:

- Plan.Reg.No. **09/6534** -Permission granted for construction of a single storey extension to the side and rear of a dwellinghouse. This is No.4 Amberley Green, to the west of the subject site (no.11). Lateral separation distance of 300m to site boundary, 1.5m to adjoining dwelling.
- Plan.Reg.No. **10/8744** – permission granted for alterations and two-storey extension to side/rear of existing dwellinghouse. This site is No.8 Amberley Green to the north of No.11. Lateral separation distance of 1.2m to site

boundary/adjoining dwelling. Similar context and orientation to proposed, similar scale.

- Plan.Reg.No. **16/4322** – permission for new single storey extension to the front elevation and a two storey extension to the side and rear elevations, including elevational alterations. This site is No.17 Amberley Green to the north of No.11. Lateral separation distance of 1.154mm to site boundary/adjoining dwelling. Comparable scale. Condition requiring omission of windows or obscure glazing.
- Plan.Reg.No. **17/4673** – Permission for first floor extension to the rear and side of existing dwellinghouse and alterations to elevations at No.16 Amberley Lawn. Comparable scale, no change to lateral separation distance. Condition requiring omission, revision or opaque glazing to upper floor side elevation bedroom window.
- Plan.Reg.No. **17/6996** – Permission for construction of a two-storey extension to the side and rear of dwellinghouse and a detached basement-level games room at No.13 Amberley Heights. Lateral separation distance of 918mm to boundary. Comparable scale.
- Plan.Reg.No. **18/7112** – Permission for a single storey extension to the rear of existing dwelling at No.12 Amberley Heights. Lateral separation distance of 530mm to adjoining boundary/dwelling.

## 5.0 Guidelines

### **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, DHLGH (Jan 2024) (“SRDCSGs”)**

The SRDCSGs sets national planning policy and guidance in relation to the planning and development of urban settlements with a focus on sustainable residential development and the creation of compact settlements. They replace the ‘*Sustainable Residential Developments in Urban Areas – Guidelines for Planning Authorities*’ (2009). Section 5.0 thereof sets out the ‘*Development Standards for Housing*’ including ‘*Specific Planning Policy Requirements*’ “**SPPRs**”.



## 6.0 Policy Context

### **Cork City Development Plan, 2022-2028 (“CCDP”)**

The CCDP was adopted on 10<sup>th</sup> June 2022 and took effect on 8<sup>th</sup> August 2022.

The subject site is located on lands zoned as ‘Sustainable Residential Neighbourhoods’ with the zoning objective to “**ZO1** – *Protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*” The CCDP vision for these areas is one where, inter alia a range of residential accommodation is available, and development respects the character and scale of the neighbourhood in which it is situated.

- **Chapter 11** – Placemaking and Managing Development

This chapter of the CCDP sets out qualitative and quantitative guidelines in respect of general residential development. The following context is considered pertinent to the consideration of the proposed development and the grounds of appeal.

#### Section 11.140 – 11.143 (Inc) ‘Adaptation of Existing Homes’

This section provides that, as a part of the Core Strategy (of the CCDP), it is essential that existing homes are utilised to ensure that a full range of homes are available for occupation and that Cork City Council supports the retention and adaptation of the existing housing stock to suit the evolving needs of society.

Section 11.142 requires that the design and layout of extensions to houses should respect the character and form of the existing building and have regard to the amenities of adjoining properties with regards sunlight, daylight and privacy.

Section 11.143 sets out specific guidance in respect of extensions, including advice that “*care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.*”

Objective 11.4 ‘Daylight Sunlight and Overshadowing (DSO)’ and Sections 11.95 to 11.99 set out the requirements of the CCDP in this regard. It is noted that this primarily relates to new major development above specified density thresholds and is perhaps of limited value to assessment of the proposed development, where a simpler rule of thumb assessment can be relied on.

Section 11.100 to 11.105 of the CCDP deals with ‘Separation, Overlooking and Overbearance.’ This section acknowledges that privacy and overlooking are important for quality of life and that in established residential developments any significant changes to the established context must be considered. A multitude of design tools to overcome overlooking are referenced in Section 11.105.

Objective 11.5 ‘Private Amenity Space for Houses’ of the CCDP provides that private open space for houses should aim to be at least 48 sqm but accepts that smaller areas can be acceptable subject to quality. Assessment factors are then set out including density, orientation, shape etc.

## **7.0 Natural Heritage Designations**

The site is not located within any National or European designated sites. The following sites are in closest proximity to the site:

- Proposed Natural Heritage Area (pNHA) Douglas River Estuary (Site Code: 001046) approx. 1.5km northwest of the site;
- Special Protection Area (SPA) Cork Harbour (Site Code: 004030) approx. 1.5km northwest/west of the site; and
- Proposed Natural Heritage Area (pNHA) Cork Lough (Site Code: 001081) approx. 2.8km northeast of the site.

## **8.0 The Appeal**

### **8.1. Grounds of Appeal**

A single third-party appeal was received from Waterman Kelly Consulting Engineers on behalf of Pasquale and Francesca De Vivo. The grounds of appeal can be summarised as follows:

- Overbearance – the appellants are concerned in relation to the height, scale, massing and proximity of the proposed extension to their dwelling. They consider the reduced lateral separation distance of 950mm will create maintenance difficulties. They consider that the reduced private amenity space within the development site does not meet the CCDP standards.

- Overlooking and loss of privacy – the appellants are concerned that a new upper floor master bedroom window on the rear elevation of the proposed two-storey extension will facilitate direct overlooking of their private living space through existing velux windows on a single storey rear extension on their own property.
- Overshadowing and loss of light – the appellants are concerned that the proposed extension will reduce the quantum and quality of light from the north available to their rear bedrooms, a stairs/landing window and the velux roof lights serving their living space.
- The appeal otherwise: questions the detail of the submitted drawings on the basis that they fail to detail the roof overhang in the calculation of lateral separation distances; raises considerations in relation to fire and building regulations regarding the adequacy of the lateral separation distance; and requests that any new side access gate to the proposed development property is not attached to their property for noise/nuisance reasons.
- Visual Amenity – impact on the character of the wider development as a result of scale and visibility.

## **8.2. Applicant Response**

- A response from the applicant was received on 4<sup>th</sup> September 2024. This response largely relies on the findings of the planning authority's report in response to the grounds for appeal and otherwise states that access for maintenance in the future will be possible.

## **8.3. Planning Authority Response**

- None received.

## **8.4. Observations**

- None

## 9.0 Assessment

Having examined the application details and all other documentation on file, and having inspected the site, and considering the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Overlooking
- Overbearance
- Loss of light
- Lateral separation distances
- Other matters

### 9.1. Overlooking

It is my opinion that this is the main consideration which requires assessment in this case.

The subject site ("No.11") is presently occupied by an existing detached two-storey hipped roof dwellinghouse, with single storey extension to the rear. The appellants dwelling ("No.12") adjoins at a slightly higher level to the south and is also a detached two-storey hipped roof dwelling, with single storey rear extension and a two-storey extension to the southern side. The existing lateral separation distance between the properties is currently cited as 2.87m to the fore and marginally increasing to 3.02m to the rear. The subject dwelling is presently sited on the northern site boundary and is otherwise a distance of 5.3m from the rear (eastern) boundary.

Accordingly, I consider that the existing relationship between the properties is one of close proximity, particularly in relation to the arrangement of lateral separation distances.

It is considered that it would be helpful to the assessment of this appeal to examine the different elevational relationships of the proposed development with the adjoining properties at ground and first floor levels.

- **The southern elevation** (of the proposed development).

There are two elements to the proposed development with a southern elevation opposing the appellants property. These consist of a two-storey side extension to the existing southern gable, and a part single/part two-storey rear extension in the form of a return gable end.

At ground floor level the proposed side extension includes a new door and small window to a proposed utility/storage space where it opposes the appellants property. At this location the appellants property has no existing ground floor fenestration and therefore no overlooking issues arise which require further assessment. At ground floor level the proposed rear extension does not include any windows on the elevation which opposes the appellants property other than Velux roof lights in the single storey element. Again, no overlooking issues arise which require further assessment.

At first floor level the proposed side extension does not include any windows on the elevation which opposes the appellants property. At this location I note the existence of an opposing first-floor window on the appellants property (northern gable) which serves a stairwell and landing area. As there are no opposing windows in the proposed development, I consider that no overlooking issues arise. At first floor level the proposed rear extension is stepped back so as to extend the original rear wall of the parent dwellinghouse in the form of a gable end return. As such it provides for a greater lateral separation distance from the appellants property that is consistent with the status quo. At this location the proposed rear extension does not include any windows on the elevation which opposes the appellants property and therefore I consider that no overlooking issues arise which require further assessment.

However, at first floor level where the side extension steps back to the parent dwelling house before extending to the rear in the form of a new gable end return, a new rear facing window is proposed serving the master bedroom. This window has a large aperture measuring 1.4m wide x 1m high and is situated in an elevated position in close proximity to the appellants dwelling. At this location the window is in line with the rear wall of the appellants dwelling, and situated within the new side extension, has been brought closer to the appellants dwelling v existing first floor fenestration and has a reduced lateral separation distance of approx.1m. I consider this to be the central issue and a feature of the proposed development which introduces a material change in the relationship between the two properties. At this location the appellants

dwelling has an existing single storey rear extension situated on the boundary line between the properties. This single storey extension includes velux roof lights on the development (subject site) side of the pitched roof.

Having inspected the site I am not satisfied that this proposed rear facing window would not, as a result of size, elevation, position and proximity, result in material overlooking of the appellants property, and the appellants private internal space in particular, by reason of an elevated view through the velux rooflights. I have considered a number of options to address this issue including a requirement that the window would be omitted or would be high-level only, however I am of the view that neither of these options would be reasonable or proportionate. This window and its opening size are necessary to serve as a fire escape window and therefore it cannot be omitted or reduced without requiring a re-design of the development proposal. Other remedial options also exist, and therefore I am of the view that omission or re-design is not necessary.

Other remedial options include: requiring that the window is angled or deflected away from the appellants property in an oblique manner so as to physically prevent overlooking; that a screen wall be extended along the southern elevation of the extension to physically prevent overlooking; to require that the window consist of opaque or frosted glass; or a combination of the aforesaid. In my opinion it would not be appropriate to require the window to be deflected or angled to the north as this would present the window to the blank side wall of the proposed rear gable return resulting in unsatisfactory design and amenity consequences. I am also of the view that it would not be practical to require a screen wall to be extended at first floor level on the southern elevation as this would introduce complications with the roof design likely to have an unsatisfactory impact on the character of the extension. I consider that both options would be unduly onerous. I am of the view that the remediation of this issue must reach a balance between the amenity rights of the applicant, the quality of the proposed extension and its character, and the residential amenity rights of the appellant. Any remedial measures must be reasonable and proportionate. In this regard I am satisfied that if the lower proportional half of the window (at least 50%) consists of manufactured frosted or opaque glass, then material overlooking of the appellants property will not be possible. The aspects of this remediation feature will: continue to facilitate acceptable levels of natural light to the proposed

development; will preserve the residential character and design integrity of the proposal; and will retain an aperture sufficient to facilitate a fire escape function. In respect of the appellants property, it will restrict an outward view to a high-level view only such that material overlooking will not occur. I am satisfied that such a condition is consistent with the 'tools' to address overlooking set out in Section 11.105 of the CCDP and with the terms of similar permissions within the wider residential development. I consider that this matter can be dealt with by condition and that such a condition is practical and reasonable and will address the overlooking considerations which arise in this case.

- **Eastern Elevation** (of the proposed development) – New Issue

To the east, the main element of the development proposal which relates to adjoining property is the presentation of the part single/part two-storey extension in the form of a return gable end.

At ground floor level the proposed rear extension maintains the existing separation distance of 5.3m from the rear (eastern) boundary of the existing single storey extension to be demolished. The fenestration is otherwise not materially changed, consisting of two windows and a set of patio doors, although the apertures are increased. There is an established close board timber fence in situ on the eastern site boundary and no overlooking issues arise which require further assessment.

At first floor level, the two-storey element of the proposed rear gable return is a new feature. At this location the development has a smaller footprint over the larger ground floor extension and therefore a greater separation distance of approx. 7m is provided to the rear boundary. The proposed first floor rear elevation of the gable return includes two new bedroom windows facing the rear boundary and opposing the gable end of an existing two-storey dwelling ("No.13") on the adjoining site to the east. The dwelling at No.13 includes a first-floor gable end window in the elevation opposing the new first floor bedroom windows. The separation distance between these opposing windows is less than <10m. Whilst this issue is not the subject of the appeal, I noted on inspection of the site that it gives rise to orderly development considerations which in my opinion merit acknowledgement and assessment. The established norm in respect of the required separation distances between opposing first floor habitable rooms for many years was considered to be a minimum of 22m.

However the SRDCSGs establish that it is possible to achieve a high standard of residential amenity and good placemaking with separation distances of less than 22m. **SPPR 1** – ‘*Separation distances*’ of the SRDCSGs specifically provides that when considering an application for residential development a separation distance of at least 16m between opposing windows serving habitable rooms above ground floor level should be maintained and separation distances below this may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms. As the first floor window in the adjoining dwelling on site No.13 does not serve a habitable room, as there are no other windows on this side elevation of the third party property, and as the relationship is one between a rear gable and a side gable with boundary treatment between, I am satisfied that the separation distance is acceptable in the circumstances of this case and that no undue overlooking of a habitable room will occur.

I am otherwise of the view that two new bedroom windows at first floor level in the rear gable end return do not change the relationship of the proposed development with the adjoining properties to the north and south relative to the existing situation.

- **Northern Elevation** (of the proposed development)

On the northern elevation the proposed development includes a single high-level window on the side elevation at ground floor level. This window serves a kitchen/living area, is for the purposes of natural light and does not facilitate overlooking. Accordingly, I consider that no overlooking issues arise which require further assessment. Otherwise, this element of the proposal maintains the established building line on the northern boundary.

## 9.2. **Overbearance**

In relation to the matter of overbearance, I concur with the assessment of the PA that the development is consistent with the form, scale and character of many existing developments within the parent residential development and wider area and that no concerns arise in this regard. In particular I note that the first-floor element of the proposed rear gable end return is reduced in scale such that the existing lateral separation distances between No.11 and No.12 is maintained at this higher level. I consider this design response to be satisfactory in context. I otherwise note that the



form and scale of the development proposal is not out of character with the form and scale of the appellants dwelling and the extensions carried out thereto.

### **9.3. Loss of light**

In relation to the matter of loss of light or potential overshadowing etc, I again concur with the assessment of the PA that no material concerns arise. This is primarily as a result of the position and orientation of the respective properties. The subject property is located to the northern side of the appellants property, and I do not consider that a material loss of light will occur. The appellants property will continue to enjoy natural light from the east, south and west and the proposed development will have no material impact upon same. I am therefore satisfied that this matter does not require further assessment and is a straightforward case which can be determined by a simple rule of thumb assessment in accordance with the provisions of Section 11.95-11.99 of Chapter 11 of the CCDP.

### **9.4. Lateral separation distances**

In relation to the matter of lateral separation distances, I again concur with the assessment of the PA that the remaining lateral separation distance of 950mm to 1050mm is consistent with the context of existing and approved developments within the wider development. Notwithstanding, I am satisfied in any event that maintenance will remain possible and that any issues in relation to access or the means of same is a civil matter between the respective parties.

### **9.5. Other Matters**

I consider that the submitted plans and particulars are sufficiently detailed and accurate so as to enable an assessment of the development proposal. I am satisfied that the retained open space serving the subject dwelling to the rear, at 42 sq.m (excluding the side access and front garden (13.5 sq.m)), is acceptable having regard to the provisions of Objective 11.5 of the CCDP, the character of other rear open space areas in the wider development and the availability of a large area of public open space in close proximity to the subject site. The totality of the private

open space available to serve the dwelling at 55.5 sq.m meets the minimum standards set out in SPPR 2 of the SRDCSGs (50 sq.m).

Otherwise, a new pedestrian gated entrance is proposed for side access to the rear of the dwelling. I note that the appellant has requested that this gate is not appended to their property for noise nuisance reasons, but I do not consider that this is a planning issue of any materiality and rather is a civil matter between the parties.

I am of the view that no other issues or considerations arise. I am satisfied that the proposed development is in accordance with the Core Strategy of the CCDP which seeks to ensure the provision of housing to meet the evolving needs of society through the adaptation of existing housing stock and is otherwise consistent with the Development Management and Placemaking provisions of the CCDP and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, DHLGH (Jan 2024) ("SRDCSGs").

## **10.0 EIA Screening**

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.

## **11.0 AA Screening**

Having regard to the modest nature and scale of the development, consisting of an extension to an existing dwelling within an established residential development on mains services, and to the distance from 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 and there is no requirement for a Stage 2 Appropriate Assessment.

## 12.0 Recommendation

I recommended that planning permission be granted subject to conditions for the reasons and considerations set out below.

## 13.0 Reasons and Considerations

Having regard to the provisions of the Cork City Development Plan, 2022-2028, Zoning Objective ZO1 and the Placemaking and Development Management Standards set out in Chapter 11 thereof, and to the Development Standards for Housing set out in the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, DHLGH (Jan 2024), it is considered that, subject to compliance with the conditions set out below, the adaptation and extension of the existing dwellinghouse on site would not be out of character with the established development in the area, would not have a negative impact on the amenity of neighbouring residential properties or the visual amenities of the area and, as such, would be consistent with the proper planning and sustainable development of the area.

## 14.0 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 the commencement of development and the development shall be carried out and completed in strict accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The front boundary treatment shall consist of soft landscaping such as low-level planting or hedging only in accordance with details to be agreed with the planning authority prior to the commencement of development. The</p>

	<p>proposed upper timber railing, vertical supporting posts and gates shall be omitted.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The lower half of the rear facing first floor window serving the master bedroom, from sill level to a mid-point at least 500mm above same, shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
5.a.	<p>All storm runoff from the proposed development shall discharge to existing storm drains located within the site boundary and surface water shall not be permitted to flow onto the public road.</p>
b.	<p>Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: To prevent flooding and in the interest of public health.</p>
6.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
7.	<p>Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1600 on</p>

	<p>Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
8.	<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 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.

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Paul Kelly  
Senior Planning Inspector

November 2024

# Appendix 1 - Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-320489-24		
<b>Proposed Development Summary</b>	Demolition of existing rear extension, construction of rear and side extension, together with all associated site works.		
<b>Development Address</b>	11 Amberley Green, Grange, Douglas, Cork		
<b>1. 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)		<b>Yes</b> <input checked="" type="checkbox"/>	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<input type="checkbox"/>		Proceed to Q3.
<b>No</b>	<input checked="" type="checkbox"/>		No further action required.
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	<input type="checkbox"/>		EIA Mandatory EIAR required
<b>No</b>	<input type="checkbox"/>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	<input type="checkbox"/>		Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	<input type="checkbox"/>	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>	<input type="checkbox"/>	Screening Determination required	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

Paul Kelly

Senior Planning Inspector