



An
Bord
Pleanála

Inspector's Report

ABP-322129-25

Development

Permission for alterations & extensions to dwelling, elevational alterations, a new canopy to the front of the house, demolition of a single-storey element to the rear & sheds to the side of the house and all other associated site works.

Location

Carraig Aonar, 30 Rosebank, Douglas Road, Ballinlough, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2543566

Applicant(s)

Ryan & Niamh McKennon

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Jerry Thomas.

Observer(s)

None.

Date of Site Inspection

21st May 2025

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site is located within an existing housing estate known as Rosebank in Cork City, located just off the Douglas Road approximately 2.5km to the southeast of Cork City Centre. There is an existing two storey semi-detached dwelling on site with off street parking available.

2.0 Proposed Development

- 2.1. The proposed alterations & extensions to an existing dwelling consist of:
- A flat roof 2-storey side and rear extension with the upper storey extending to the northeastern site boundary.
 - A flat roof single storey rear extension
 - Elevational alterations including a new rooflight at attic level in the front facing main roof and new window at first level to the rear.
 - A new canopy to the front of the house
 - Demolition of an existing single storey element to the rear & sheds to the side of the existing house
 - All other associated site works.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 9 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- No objection to the demolition of the existing single storey elements. The proposal is for a large extension to the rear and side. The extension will result in a long side wall of 12.4 metres which has the capacity to be overbearing when viewed from the neighbouring property. The property is located on a

slight slope, with the property to the left being slightly higher. Both properties have sloped driveways at slightly different levels to each other. There appears to be different finished floor levels at both properties.

- Given the location, the large footprint and design will generate additional overshadowing particularly to the north of the adjacent dwelling. The issue was noted at preplanning and a shadow analysis was undertaken. It is acknowledged that additional overshadowing may affect the existing direct sunlight, the elements affected is primarily the most recently incorporated window into the kitchen area and stairwell. The habitable rooms are served by additional windows, and it is considered on balance that there will not be a significant reduction in the overall amount of natural light to the habitable rooms. However, it is noted that there will be additional overshadowing affecting an existing neighbouring patio particularly in the summertime.
- It is considered that two adjustments in the design will assist in the reducing impact of the overshadowing: 1) reducing the width of the first-floor extension by 500mm from 900mm to 400mm; 2) stepping back the rear section of the 2 storey element at the point where the existing rear building line is located i.e. at approximately 7.6m from the proposed front building line of the two storey side extension. Both of these adjustments will not only reduce the overshadowing impact but will also reduce the overbearing presentation of the proposed 12.4m long 2 storey structure facing the neighbours. This can be conditioned.
- The proposed use of yellow and red brick along the side will be at significant variance with the established character of the area and would detract from same. These elements to be removed and more appropriate finishes proposed. This to be conditioned.

3.2.2. Other Technical Reports

- Environment: No objection subject to conditions.
- Contributions: No objection subject to conditions.

3.2.3. Conditions

- Condition 2: Prior to commencement of development, revised plans and particulars shall be submitted to the Planning Authority for written confirmation to include: (a) reducing the cantilevered first floor element by a total of 500mm (i.e. From 900mm to 400mm); and stepping back the rear portion of the proposed extension by 0.5m at the point where the existing rear building line exists (i.e.. Stepping 0.5m in at the 7.6m point from the proposed front building line of the two-storey side extension.)

Reason: In the interest of reducing overshadowing and visual amenity.

- Condition 3: The proposed yellow and red brick along the side gable shall be omitted. Prior to commencement of development, the applicant shall submit revised proposals for the finish along the gable which are more sympathetic and reflective of the scheme and the area.

Reason: In the interests of visual amenity.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One number third party observation was received and the concerns raised were:

- Quality of life will be impacted.
- Right to light will be significantly impacted. Sunlight will be restricted and impact the amount of natural heat generated inside the dwelling.
- Patio area will be drastically impacted.
- The daylight and shadow study is not correct.
- The garage/workshop roof will be disturbed.
- From the front view, the proposed second story is overbearing and will change the classic arch to the front of the buildings in the area and be out of character with houses on the street.

- The broadband/internet cable to the front of the houses needs to be preserved.

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

Cork City Development Plan 2022-2028

Chapter 12

The site is zoned ZO1: Sustainable Residential Neighbourhoods. The objective is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Section 11.140 relates to Adaption of Existing Homes.

Section 11.141: In order to ensure that existing homes are utilised by occupation Cork City Council supports the retention and adaption of the existing housing stock to suit the evolving needs of society. Traditionally house adaptation comprises a significant proportion of all planning applications and Cork City Council may introduce planning guidelines to assist applicants in putting development proposals together.

Section 11.142: The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regard sunlight, daylight and privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing.

Section 11.143: Extensions should:

1. Follow the pattern of the existing building as much as possible.
2. Be constructed with similar finishes and similar windows to the existing building so that they would integrate with it.

3. Roof form should be compatible with the existing roof form and character.
Traditional pitched roofs will generally be appropriate when visible from the public road. Given the high rainfall in Cork the traditional ridged roof is likely to cause fewer maintenance problems in the future than flat ones. High quality mono-pitched and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials.
4. Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not usually be permitted where visible from a public area.
5. Traditional style dormers should provide the design basis for new dormers.
6. Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof.
7. 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.

5.2. National Policy

- Planning Framework – Project Ireland 2040
- Sustainable Residential Development and Compact Settlement Guidelines 2024.
- Quality Housing for Sustainable Communities, 2007.

5.3. Natural Heritage Designations

The subject site is not located within a designated site. The closest sites are:

- Cork Harbour SPA (site code: 004030) is located 1km east of the subject site.
- Douglas River Estuary pNHA (site code: 001046) is located 1km east of the subject site.
- Cork Lough pNHA (site code: 001081) is located 2.4km west of the subject site.

- Dunkettle Shore pNHA (site code: 001082) is located 4.7km northeast of the subject site.

5.4. EIA Screening

- 5.4.1. 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 (or Part V of the 1994 Roads Regulations). 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 report.

5.5. Water Framework Directive

- 5.5.1. The subject site is located within the development boundary of Cork City and the nearest watercourse is over 300 metres southwest of the subject site. The proposed development comprises an extension to an existing semi-detached dwelling. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and extension to an existing dwelling.
- Location in an urban setting with connection to public water and public sewer.
- Distance from nearest Water bodies and lack of hydrological connections.

Taking into account WFD screening report, I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise

jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1. Grounds of Appeal

The objection has been received from the adjacent dwelling to the north. The following concerns were raised:

- Overshadowing, Overlooking & Overbearance: reducing the cantilevered first floor element by 500mm and stepping back the rear position of the proposed extension by 0.5m does not adequately address the overbearing and overshadowing of the second story structure which will affect 1) the view of the sky and 2) the light into our glass house, patio, kitchen/dining area, particularly during the winter months. Sunlight on the rear and side help control depression and promotes good mental health. Right to Light – section 3 of Prescription Act 1832 provides and The Land and Conveyancing Law Reform Act 2009. The landing window is the main source of light to downstairs and upstairs. Reduce heat transfer from the sun into the building
- Design: From the front view, the proposed 2nd storey is overbearing and will look like a shipping container on top of the garage. And would change the classic architecture of the front of the building and would be out of character with the houses on the street.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- Overshadowing, Overbearance and Overlooking.
- Appropriate Assessment

7.2. Overshadowing, Overbearance and Overlooking

7.3. The subject dwelling is a semi-detached two storey dwelling with a single storey side shed. The applicant is proposing to demolish the attached shed and construct a two-storey extension on the northeastern elevation. The proposed extension will be set back 0.9metres from the adjacent boundary at ground floor level and located at the boundary at first floor level.

7.4. The grounds of appeal have concerns relating to overshadowing, overbearance and overlooking as the proposed extension will look like a shipping container on top of the garage and will have an overbearance on their private amenity space, impact the sunlight to the rear patio and landing window will be block. The planning authority conditioned the applicant to reduce the cantilevered first floor element by 500mm and stepping back the rear position of the proposed extension by 0.5m but this does not adequately address the overbearing and overshadowing of the second story structure. The proposal will be out of character with the existing houses on the street.

7.5. I have assessed the site layout and drawings submitted by the applicant, the applicant is proposing a two-storey extension to the northeastern side elevation of the existing semi-detached dwelling. The proposed extension will consist of a storage, utility, living room at ground floor level and two number bedrooms at first floor level. The total area of the new extension will be 128.9sqm (existing dwelling is 112.1sqm and sheds for demolition is 43.4sqm). The proposed extension will double

the size of the existing dwelling. The proposed extension consists of a modern style design with a flat roof and ridge height of 6.4metres, the finishes include cedar cladding, painted render and standing seam cladding. The first-floor extension will provide a cantilever, thereby leaving a walkway to the rear of the property at ground floor level. The extension is set back by 0.5 metres from the front building line of the existing dwelling and extends to the rear at a depth of 12.37 metres at first floor level and 15.5 metres at ground floor level and this is set back from the adjoining boundary to the northeast. The existing shed and outbuildings extend to approximately 13 metres at ground floor levels.

7.6. In relation to overbearance, I note the concerns raised in the grounds of appeal, the proposed extension is set back 0.9 metres from the boundary at ground floor level and located on the boundary at first floor level and approximately 4.5metres from the existing dwelling gable to the northeast. The Planning Authority conditioned the applicant to (a) reducing the cantilevered first floor element by a total of 500mm and (b) stepping back the rear portion of the proposed extension by 0.5m at the point where the existing rear building line exists. Although the side extension is lower than the existing dwelling height at 6.4m and set back almost 5 metres at ground floor level from the existing dwelling to the northeast, the first floor extension is closer at 4 metres from the existing dwelling and thus may have an overbearing impact on the side elevation windows of the property to the north east as the extension is located on the boundary. Similar to the Planning Authority condition, I consider that the first-floor level cantilever is removed, and the first floor shall be set back by 0.9 metres from the side boundary in line with the ground floor building line. It is in my opinion, that this will reduce the overall overbearance of the proposed extension on the neighbouring proposed to the northeast.

7.7. In relation to overshadowing, the applicant has submitted a Daylight & Shadow Study, the study shows the kitchen gable window of No. 29 will be affected by overshadowing from March 1pm onwards, but no overshadowing during the summer months. I note there are rooflights and at the rear elevation there are glazed doors to the kitchen, and the Daylight & Shadow study indicated that the proposed extension will not impact light from the rear of No. 29, therefore the impact of overshadowing on the gable window to allow light into the kitchen will be minimal. I note the grounds of appeal have concerns about the impact of light into the gable first floor hallway

window, this window allows light into the stairwell, overshadowing may occur in March and September but as this is not a habitable room, I consider that the residential amenity of the occupants shall not be negatively impacted. I also note No. 29 has a large rear garden space which will be minimally impacted by the proposed extension and no overshadowing will occur to the rear garden space.

- 7.8. In relation to overlooking, there are no windows proposed at the first-floor level on the side elevation; therefore, it is my opinion that no overlooking shall occur into the neighbouring property at No. 29.
- 7.9. In regard to the design of the proposed extension, it is modern with modern finishes. As noted above, the cantilever design shall be removed and the first floor shall be designed in line with the ground floor, this will reduce the size of the proposed extension, and it will be viewed as subordinate to the existing dwelling. The finishes proposed are not in keeping with the surrounding dwellings and shall be revised, it is in my opinion, that the applicant shall be conditioned to agree the external finishes with the Planning Authority prior to commencement.
- 7.10. Having regard to the location of the proposed extension to an existing dwelling within an urban area of Cork City, it is in my opinion, that the proposed extension will not overlook the existing dwelling to the northeast at No. 29, and minimal occurrence of overshadowing will occur to the gable window and no overshadowing to the rear garden space. Overbearance will be minimal however, the setting back of the first-floor extension from the boundary will reduce any potential overbearance. Therefore, I consider that the proposed extension is acceptable with minor changes and will not negatively impact the residential amenity of the adjacent property.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within an existing housing estate and the site is not located in a designated area, the nearest protected site is Cork Harbour SPA (site code: 004030) and Douglas River Estuary pNHA (site code: 001046) are located 1km east of the subject site.

The proposed development comprises an extension to an existing semi-detached dwelling.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works which comprise of an extension to an existing semi-detached dwelling within an urban setting
- The distance of over 1km to the nearest European site and lack of hydrological connections
- Proposed connection to public water and sewerage.

I conclude, 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.

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

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the subject site within Cork City and zoned as ZO 01, Sustainable Residential neighbourhoods as per Cork City Development Plan 2022-2028, the separation distance to the existing properties and the overall design, it is considered that the development would not seriously impact the residential amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by the planning authority on the 9th day of January 2025, 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 proposed development shall be amended as follows: removal of the cantilevered first floor element and construct in line with the ground floor building line. (i.e. Stepping back the side elevation from 900mm to 0mm). Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. 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.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on 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.

Reason: To safeguard the amenity of property in the vicinity.

6. 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.

Reason: In the interest of public safety and amenity.

7. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

8. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

9. 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.

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.

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.

Jennifer McQuaid
Planning Inspector

3rd June 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ABP-322129-25
Proposed Development Summary	Permission for alterations & extensions to dwelling, elevational alterations, a new canopy to the front of the house, demolition of a single-storey element to the rear & sheds to the side of the house and all other associated site works
Development Address	Carraig Aonar, 30 Rosebank, Douglas Road, Ballinlough, Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____