



An  
Bord  
Pleanála

## Inspector's Report

**ABP-305577-19**

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<b>Development</b>	Permission to extend and refurbish dwelling.
<b>Location</b>	No. 3, Avondale, Churchyard Lane, Ballintemple, Cork City
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38298
<b>Applicant(s)</b>	Kathleen Tierney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party V Decision
<b>Appellant(s)</b>	Mary Treacy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> December, 2019
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1. The property comprises a single storey structure which forms the southern part of a terrace of three structures fronting onto Churchyard Lane which is located south of the Blackrock Road, south-east of the city centre. The adjoining terraced structures to the north form part of a licenced premises, known as-The Venue, which fronts onto the Blackrock Road.
- 1.2. A residential development (Cooperhill) is located immediately south of the application site and comprises semi-detached two storey residential units. To the east of the site is a yard/beer garden area associated with the licensed premises. To the west of the site is Churchyard Lane. There is a pedestrian gated access to the south of the property, which is used to access the yard area to the rear.
- 1.3. The appellant resides in No 24 Cooperhill which adjoins the appeal site to its south.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the extension and refurbishment of a dwelling and all ancillary works. The proposed works will result in the raising of the existing eaves and roof levels and the creation of habitable accommodation at first floor level.
- 2.2. The proposed development was altered by way of a further information request from the Planning Authority which resulted in a reduction in the floor area of the development and an increase in the quantity of private rear amenity space.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 9th day of September 2019, Cork City Council granted planning permission for the proposed development subject to 6 conditions.

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

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

In the initial planning report, the key issues were considered to be the impact of the development on the character of the dwelling and the wider ACA and residential amenity. A request for further information was recommended.

Following the receipt of further information, the Planning Officer recommended that planning permission be granted subject to standard conditions.

The Senior Executive Planner concurred with this recommendation.

### **3.2.2. Other Technical Reports**

The Roads Design Engineer had no objection to the proposal subject to conditions.

### **3.3 Prescribed Bodies**

3.3.1 Irish Water had no objection to the proposal.

### **3.4 Third Party Observations**

3.4.1 During consideration of the application by the Planning Authority, two submissions were received from a resident of the house adjacent to the south of the site. The issues raised in the submissions are similar to those also raised in the grounds of appeal and are summarised within the grounds of the appeal outlined below.

### **4.0 Planning History**

I am not aware of any relevant planning applications relating to this site.

### **5.0 Policy and Context**

#### **5.1. Cork City Development Plan 2015-2021**

##### **5.1.1. Zoning**

The site is zoned 'ZO 10 Local Centre where the objective is: To protect and provide and /or improve the retail function of local centres and provide a focus for locals services.

ZO 10 areas are envisaged as providing for convenience shopping, with anchor units of 400 square metres net or lower and a similar amount of associated small units containing convenience, lower order comparison shopping and local service outlets. Residential uses are acceptable within this zone also.

### 5.1.2. Specific Designations

The application site is located within the Blackrock Road Architectural Conservation Area (ACA) Sub-Area A-Ballintemple Village and surrounds.

### 5.1.3. Alterations to Existing Dwellings

The design and layout of extensions to houses are required to have regard to the amenities of adjoining properties particularly as regards 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.

### 5.1.4. Section 16.72 of the Plan sets out the requirements in relation to extensions and alterations to dwellings. Extensions should:

- Follow the pattern of the existing building as much as possible;
- Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it;
- 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-pitch and flat-roof solutions will be considered appropriate providing they are of a high standard and employ appropriate detailing and materials;
- 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.

### 5.1.5. Architectural Conservation Area's

Sections 9.46-9.49 of the Plan specifically address the topic of ACA's.

Objective 9.29 Seeks - To preserve and enhance the designated Architectural Conservation Areas in the city.

Objective 9.32 sets out the consideration for works within ACA;s as follows:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc, shall not be generally permitted,
- Acceptable design, scale, materials and finishes for new developments,

- Original materials and methods of construction should be retained. For example, timber barge boards, windows and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.
- Features of historic or architectural value should not be removed.

5.1.6. The specific characteristics of each ACA are set out with Volume Three of the Plan. The Blackrock Road ACA is sub-divided into a number of smaller sub area's including Sub Area A-Ballintemple Village and surrounding suburbs which includes the boundaries of the current application site. It is stated that this sub-area is of historical, social and architectural significance, is characterised by its linear street layout along Blackrock Road and for its stock of buildings from the 18<sup>th</sup> to 20<sup>th</sup> century.....At the heart of this sub-area lies Ballintemple Village whose small scale on-street terraced housing and shopfronts are a stark contrast to the set-back, garden fronted houses of the surrounding area, giving a sense that the buildings contain the street contributing to the distinctly urban feel.

## 5.2. **Architectural Heritage Protection Guidelines for Planning Authorities (2011)- Department of Arts, Heritage and the Gaeltacht.**

### 5.2.1. Development Control

Section 6.25 advises that the potential impact of the development on the character of the ACA needs to be considered when determining the applications.

### 5.2.2. Extensions to Dwellings in ACA's

Section 6.8.5 advises that the effect of extensions may have considerable impact on the appearance of buildings or on the setting of neighbouring buildings, or indeed on the appearance of the structure when viewed from a distance (or a set of similar structures such as in a terrace), and this should be considered by the planning authority when assessing applications.

## 5.3. **Natural Heritage Designations**

Not relevant.

## **6.0 The Appeals**

### **6.1. Grounds of Appeals**

6.1.1 The grounds of the appeal may be summarised as follows:

- The proposal, due to its mass, bulk, height and scale would be overbearing when viewed from the appellants' house.
- The proposal will overshadow the appellant's property.
- The proposal will have an injurious impact on the use, enjoyment and residential amenities of the appellants' home by reason of overlooking.
- The proposal will result in a diminution in the value of the appellants' home.
- The proposed private rear amenity space is below the quantum of what is recommended within the Development Plan
- The current proposals are invalid and a change of use application, from commercial to residential should be sought by the applicant in this instance.

### **6.2. Applicant's Response**

The applicant's response to the appeals may be summarised as follows:

- The proposed extensions respond well to both the existing house and the neighbours.
- All design choices were highly considered.
- The applicants fully cooperated with Cork City Council in revising the drawings and showing consideration towards neighbouring properties.
- The proposal improves and enhances the current situation and the house will be modernised throughout and provide for a greater quantity and quality of private amenity space.
- The residential property tax has been paid on this property over the last number of years.

### 6.3. **Planning Authority Response**

The Planning Authority submitted that it had no additional comments to make from those included within the two earlier planning reports.

### 6.4. **Further Submissions**

Further submissions were invited by the Board from the Development Applications Unit, Fáilte Ireland, The Arts Council, The Heritage Council and An Taisce and no comments were received from any of the parties.

## 7.0 **Assessment**

### 7.1. Introduction

7.1.1 I consider the principal planning issue relating to the proposed development is that of potential impact on residential amenity. A new issue which will be addressed is that of the impact on the character of the area, including the ACA.

### 7.2 Impact on Residential Amenity

7.2.1 The appellant Mary Treacy has submitted that the proposal would be injurious to her amenities by reason of overbearing of her property arising from the proposed increased ridge height. I am satisfied that due to the separation distances between the two properties (10 metres at the nearest point) and the existence of the established two metre boundary wall between the two properties, that such an impact could not be construed as significant, that the proposed development would not result in overbearing of the properties to the south so as to warrant a refusal of permission on this issue.

7.2.2 The proposed development has been designed such that there would be minimal overlooking of the neighbouring properties. The revised proposals provide for openings on the rear (east) elevation comprising an opaque screened balcony off a study area at first floor level and a number of high-level rooflights. I am satisfied that the proposed development would not result in any undue loss of privacy for the neighbouring property to the south or any other neighbouring property.

7.2.3 With regard to the issue of overshadowing, the appellants' house is located immediately south of the applicant's property. Having regard to the orientation of the

two properties in question and the fact that a pitched roof is proposed to be developed on site, and having regard to the pathway of the sun, the separation distances between the properties and the existence of a 2 metre boundary wall separating the properties, I am satisfied that the proposed development would not result in any significant additional overshadowing of the property to the south.

7.2.4 Overall, I conclude that the proposed extension has been designed with due regard to any potential adverse impacts on the neighbouring property to the south and other neighbouring properties.

### 7.3 Impact on the Character of the Area, including the ACA

7.3.1 The application site is located within the Blackrock Road ACA as set down within Volume 3 of the Development Plan. The proposed extensions/alterations in the form of consistent external wall and roof finishes, fenestration detail the raising of the eaves/ridge height of the existing structure by approximately 1.5 metres will complement the rhythm and form of the terrace. Therefore, it is considered that the applicants in progressing their design proposals have had regard to the established and permitted character of the area. I am satisfied that the design solution presented will not be visually prominent or obtrusive within the local streetscape.

7.3.2 Currently, the Avondale Terrace contains structures of consistent eaves and ridge height, external and roof finishes. It is considered that this terrace contributes positively to the character and setting of the Conservation area. The current proposals would have a positive impact, in terms of their integration and the re-introduction of a residential back into the terrace would contribute positively to the character and setting of the terraced structures and would, therefore, accord with the guidance provided in Section 6.8.5 of the Architectural Heritage Protection Guidelines and Section 9.32 of the Development Plan.

7.3.3 The proposals as presented, by virtue of their high-quality design would result in development complementary to the character of the existing adjacent built fabric. I am satisfied that the proposals would also accord with Specific objective 9.29 of the Development Plan. It is considered that the proposed development would not form any obtrusive development in isolation.

7.3.4 In conclusion, the proposal does not reasonably warrant a refusal of permission based on any perceived undermining of the character and setting of the ACA.

## 7.4 Appropriate Assessment

7.4.1 Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distances to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the design and limited scale of the proposed development, the existing building on site and the pattern of development within the area, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties and would not compromise the character and setting of the Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and details submitted to the Planning Authority except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

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Fergal O'Bric  
Planning Inspector

9th January 2020