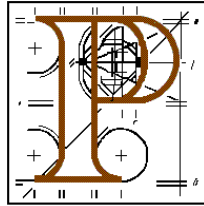

An Bord Pleanála



Inspector's Report

Appeal Reference No.: PL28. 245973

Development: To construct a single storey extension to rear, reinstate first floor window to west elevation, replace velux rooflight with dormer window to north elevation, carry out internal alterations along with all associated site works.

'St. Endas', Bishopstown Avenue West, Model Farm Road, Cork.

PLANNING APPLICATION

Planning Authority: Cork City Council

Planning Authority Ref.: 15/36574

Applicant: Kieran and Mairead Golden

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: First Party v. Conditions

Appellant(s): Kieran and Mairead Golden

Observers: None.

Date of Site Inspection: 15th March, 2016

INSPECTOR: Robert Speer

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in an established residential area known as Bishopstown Avenue West, approximately 270m south of Model Farm Road (the R608 Regional Road) and 3.2km southwest of Cork City Centre. The immediate site surrounds are predominantly characterised by conventional dormer / two-storey dwelling houses of varying design set around a series of cul-de-sacs. The site itself has a stated site area of 0.061 hectares, is rectangular in shape, and is presently occupied by a dormer-style, front-gabled dwelling house based on a conventional design with front and rear garden areas and off-street parking.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the construction of a single storey extension (floor area: 44m²) with a mono-pitched roof design to the rear of an existing dwelling house. Further works include revisions to the internal layout of the existing property and several elevational changes including the insertion of a first floor window within the rear gable of the existing dwelling house and the provision of a new box dormer window on the northern elevation to serve Bedroom No. 3.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

PA Ref. No. 00/24843. Was granted on 9th March, 2001 permitting Kieran and Mairead Golden permission for refurbishment and 2-storey extension to rear & single storey extension to front.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports:

4.1.1 Planner's Report: States that there is no objection to the proposed reinstatement / inclusion of a first floor window within the rear (western) elevation of the existing dwelling house on the basis that the development proposal previously approved under PA Ref. No. 00/24843 included for the provision of such a window. However, with regard to the proposed box dormer bedroom window, the report states that this would be out of character with the existing dwelling house and the surrounding pattern of development by reason of its size, style and proximity to the neighbouring site boundary, and that the bedroom in

question can be adequately ventilated and illuminated through the provision of a rooflight which can be required by way of condition. Finally, the report concludes that the overall length of the proposed extension, when taken in conjunction with the existing construction on site, would give rise to additional overshadowing of the neighbouring property.

4.1.2 Drainage Division: No objection subject to conditions.

4.1.3 Irish Water: No objection subject to conditions.

4.2 Planning Authority Decision:

4.2.1 On 1st December, 2015 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 5 No. conditions. These conditions are generally of a standardised format, however, the following conditions are of note in the context of the subject appeal:

Condition No. 2:-

'Prior to commencement of development, the application shall submit revised plans and elevations showing the following amendments for written agreement with the Planning Authority:

- The omission of the proposed dormer window on the northern elevation and replacement with a velux window to Building Regulations Standards;*
- Revisions to the proposed single storey extension reducing the proposal from a total of 8.03m in length to a maximum of 5m in length; extension not to be stepped closer to the neighbouring boundary (i.e. retain a 1.375m gap); and a reduction in the total overall height from 4.1m to 3m maximum.*

Reason: In the interest of residential amenity and visual amenity'.

Condition No. 3:-

'All external finishes, colours, textures and materials including roof finish and fenestration shall match the existing dwelling house.

Reason: In the interest of visual amenity'.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- The alterations necessary to comply with the requirements of Condition Nos. 2 & 3 fundamentally alter the proposed development and it is disappointing that the Planning Authority did not allow the applicants the opportunity to address its concerns by way of a request for further information.
- There were no objections lodged against the proposed development and thus it can be inferred that the submitted proposal is acceptable to the owners / occupiers of neighbouring properties.
- The overall size of the dwelling house, when taken in combination with the proposed extension, remains modest and is in no way out of keeping with the surrounding pattern of development.
- Given the extent of the rear garden area, the separation distance between the proposed extension and the rear site boundary, and the limited increase in site coverage consequent on the proposed development, it is considered that the subject proposal is not out of character with the surrounding area.
- The northern site boundary is defined by a post and wire fence and an evergreen hedge which is maintained at a height of 2.1m. Therefore, as the proposed extension will only extend 0.7m above the height of the existing boundary it is unlikely to result in any additional overshadowing of the neighbouring property.
- Due to the low height of the proposed construction, the screening provided by the existing hedging along the northern site boundary, and the gap between the proposed extension and said boundary, any impact on the adjacent property by reason of overshadowing will be negligible.
- The Board is advised that Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, provides for the construction of a shed in the rear garden area of a dwelling house by way of exempted development subject to compliance with certain conditions and limitations which include a provision that the height of any such structure does not exceed, in the case of a building with a tiled or slated pitched roof, 4.0 metres or, in any other case, 3.0 metres. Accordingly, a structure built in accordance with the aforementioned exempted development provisions to the specified height(s) is considered by the legislature to be so low as not to require planning permission.

Having regard to the foregoing, it should be noted that whilst the proposed extension will be set back 0.75m from the adjacent site boundary and will be 2.85m in height at its closest point to that boundary, the construction of a 3m high flat-roofed shed (or 4m high with a pitched / slated roof) immediately adjacent to the site boundary would constitute exempted development.

- Given the limited height of the proposed extension, it is considered that the requirement to step back the construction from the site boundary is excessive, particularly as access to the rear of the property is already available along the southern side of the dwelling house.
- The changes necessitated by Condition No. 2 would result in the roof pitch of the proposed extension being such that it would not be possible to finish the construction in standard roof tiles thereby contravening the requirements of Condition No. 3. Therefore, the Board is requested to permit the use of a single-ply flat roof membrane for the extension.
- The proposed extension is located to the rear of the existing dwelling house and is well screened by mature hedgerows. It has been designed to maximise natural light and solar gain whilst cognisance has also been taken of the need to avoid overlooking of neighbouring properties.
- The overall style of the proposed construction is simple and uses standard forms with attractive proportions and a limited palette of building materials throughout. Considerable thought has been put into the design of the proposed development in order to integrate with the surrounding landscape and nearby properties.
- The proposed box dormer window will allow the floor area of the relevant bedroom to be maximised and will also provide for additional headspace.
- Due to its positioning on the northern elevation of the existing dwelling house, the proposed box dormer window will not be readily visible from any public area.
- Permission was previously granted for a box dormer window at a more prominent location on the Model Farm Road under PA Ref. No. 11/34722.
- A precedent has been set for similar extensions by those permissions previously granted under PA Ref. No. 15/36323 / ABP Ref. No. PL28.244932, PA Ref. No. 14/36204 / ABP Ref. No. PL28.244511, PA Ref. No. 14/36231 / ABP Ref. No. PL28.245193 & PA Ref. No. 14/35944.

6.0 RESPONSES / OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response:

No further comments.

7.0 POLICY CONTEXT

Cork City Development Plan, 2015-2021:-

Land Use Zoning:

The proposed development site is located in an area zoned as '*Residential, Local Services and Institutional Uses*' with the stated land use zoning objective '*To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3*'.

Other Relevant Sections / Policies:

Chapter 16: Development Management:

Part D: Alterations to Existing Dwellings:

Section 16.72: Extensions:

The design and layout of extensions to houses should 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. 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;
- 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 be permitted where visible from a public area;
- Traditional style dormers should provide the design basis for new dormers;
- 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;

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- 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.

8.0 ASSESSMENT

8.1 From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal relate to the inclusion of Condition Nos. 2 & 3. Furthermore, in accordance with the provisions of Section 139 of the Planning and Development Act, 2000, as amended, I am satisfied that this appeal should relate only to the merits of the inclusion of the aforementioned conditions and thus I propose to assess same accordingly.

8.2 Condition No. 2:

8.2.1 This condition encompasses two parts and requires the applicant to make a number of revisions to the overall design of the proposed development. Accordingly, I propose to consider each of these items in turn as follows:

- a) *The omission of the proposed dormer window on the northern elevation and replacement with a velux window to Building Regulations Standards:*

8.2.2 The submitted proposal includes for the installation of a box dormer window on the northern elevation of the existing dwelling house in an attempt to improve the overall level of amenity enjoyed by the occupants of Bedroom No. 3 by increasing the usable floorspace and the headroom available within same. However, in its assessment of the subject application, the Planning Authority determined that the proposed box dormer would be out of character with the existing dwelling house and the surrounding pattern of development given its size, style and proximity to the boundary with the neighbouring property. It also noted that although the room in question had previously been identified as a study in PA Ref. No. 00/24843, its conversion to use as a bedroom could be accommodated and that a satisfactory level of illumination and ventilation could be provided to same by way of a suitable rooflight / 'velux' window.

8.2.3 Having reviewed the available information, whilst I would acknowledge that Section 16.72 of the City Development Plan specifically states that box dormers will not be permitted when visible from a public area, it is my opinion that the subject proposal will not be overtly visible from the public road, will not unduly detract from the wider streetscape, and will not be out of character with the

existing dwelling house, due to its recessed positioning on the northern elevation of the dwelling house and its orientation towards the adjacent property, particularly when taken in combination with the existing traditional dormer feature serving the first floor bathroom on the same elevation of the property which serves to partially screen the new construction from view.

8.2.4 However, notwithstanding the foregoing, I would have serious reservations that the construction of the proposed box dormer window, given its orientation and proximity relative to the site boundary, could potentially undermine the development potential of the adjacent property to the immediate north and could also give rise to an unacceptable loss of residential amenity for the occupants of that property by reason of overlooking with a consequential loss of privacy. Accordingly, it is my recommendation that the requirement to omit the proposed box dormer window from the permitted development be maintained.

b) Revisions to the proposed single storey extension reducing the proposal from a total of 8.03m in length to a maximum of 5m in length; extension not to be stepped closer to the neighbouring boundary (i.e. retain a 1.375m gap); and a reduction in the total overall height from 4.1m to 3m maximum:

8.2.5 The proposed development consists of the construction of a single storey extension with a mono-pitched roof design to the rear of an existing dwelling house, however, from a review of the Planning Authority's assessment of same it is apparent that it had significant concerns with regard to the overall design and scale of proposed extension, particularly when taken in conjunction with the existing two-storey extension already constructed to the rear of the main dwelling house, and the likely impact of same on the residential amenity of the adjacent property to the immediate north in terms of the potential for further overshadowing of its rear garden area.

8.2.6 Following consideration of the submitted proposal and its potential impact on the amenity of the neighbouring dwelling house, in my opinion, it is evident that the rear garden area of the property in question will continue to benefit from its east-west alignment and that it will receive notable amounts of direct sunlight throughout a significant proportion of the day notwithstanding the construction of the proposed extension. Accordingly, it is my opinion that the impact of any loss of direct sunlight arising as a result of the proposed development would be of limited consequence given the wider level of amenity enjoyed by the property.

8.2.7 Therefore, whilst I would concede that the proposed development may have a limited impact on the overall level of daylight / sunlight received by the adjacent property, given the site context, its location in a built-up area where some degree of overshadowing would not be unexpected, and the height of the existing boundary treatment between the two properties in question, on balance, I am inclined to conclude that this impact and any associated loss of amenity is not of such significance as to warrant the revisions sought by the Planning Authority.

8.3 Condition No. 3:

8.3.1 This condition requires all the external finishes etc. of the proposed development to match those of the existing dwelling house, however, given the siting of the construction to the rear of the property where it will not be readily visible from any public area, and in light of the materials and external finishes detailed in the submitted plans and particulars, I am satisfied that the requirement for the external finishes etc. of the proposed construction to match those of the existing dwelling is unnecessary and thus the imposition of Condition No. 3 is not warranted.

8.4 Appropriate Assessment:

8.4.1 Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site

9.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted and based on the reasons and considerations set out below, directs the Council, under sub-section (1) of Section 139 of the Planning and Development Act, 2000 to **AMEND** Condition No. 2 and to **REMOVE** Condition No. 3 and the reasons therefor.

2. The proposed development shall be amended as follows:
 - a) The box dormer window proposed on the northern elevation of the dwelling house shall be omitted and replaced with a suitable rooflight.

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 residential amenity.

Reasons and Considerations:

Having regard to the siting of the proposed extension to the rear of the property where it will not be readily visible from any public area, and in light of the details provided on the submitted plans and particulars with regard to the proposed materials and external finishes, it is considered that the attachment of condition number 3 is not necessary in relation to the proper planning and sustainable development of the area.

Signed: _____
Robert Speer
Inspectorate

Date: _____