

An Bord Pleanála



Inspector's Report

PL28.245978

DEVELOPMENT: Residential Extension
Orchard Cottage
77A Willowbank
Church Road
Blackrock
Cork

PLANNING APPLICATION

Planning Authority: Cork City Council
Planning Authority Reg. No: 15/36581
Applicant: Kevin and Saskia O'Neill
Application Type: Permission
Planning Authority Decision: To refuse permission

APPEAL

Appellant: Kevin and Saskia O'Neill
Type of Appeal: 1st party v. decision
Observers: Gerard and Aoife Coyne
Con and Caitríona Ó Sé
Tim and Anne Coakley

DATE OF SITE INSPECTION: 25 February, 2016.

Inspector: **Brendan Wyse**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1** Blackrock is a well-established suburb to the south-east of Cork City. Upper Beaumont Drive, in the vicinity of the site, is characterised by low density housing development, mostly semi-detached properties, probably dating from the 1950's/1960's. Willowbank is more recent, probably 1980's, and is characterised also by mostly semi-detached houses but with smaller gardens so that the density is somewhat higher.
- 1.2** The appeal property, Orchard Cottage – No. 77A Willowbank, is a relatively recent infill development in the rear garden of No. 56 Upper Beaumont Drive. It is a single storey house of a contemporary design featuring a relatively low profile monopitch roof design. The house is accessed off Willowbank via a short cul-de-sac.
- 1.3** Relevant maps and photographs are included in the file pouch. The properties from which observer submissions have been received are as indicated.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed extension comprises:

- First floor extension to accommodate 2 no. bedrooms and a bathroom.
- New projecting spiral stairs for access.
- Monopitch roof design.
- Rooflights and 1 no. window to southern gable.

2.2 Application documentation includes:

- Details of pre-application consultation.
- Architects Visual Impact Study. This was prepared in view of a height limitation of 5.1 metres imposed on the original planning permission for the house (P.A. Ref. 06/31144, ABP Ref. 28.220344 – see 3.0 below). Note unsolicited further information to the Planning Authority correcting a typographical error in this study.

3.0 PLANNING HISTORY

P.A. Ref. 06/31144, ABP Ref. 28.220344 (details in file pouch)

This is the 2007 permission for the existing house.

Condition 1 imposed the following; no part of the house to be closer than 2 metres from eastern/western site boundaries; height of house to not exceed 5.1 metres.

Reason: In the interest of residential amenity.

P.A. Ref. 04/28961, ABP Ref. 28.210500 (details in file pouch)

This was an earlier, 2005, refusal of permission for a 2 storey dormer bungalow on the site.

P.A. Ref. 03/27842 (details in file pouch)

This was a 2004 refusal of permission for a 2 storey dormer bungalow on the site.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports

4.1.1 Planning Reports (EP/SEP/SP)

Includes:

- Reference to development plan Objective ZO4 Residential, Local Services and Institutional Uses and Parag. 16.72 in relation to extensions to houses.
- Reference to 4 no. observer submissions – similar issues to those raised in observer submissions to the Board – see Section 6.0 below.
- Proposed staircase at variance with established pattern of development in the area and visually obtrusive.
- Adverse impacts/overshadowing to property to the east (No. 58 Upper Beaumont Drive); overbearing towards No. 78 Willowbank to north; visibility from Willowbank.

- Recommendation for refusal as per Planning Authority decision (see below).

4.1.2 Drainage Division

- No objection, standard conditions.

4.1.3 Irish Water

- No objection.

4.2 Planning Authority Decision

The decision is to refuse permission for one reason referring to:

- Visual obtrusiveness/overbearing.
- Out of character with pattern of development in the area.
- Detrimental to residential/visual amenities of adjacent residential dwellings.
- Depreciate value of property in vicinity.

5.0 GROUNDS OF APPEAL

5.1 Main grounds include:

- Since 2013 three of the four contiguous properties have been granted permission for 2 storey extensions, two completed and one under construction. Properties are; 56 and 54 Upper Beaumont Drive; and 78 Willowbank.
- There has been a natural process of densification since the 2006 grant of permission for Orchard Cottage and the neighbourhood character has changed.
- The Visual Impact Study shows that the visual impact of the 2 storey extension to 78 Willowbank is greater than the subject proposal.
- Overlooking has been carefully avoided. Rooflights are above eye level and the south facing window is more than 12 metres from the boundary with 56 Upper Beaumont Drive and at least 23 metres from the house.

- The property value argument is unsubstantiated and can be argued.
- The attached solar study indicates only marginal additional shadowing.

6.0 OBSERVATIONS/RESPONSES

6.1 Observations are lodged by:

Con and Caitriona Ó Sé, 56 Upper Beaumont Drive.

Tim and Anne Coakley, 'Inisfree', 58 Upper Beaumont Drive.

Gerard and Aoife Coyne, 79 Willowbank.

It is noted that all of these, and Mary and David Galvin, 60 Upper Beaumont Drive, also submitted similar observations to the Planning Authority on the application.

The main issues raised in these submissions can be summarised as follows:

- The extensions to other houses in the vicinity are in keeping with the character of the neighbourhood and do not provide a basis for the proposed development which is infill and surrounded by gardens on 3 sides.
- The proposal would give rise to direct overlooking of the rear garden of 56 Upper Beaumont Road.
- Condition 1 of the permission P.A. Ref. 06/31144, ABP Ref. 28.220344, restricting the height to 5.1 metres, is still relevant.
- The proposal would severely impact the northern end of the rear garden of 58 Upper Beaumont Road.
- The proposal would be hugely visually obtrusive from 79 Willowbank.

6.2 Planning Authority Response

None received.

7.0 POLICY CONTEXT

7.1 Cork City Development Plan 2015-2021

Zoning

Objective ZO4 Residential, Local Services and Institutional Uses.

Includes:

The provision and protection of residential uses and residential amenity is a central objective while also allowing for small scale local services, institutional and civic uses, public infrastructure and utilities.

Development Management – Parag. 16.72

Includes:

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.
- 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 The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate assessment also needs to be addressed. The issue can be dealt with under the following headings:

- Design
- Impact on Residential Amenity
- Appropriate Assessment

8.2 Design

8.2.1 The design of the proposed extension is clearly based on the design of the existing Orchard Cottage. The main design elements and finishes are compatible with the existing. The projecting spiral staircase to the front of the house, while representing a new design element would, in my view, also be compatible with the contemporary design of the house. Contrary to the view of the planning authority's Planning Reports it would not, in my opinion, be visually obtrusive. Generally, in terms of design, I consider the proposal to be entirely in keeping with the advice contained in Parag. 16.72 of the development plan (See Section 7.1 above).

8.3 Impact on Residential Amenity

8.3.1 It is clear that the proposed extension would breach the terms of Condition 1 of permission PA Ref 06/31144, ABP Ref 28.220344 which imposed an overall height restriction of 5.1m on the house. The reason stated was "in the interest of residential amenity" and clearly related to the potentially difficult task of accommodating a new house in the rear garden of an existing house and in close proximity to adjacent houses and gardens.

8.3.2 I would note, firstly, that such conditions do not imply that developments can never be revisited or that new proposals for extensions or modifications, and that may breach the condition, can never be entertained. The built environment is constantly evolving as are policies and even attitudes towards development.

8.3.3 As pointed out in the grounds of appeal there has been a process of densification in the immediate area since 2006 when permission for Orchard Cottage as it now is was sought, as evidenced by several substantial extensions to houses in the vicinity. This is to be expected particularly in an inner, well established suburban area. While the observers argue that these

extensions are in keeping with the character of the neighbourhood that character includes Orchard Cottage and, as indicated at Section 8.2 above, the proposed extension is very much in keeping with its character. There is, therefore, a basis for revisiting the development potential of Orchard Cottage almost 10 years after its construction. It follows that I do not consider that the inclusion by the planning authority of a reference to character in its reason for refusal can be sustained.

8.3.4 The real test, in this instance, relates to the impact of the proposed extension on the amenities of adjacent properties. These impacts relate to; visual; overlooking; and overshadowing.

8.3.5 In terms of visual impact I do not consider that this would be excessive. I have already commented on the proposed 'external' staircase to the front elevation at parag. 8.2.1 above. The main element, the upper floor extension, amounts to a raising of the eastern mono-pitch roof by 1.645m over approx. 60% (approx. 9m) of its length. In my view, this would not be significant in visual terms given the pattern of development in the vicinity and the substantial separation distances to adjacent houses. I note the applicants Visual Impact Study which I consider validates this conclusion.

8.3.6 In terms of overlooking the main potential for this arises in relation to the south facing window to the proposed bedroom No.4. The primary impact would be to No.56 Upper Beaumont Drive, as well as to No.58. However, I note that the window would be over 13m from the rear garden boundary of Orchard Cottage and of the order of 30m from the rear elevations of No.56 and No.58. These separation distances are well in excess of accepted residential standards and, in my view, are generous in the context of a mature, inner suburban location. While it would represent some change for the adjacent houses the change would not be excessive. It is also the case that any overlooking arising, and which would only be from a single small bedroom window, could easily be defended against with some judicious tree planting within the adjacent gardens.

8.3.7 I note also that the upper level roof windows to the western elevation could, in the proposed layout, present some potential for overlooking to the rear of No.54 Upper Beaumont Drive. However, these are small, relatively high level windows (cill height approx. 1.5m in the new extension) so I do not consider that any excessive impact would arise.

8.3.8 In terms of overshadowing the main potential impact arises in relation to the rear garden of No.58 Upper Beaumont Drive. Again, however, I do not consider that the impact of raising the eaves height of Orchard Cottage by 1.645m for approx. 9m of its length, would be excessive in this regard. I note

the applicants Solar Study, included with the grounds of appeal, that I consider validates this conclusion.

8.3.9 I consider, therefore, that the proposed extension complies with the requirements of Parag. 16.72 of the development plan in terms of impact on residential amenity (See Section 7.1 above).

8.3.10 It follows from the above that I do not consider that the contention in terms of devaluation of property in the vicinity can be substantiated.

8.4 Appropriate Assessment

8.4.1 Having regard to the nature and small scale of the proposed development, being a domestic extension within an established urban area, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

9.0 Recommendation

9.1 I recommend that permission be granted subject to one condition in accordance with the following draft order.

Reasons and Considerations

It is considered that, subject to compliance with the condition set out below, the proposed development would not seriously injure the residential amenity of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Condition

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

**Brendan Wyse,
Assistant Director of Planning.**

29 March, 2016.

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