

# An Bord Pleanála



## Inspector's Report

<b>Appeal Reference No:</b>	PI.28.246329
<b>Development:</b>	Construction of a dormer style dwelling adjacent to his existing home including the demolition of conservatory attached to the side of the existing dwelling and construction of garden shed and store at rear boundary behind the proposed development and formation of new entrance onto the Crescent Beaumont, Ballintemple, Cork.
<b>Location:</b>	3 The Crescent Beaumont, Ballintemple, Cork.
<b>Planning Application</b>	
Planning Authority:	Cork City Council
Planning Authority Reg. Ref.:	15/36668
Applicant:	Denis O'Callaghan
Planning Authority Decision:	Grant subject to conditions
<b>Planning Appeal</b>	
Appellant(s):	Liam Heylin
Type of Appeal:	Third Party v Permission
Observers:	None
Date of Site Inspection:	24/05/2016
<b>Inspector:</b>	A. Considine

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is located within a residential area in the suburban area of Ballintemple / Blackrock, located to the south east of Cork City. The total site area in the ownership of the applicant is 0.96ha and the proposed development site extends to a stated 0.037ha.
- 1.2 The Crescent is a mature residential area which is accessed from the Blackrock Road and Beaumont Drive. The area comprises a mix of house types including detached and semi-detached, single storey, dormer and two storey houses. The subject site is bound to the south by a single storey house and a single storey house to the north.
- 1.3 The existing house on the site is a storey and a half/two storey detached house with a half hipped roof, and almost square in shape, with bay windows and a rear return. I estimate that the existing house on the site has a floor area of approximately 200m<sup>2</sup> with accommodation over two floors. This existing house also has a detached garage located to the north of the house, and has an approximate floor area of 60m<sup>2</sup>. The house is located on the overall site which means that the existing separation distance between the main bulk of the house and the house to the south is approximately 13m.
- 1.4 The context of the subject site is presented in the appendix to this report which includes, maps and a number of photographs taken on the day of my site inspection.

## **2.0 PROPOSED DEVELOPMENT**

Permission is sought for the construction of a dormer style dwelling adjacent to his existing home including the demolition of conservatory attached to the side of the existing dwelling and the construction of a garden shed and store at rear boundary behind the proposed dwelling and formation of new entrance onto the Crescent, Beaumont, Ballintemple, Cork.

### **3.0 PLANNING HISTORY**

**PA ref TP 99/233388:** Permission granted for the construction of a domestic garage.

**PA ref TP 01/24920:** Permission granted for the construction of a first floor extension over existing bungalow and construct sunroom at side.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Planning and technical reports**

4.1.1 The Planning report on file considered the proposed development in terms of the policy context and zoning objective afforded to the site under the Cork City Development Plan, 2015-2021 and considered that the design, height and scale is not out of character with the existing pattern of development in the area and is not incompatible with the existing adjoining development. The report considers that there is no direct overlooking from first floor windows and no significant overshadowing arises. The report concludes that adequate private open space is to be provided but that the proposed shed should be omitted / reduced in scale and ultimately, that the development is acceptable.

4.1.2 One third party objection was submitted in relation to the proposed development. The issues raised are summarised as follows:

- overlooking of single storey property to the south
- reduce the residential amenity
  - existing house is 2.6m to gutter, proposed house 7m
  - elevated site
  - windows and doors on the side of the house would overlook
  - impact on the old hedge between the two properties which will afford no protection
  - details of proposed boundary – concrete posts and wooden fence – would be inadequate to provide privacy.
- loss of enjoyment of property and depreciate the value of the property
  - the proposal will impact on planned improvement works to objectors house

- the ground level of the garden to the rear of the house and terrace is indicated as 98.00m, with the finished floor level of the proposed TV room at 99.13m, which is the same level as the proposed deck.
- constitute overdevelopment of the site
- concern raised regarding the scale and design of the garden shed and its potential use
- contrary to the proper planning and sustainable development of the area
- traffic and car movements associated with the development

4.1.3 In terms of technical reports the following is relevant:

**Internal:**

Drainage Section: No objection subject to conditions

Roads: No objection subject to conditions

**External:**

Irish Water: No objection subject to conditions

#### 4.2 Planning Authority Decision

The PA decided to grant permission subject to 6 standard conditions.

#### 5.0 GROUNDS OF APPEAL

This is a third party appeal against the decision of the Planning Authority to grant permission for the proposed extension. The grounds of appeal are similar to those raised with the PA during their assessment of the proposed development and additional points raised are summarised as follows:

- objection raised to the removal of any part of the boundary hedge. Any proposed fence should be erected on the applicants side without interfering with the hedge.
- Given the difference in existing and proposed floor levels, the development will result in overlooking of the appellants property.

- Layout of the proposed site will result in increased car and traffic movement directly beside appellants property.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

The PA submitted a letter advising no further comments.

### **6.2 First party response**

The First Party submitted a response to the third party appeal, but as it was outside the appropriate timeframe, it was returned.

### **6.3 Observations on grounds of appeal**

There are no observers noted in relation to this appeal.

## **7.0 POLICY CONTEXT**

The subject site is located within an area of Cork City which is zoned ZO4, Residential, Local Services and Institutional Uses, where it is the stated objective of the zoning to 'protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies.

Chapter 16 of the City Plan deals with Development Management while Sections 16.40-16.42 deal with Residential Density, Section 16.58 provides for single units including corner / garden sites and Section 16.59 deals with infill housing. In addition, Part D of the Plan deals with Alterations to Existing Dwellings where certain issues there are considered relevant including Residential Entrances/Parking in Front Gardens.

## **8.0 ASSESSMENT**

8.1 Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, I suggest that it is appropriate to assess the proposed development under the following headings:

- Principle of the development
- Residential Amenity Issues
- Other Issues
- Appropriate Assessment

Principle of the development:

8.2 The proposed development seeks to provide for a new house on an existing residential site within an established residential area. The subdivision of the site will provide for a new two storey detached house, immediately adjacent to the applicants current home. The subject site is zoned ZO 4 Residential, Local Services and Institutional and therefore, in principle, the development can be considered acceptable and generally in accordance with the zoning objectives of the Cork City Development. There are, in addition however, site specific issues which are required to be considered.

Residential Amenity Issues:

8.3 Paragraph 16.58 of the City Development Plan deals with Single Units including Corner / Garden Sites, which is relevant in this instance. The Plan requires the PA to have regard to a number of criteria in assessing proposals for the development of single units as follows:

- The existing character of the area/street:  
The Crescent is made up of a mix of house types including single storey detached, two storey semi-detached and detached two storey / dormer style. The area is a well-established residential area and the houses immediately adjacent to the subject proposed site includes both a vehicular entrance as well as a pedestrian entrance from the public road.
- Compatibility of design and scale with adjoining dwellings:  
In terms of compatibility of design, the existing house on the

overall landholding site comprises a dormer/two storey house with a half hip style roof and bay windows. The existing adjacent house is a single storey full hip roofed house and therefore the overall design of the proposed house is critical to ensure compatibility with the existing character of the area. The proposed new house seeks somewhat to reflect certain features, but I have concerns regarding the design of the proposed house and how it will sit between the two existing houses. In particular, the design of the proposed dormer windows, and the two storey projection to the front of the house. In addition, I am concerned that the whole roof massing together with the side elevations of the proposed house, and the use of the existing site levels to accommodate the proposed house, will have an impact on the visual amenity of this residential area.

I have tried to consider which elements of the proposed house might be amended to ensure that it sits into the site appropriately and without undue impacts on the existing character of the area and suggest that should the Board be minded to grant planning permission in this instance, that the following amendments be made:

- Given the orientation of the subject site, the overall length of the house should be reduced by 1.5-2m in order to ensure that the existing deck area to the rear of the existing adjoining house to the north will not be in shadow.
- The roof of the proposed house should be simplified in the interests of visual amenity.
- The two storey element to the rear should be omitted/reduced to single storey in the interests of visual amenity.
- The dormer windows as proposed should be omitted/redesigned.
- The house design to the rear should be amended to better utilise the existing site levels – there is a level difference of +1m and this should be reflected in the house design to ensure the protection of residential amenity, particularly with regard to the house to the south.

Overall, and while I have no objection in principle to the proposed design of the house, I do not consider that it is

appropriate for the subject site, given the restricted nature of the site and the varying house designs on either side of the site. I am concerned that as proposed, the house would not be compatible with the existing character of this residential area.

- Impact on the residential amenities of adjoining areas:

The Board will note that the third party appellants in this case have raised concerns in terms of the potential impact of the proposed development on their residential amenities, which are considered reasonable. In particular, there is concern in terms of the existing and proposed floor levels, together with the proposed location of the sun room and deck area. Having undertaken a site visit, I can confirm that the adjacent site levels also appear to follow those of the subject site, in that there appears to be a level difference of approximately 1m from the front of the site to the rear.

In addition, the Board will note that the existing boundary hedge provides privacy between the two properties. In the event of a planning permission issuing, I would agree with the third party that the hedge should be retained and protected in full. I note from the plans that it is intended to erect a 'new post and plank boundary fence'. There are no details provided in relation to same but drawing no P-05 Site Elevations, indicate that it will be 1.8m in height, and at a distance of 2.1m from the proposed house. This would suggest that the hedge would require to be removed to accommodate this fence. Although identified on the drawings, there is no indication that it is intended to retain this boundary hedge. In the event of a grant of planning permission, a condition should be included requiring the retention of this hedge and that the fence to be constructed, should be located in a position which will not compromise the health or maintenance of this boundary hedge. Overall, I am satisfied that there is no real issue of overlooking of the adjacent property arising.

Further to the above, the third party appellants have raised the issue of increased car and traffic movements directly beside their property. I am satisfied that the traffic associated with one house in the area is not significant and would not have an undue impact on existing residential amenities. I do note that the proposed car parking associated with the new house is to be located directly



adjacent to the appellants property. However, I am satisfied that the boundary treatment as proposed, together with the retention of the boundary hedge, will mitigate against potential negative impacts associated with traffic.

- Open space standards:

The proposed development is to be constructed to provide a rear garden area which accords with the requirements of the Cork City Development Plan. I note condition 2 attached to Cork City Councils grant of planning permission which requires the omission of the proposed shed and fuel store. The omission of the large shed would add to the open space provision to the rear of the proposed house and in the event of a grant of planning permission in this instance, I would recommend that the omission of the shed be included by way of condition, in the interests of residential amenity.

- Car parking facilities:

The proposed site layout provides for 2 car parking spaces to the front of the house, which is acceptable. Access to the site is to be via a new entrance onto the Crescent. There is no objection in this regard.

- Landscaping and boundary treatment:

I have addressed the issue of boundary treatment above.

Overall, I am satisfied that the proposed development is acceptable in principle, and subject to amendments, accords with the requirements of the City Development Plan, 2015-2021 as it relates to Single Units Including Corner / Garden Sites.

8.4 Further to the above, Paragraph 16.59 of the City Development Plan deals with Infill Housing, which is also relevant in this instance. The Plan acknowledges that 'to make the most of sustainable use of existing urban land, the PA will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic etc.' The Plan further provides that infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;

- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Has an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

I have addressed these issues above in Section 8.3 of this report. In particular, I have raised concerns in terms of the design of the proposed house and in particular, I have indicated concern in relation to the proposed roof profile and massing of the side elevations as well as the use of the existing site levels. In this regard, and while I accept the principle of a dwelling on the subject site, the design should be reconsidered. Should the Board be minded to grant planning permission in this instance, I would recommend that the following amendments be required by condition:

- a. The proposed dormer windows – 1 to the front and one to the rear – shall be omitted and replaced with velux/roof windows.
- b. The proposed rear return shall be reduced in length by 1.5m across the full width so as not to extend past the rear wall of the adjacent house to the north (not including the elevated deck area).
- c. The rear two storey return shall be reduced to single storey
- d. The finished floor level of the proposed house shall be reduced by 300mm at the front (from 99.67 to 99.37m) and 500mm at the rear (from 99.13 to 98.63m)

Full plans and particulars to reflect the above amendments shall be submitted for the written agreement of the PA prior to commencement of any development on the site.

Reason: In the interests of visual and residential amenity.

Other Issues:

- 8.5 The proposed house is to be connected to public water services. The Board will note no objection to the proposed development from internal departments of Cork City Council and in this regard, I am satisfied that the proposed development is acceptable.

In terms of development contribution, I am satisfied that the proposed development is subject to the payment of a contribution in accordance with the Cork City Council Development Contribution Scheme 2013-2015.

Appropriate Assessment:

- 8.4 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, being a suburban residential site, 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 CONCLUSIONS AND RECOMMENDATION**

### **9.1 Conclusion:**

Having regard to the above assessment, I am satisfied that the proposed development of a dwelling on the site is acceptable in principle and, if permitted, would accord with the requirements of the Cork City Development Plan, 2015-2021.

I have raised concerns in terms of the proposed design of the dwelling and the potential negative impacts a number of the design features would have on the overall character of this well-established residential area. In addition, I am satisfied that a number of amendments to the overall design are required in order to protect the existing residential amenities of the properties on either side of the site.

It is considered that the proposed development could reasonably be granted, subject to amendments as advised, and for the reasons and considerations hereunder.

## REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Cork City Development Plan, 2015-2021, the existing established residential use, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, I am satisfied that, subject to compliance with the following conditions, the proposed development generally accords with the policy requirements of the relevant plans as it relates to developments on Single Units including Corner / Garden Sites and Infill Housing, would be acceptable in terms of traffic safety and would not injure the existing residential amenities of properties in the vicinity of the site.

## SECOND SCHEDULE

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 18<sup>th</sup> day of December 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The proposed development shall be amended as follows:
  - (a) The proposed dormer windows – 1 to the front and one to the rear – shall be omitted and replaced with velux/roof windows.
  - (b) The proposed rear return shall be reduced in length by 1.5m across the full width so as not to extend past the rear wall of

the adjacent house to the north (not including the elevated deck area).

- (c) The rear two storey return shall be reduced to single storey.
- (d) The finished floor level of the proposed house shall be reduced by 300mm at the front (from 99.67 to 99.37m) and 500mm at the rear (from 99.13 to 98.63m).

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. No permission is granted for the 'Shed and Fuel Store' to the rear (west) of the site.

**Reason:** In the interests of residential amenity and the proper planning and sustainable development of the area.

- 4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

**Reason:** In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling.

- 5. The proposed fence along the southern boundary of the site shall be erected so as not to interfere with the existing hedge boundary. The fence shall be located so as to ensure the continued protection and maintenance of the hedge.

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

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

7. 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.

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A. Considine  
**Planning Inspector**  
**01/06/2016**