

An Bord Pleanála



Inspector's Report

Appeal Reference No: PI.04.246721

Development: Retention of attic conversion for storage use and retention of dormer window to rear of dwelling.

Location: 5 Ringcurran Grove, Ardbrack, Kinsale, Co. Cork.

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 16/4668

Applicant: Steve Paget & Alana Conroy

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Patrick J. Pyne

Type of Appeal: Third Party v Permission

Observers: None

Date of Site Inspection: 23/08/2016

Inspector: A. Considine

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located within a residential area in the Ardbrack area of the town of Kinsale, approximately 1.5km to the east of the town. The proposed development site extends to a stated 0.038ha.
- 1.2 The site is located within the Ringcurran residential estate, which comprises 41 no. detached, single and two storey dwellings. The subject site is bound by a single storey house to the east and a two storey house to the east.
- 1.3 The existing house on the site is a two storey detached house with a gabled roof, and rectangular in shape. The existing house on the site has a stated floor area of 132.94m². The roof space of the dwelling has been converted with a box dormer window constructed to the rear (south) elevation and has a stated floor area of 23.48m².
- 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

- 2.1 Permission is sought for the retention Retention of attic conversion for storage use and retention of dormer window to rear of dwelling all at 5 Ringcurran Grove, Ardbrack, Kinsale, Co. Cork.

3.0 PLANNING HISTORY

There is no planning history associated with the subject site. There is a recent ABP decision which relates to another house within the estate for a similar type development as follows:

ABP PL04.246481 (PA ref. 16/4230): Permission was sought for the retention of attic conversion for storage use including dormer window and 2 no. raised rooflights to rear of dwelling house and

permission to install two no. velux windows to the front elevation of dwelling house all at 13 Ringcurran Grove, Ardbrack, Kinsale, Co. Cork. The Board issued a split decision, granting permission for the retention of the conversion of the attic for storage purposes and two no velux windows to the front elevation of dwelling house and refusing permission for the retention of dormer window and two no. raised rooflights to the rear of the dwelling house.

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 Bandon Electoral Area Local Area Plan, 2011 and the County Development Plan, 2014 and considered that in principle, the proposed development is in accordance with the zoning objective afforded to the site. The key issues noted relate to the impact of the proposed development in terms of overlooking of the adjacent properties. The report concludes that the issue of overlooking is not serious or significant. It is recommended that permission be granted of the proposed development.

4.1.2 There is 1 no. third party objection noted on the planning file. The issues raised are summarised as follows:

- Impact on residential amenity by reason of overlooking due to the dormer window.
- Planning history of the residential estate referred to.
- Questions the use of the attic space for storage purposes only.
- Description of the development is questioned as the area to be retained is to be used as an office.
- Impact of the dormer window on the external appearance of the house.
- Impact on visual and residential amenity.
- A velux window may be acceptable.
- Concerns that a grant of permission would set a precedent.

4.1.3 In terms of technical reports the following is relevant:

Internal:

Area Engineer: No objection

External:

Irish Water: No objection

4.2 Planning Authority Decision

The PA decided to grant planning permission for the proposed development without 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 in the course of the Planning Authorities assessment of the proposed development and are summarised as follows:

- Overlooking, overbearing, imposing characteristics and subsequent loss of residential amenity.
- Inconsistency with surrounding development.
- Alteration of the appearance of the application site.
- Excessive in proportion comparative to its relationship to the host structure.
- Detracting from neighbouring properties.
- Injury to visual and residential amenities.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

None.

6.2 Observations on grounds of appeal

There are no observers noted in relation to this appeal.

7.0 POLICY CONTEXT

7.1 The site is within the 'existing built up area' zoning for the Kinsale Environs in the Bandon Electoral Area LAP 2015.

7.2 The County Development Plan does not have any specific reference to domestic extensions.

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 and Visual Amenity Issues
- Appropriate Assessment

Principle of the development:

8.2 The proposed development seeks to convert an attic in an existing house for storage purposes. In principle, the development can be considered acceptable. I do have concerns in relation to the overall design and scale of the dormer window, also the subject of a retention permission. In this regard, I would note that the Cork County Development Plan, 2014, does not provide any significant guidance with regard to residential extensions, nor does the Bandon Electoral Area Local Area Plan, 2011. However, the principles of proper planning and sustainable development apply and key issues relate to residential and visual amenity.

Residential and Visual Amenity Issues:

- 8.3 The dormer window, as constructed might not be considered excessive in terms of its scale, but I am not satisfied that it is appropriate to the house. In terms of the intended stated use of the attic, I am also unclear as to why it needs to be the size proposed. Having regard to the nature and scale of the window, together with its overall design, I consider that it represents a significant visual intrusion and would be visually dominant in views to and from the site. In addition, I consider that if permitted, the dormer window would be out of character with the pattern of development in the immediate vicinity.
- 8.4 Further to the above, the Board will note that there is an element of overlooking from the existing house of adjoining property. This overlooking is facilitated due to the existing site levels and the appellants property is particularly vulnerable in terms of the subject site. The dormer window facilitates clear and direct overlooking of the appellants property and private amenity space and as such, I would consider that if permitted, the retention of the dormer window would result in overlooking and loss of privacy.
- 8.5 It is my opinion that should planning permission be granted for the retention of the box dormer window, it would set an undesirable precedent for similarly scaled and inappropriately designed attic conversion development. The Board will note its recent decision in relation to a similar, albeit slightly larger dormer window at number 13 Ringcurran, whereby permission was refused for the dormer window for the following reason:

It is considered that, by reason of its size and design, the dormer window to be retained would materially alter the roof of the existing dwelling, would be at variance with the established pattern of development in the area and would be visually incongruous. Furthermore, the proposed development would seriously injure the amenities of the adjoining property, by reason of overlooking and loss of privacy, and would set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In my opinion the retention of the subject proposed box dormer window would detract from the character of the established residential area to such a degree as to render it inappropriate. I consider that the precedent issue has been considered by the Board as above, and therefore, the current proposal should be refused also.

Appropriate Assessment:

- 8.6 Having regard to the nature and scale of the proposed development, being an attic conversion of an existing kitchen to the rear of a house, and the nature of the receiving environment, being a suburban residential site, and its proximity to the nearest European 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 principle of the proposed development, being the retention of an attic conversion in an existing dwelling house, is acceptable in principle and, if permitted, would accord with the requirements of the relevant Cork County Council policy documents.

9.2 Recommendation:

I have raised concerns in terms of the impacts associated with the dormer window, also the subject of retention permission. Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that a split decision be issued. I recommend that permission be **granted** for the retention of the attic conversion for storage use and that permission be **refused** for the retention of the dormer window.

REASONS AND CONSIDERATIONS (1)

Having regard to the nature and extent of the development, being the retention of attic conversion, it is considered that the proposed development, subject to the compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 24th day of March 2016 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 converted attic space shall not be used for habitable purposes.

Reason: In the interest of clarity

REASONS AND CONSIDERATIONS (2)

It is considered that, by reason of its size and design, the dormer window to be retained would materially alter the roof of the existing dwelling, would be at variance with the established pattern of development in the area and would be visually incongruous. Furthermore, the proposed development would seriously injure the amenities of adjoining property, by reason of overlooking and loss of privacy, and would set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
30/08/2016