

An Bord Pleanála



Inspector's Report

Appeal Reference No: PI.28.246751

Development: Construction a first floor extension over existing kitchen to rear of dwelling house and alterations to existing dwelling house.

Location: 'Aravale', 39 Derrynane Road, Turners Cross, Cork.

Planning Application

Planning Authority: Cork City Council

Planning Authority Reg. Ref.: 16/36776

Applicant: Pat & Mary O'Neill

Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Pat & Mary O'Neill

Type of Appeal: First Party v Refusal

Observers: None

Date of Site Inspection: 22/08/2016

Inspector: A. Considine

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located within a residential area in the suburban area of Turners Cross, located to the south of Cork City. The proposed development site extends to a stated 0.029ha.
- 1.2 The site is located on Derrynane Road which is a mature residential area which is accessed from the Curragh Road to the east and Upper Connolly Road to the west. 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 on either side by single storey houses and has an attached garage with the house to the east.
- 1.3 The existing house on the site is a single storey detached house with a hipped roof, and almost square in shape, with an existing single storey rear return. The existing house on the site has a stated floor area of 97m². This existing house also has an attached garage located to the east of the house.
- 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 construction a first floor extension over existing kitchen to rear of dwelling house and alterations to existing dwelling house all at 'Aravale', 39 Derrynane Road, Turners Cross, Cork.
- 2.2 The proposed extension will provide a double bedroom and bathroom which will be accessed via a new stairs to be located within the house.

3.0 PLANNING HISTORY

There is no planning history associated with the subject site. The adjacent site, No 37 Derrynane Road, received planning permission for a vehicular access, TP07/32187 refers.

Permission was also granted, subject to conditions, to retain the kitchen and utility extension at the rear of house at No. 33 Derrynane Road, Turners Cross, TP04/28205 refers.

Under TP98/21948, permission was granted for first floor extension to dwelling at No.35 Derrynane Road, Turners Cross, Cork. The Board should note that a recommendation to refuse permission was prepared by the Area Planner for the following reason:

1. Having regard to the height of the structure, its size and the location of the structure in relation to adjoining properties, it is considered that the proposed development would seriously injure the amenity of those properties by reason of overshadowing, overlooking and visual intrusion. The proposed development would, therefore, be contrary to the proper planning and development of the area.

It appears that revised drawings were submitted a further report notes that minor modifications were made. The report concludes as follows:

‘A visit to No. 33 indicated less of an impact than might have been the case if the rear extensions of No. 33 did not take up most of the rear land. No. 37 is at a higher level.

On balance the proposed development is considered acceptable.

Permission is recommended subject to conditions.’

Permission was granted subject to 5 standard conditions.

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 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 on the character of the dwelling and on residential and visual amenities, including issues relating to overlooking and overshadowing. The Planning Authority initially sought further information in relation to 5 issues including the following:

- Detailed site layout plans
- Spot levels to be shown.
- Design of roof may adversely affect neighbouring property. Alternative to be considered.
- Overshadowing concerns.
- Re-advertising.

Following receipt of the response to further information, the Planning Authority considered that the proposed development would result in overshadowing and overlooking and that permission should be refused.

4.1.2 There are no third party objections noted on the planning file.

4.1.3 In terms of technical reports the following is relevant:

Internal:

Drainage Section: No objection subject to conditions

External:

Irish Water: No objection subject to conditions

4.2 Planning Authority Decision

The PA decided to refuse permission for the proposed development for the following stated reason:

The proposed development, by reason of its location, layout and design, would result in overlooking and overshadowing of the neighbouring property, would impact on its privacy and would detract from the visual amenity of the area. The foregoing would injure the amenities and depreciate the value of property in the vicinity, would prejudice development of the adjoining property, which would be contrary to the proper planning and sustainable development of the area.

5.0 GROUNDS OF APPEAL

This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed extension. The grounds of appeal summarised as follows:

- The extension faces directly south and will be largely invisible to the general public.
- Notes that the FFLs of house to the east is 0.8m below the subject site, while the house to the west is 0.3m above.
- Questions the issue of overshadowing and overlooking and quotes Dublin City Council House Extension Design Guide.
- The height of the extension is 6.4m and is a distance of 5.7m from the site boundary. There is no realistic overbearing impact on adjacent properties.
- Sun Path Diagram enclosed.
- There will be no overshadowing or overlooking.
- There were no objections to the proposed development.
- The development will not have significant effects on the environment and would not have a detrimental effect on the surrounding properties.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The PA submitted a letter advising no further comments.

6.2 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 Part D deals with Alterations to Existing Dwellings, Section 16.72 dealing with extensions and states as follows:

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;
- 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 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 first floor extension to the rear of an existing house within an established residential area. 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 Chapter 16 of the City Plan deals with Development Management while Part D deals with Alterations to Existing Dwellings. Paragraph 16.72 is considered relevant in this instance. The Plan requires the PA to have regard to a number of criteria in assessing proposals for residential extensions and provides that 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. In addition, the Plan requires that extensions should:

- Follow the pattern of the existing building as much as possible;
The proposed extension will be located at first floor level. The existing single storey house has a half hipped roof with a rear return which has a hipped roof. The proposed development will see this roof raised and amended to a mansard roof style. The houses on either side of the subject site also comprise single storey dwellings, both of which have rear returns, both of different styles. There is only one other two storey rear extension noted along this section of Derrynane Road, to the east of the subject site and to the rear of a two storey semi-detached house.
The rear extension will not be widely visible from the surrounding public roads, but will be visible from the rear gardens of a number of houses located to the south, east and west of the site. The site is somewhat restricted in terms of its size to facilitate an extension at ground floor level. Given the proposed roof design, it may be considered that the proposed development will not follow the pattern of the existing building.
- Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it;
I note the intentions to use materials to match those of the existing house.

- 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;
In terms of the proposed introduction of a mansard roof style into this residential area of Cork City, I note the requirements of the City Development Plan and in particular, the necessity for the roof to be compatible with the existing roof form and character. While the proposed mansard roof will not be widely visible from the public roads in the vicinity of the site, it will be visible at certain points. The City Development Plan is silent in terms of mansard roofs. The question to be considered therefore, is whether or not the proposed mansard roof is compatible with the existing roof form and character?

In order to achieve the necessary head height within the proposed extension, the proposed roof style will facilitate the required 2.4 head height. I note that the PA did not object directly to the mansard roof, rather raised concerns in terms of potential overlooking. Indeed, from the side views, the proposed roof may look like a traditional roof, while the mansard style will be visible from the rear gardens of houses to the south. In principle I have no objection to the proposed roof design.

- 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;
Not applicable in this instance.
- Traditional style dormers should provide the design basis for new dormers;
Not applicable in this instance.

- 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;
Not applicable in this instance.
- 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.

The Board will note that the planning authority has raised concerns in terms of the potential impact of the proposed development on the residential amenities of the adjacent property to the east. In particular, there is concern that the development, if permitted will result in overlooking and overshadowing of the adjacent property. The neighbours have not objected to the proposed development. The existing site boundaries, at ground level, provides privacy for all of the adjoining properties. The appellant has submitted photographs showing the potential for overlooking from the proposed extension over the properties to the east. Given that the adjacent house has a rear extension, there is no real impact in terms of overlooking into the private rear garden space.

Having regard to the scale of the proposed extension, together with the separation distance between the building and the site boundary, as well as the orientation and the existing ground floor extension on the neighbouring house, I am satisfied that there is no issue of overshadowing arising which would impact on the existing residential amenities. Overall, I am satisfied that there is no real issue of overlooking or overshadowing of the adjacent property arising.

Further to the above, the Board will note the appellant has indicated that there will be no windows on the southern elevation of the first floor extension. The floor plans submitted in support of the proposed development, drawing no 1175/E/2 dated February 5th 2016, shows a window on the southern wall. In the event of a grant of permission, this should be omitted by way of condition.

Overall, I am satisfied that the proposed development is acceptable in principle, and subject to conditions, accords with the requirements of the City Development Plan, 2015-2021 as it relates to residential extensions.

Other Issues:

- 8.4 The existing house is connected to existing public water services. The Board will note no objection to the proposed development from internal departments of Cork City Council or Irish Water 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 not subject to the payment of a contribution in accordance with the Cork City Council Development Contribution Scheme 2013-2015, as the proposed development relates to an extension to a family home.

Appropriate Assessment:

- 8.5 Having regard to the nature and scale of the proposed development, being a first floor extension over 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 proposed development of a residential extension on the site is acceptable in principle and, if permitted, would accord with the requirements of the Cork City Development Plan, 2015-2021.

I am further satisfied that the development, if permitted, will not have any significant negative impacts on the existing residential amenities of adjacent properties in terms of overlooking or

overshadowing, or on the overall character of this well-established residential area of Cork City.

9.2 Recommendation:

It is recommended that permission for the proposed development be **granted** for the following stated reasons and considerations and subject to the following conditions;

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 residential extensions, 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 29th day of February 2016, and further information submitted to the Planning Authority on the 1st day of April and the 4th day of May, 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 proposed development shall be amended as follows:
 - (a) The first floor window on the southern elevation as shown on the submitted floor plans shall be omitted.

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. 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.

4. 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.

A. Considine
Planning Inspector
28/08/2016