



An  
Bord  
Pleanála

## Inspector's Report PL28.246769

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<b>Development</b>	Demolition of out buildings and construction of a two storey rear extension at Laurelwood, Douglas Road, Cork City
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	16/36825
<b>Applicant(s)</b>	Stacey Paul
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to Conditions
<b>Appellant(s)</b>	Ken Brown & Lesley Stothers
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> October 2016
<b>Inspector</b>	Mary Crowley

## 1.0 SITE LOCATION AND DESCRIPTION

1.1 The appeal site with a stated area of 0.6 ha is located within the Cork suburb of Douglas, south east of the city centre. The appeal site is a mid-terrace two-storey house with a single storey annex and outhouse to the rear. The rear garden is long in length but narrow in width. The gradient of the rear garden falls from the rear elevation of the property. The garden boundary between the appeal site and the neighbouring property to the west (appeal site) is a hedgerow however further down the garden the no boundary between these properties is sporadic. There is no off street parking within the site. The immediate area is characterised by terraced dwellings of similar character and scale. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file.

## 2.0 PROPOSED DEVELOPMENT

2.1 Permission for the demolition of out buildings and the construction of a 2 storey rear extension and associated site works. The stated floor area of the existing house is 187.5 sqm. The gross floor area of proposed works is 66.7 sqm. The gross floor space of any demolition is 17.5 sqm.

## 3.0 TECHNICAL REPORTS

3.1 **Cork City Council Roads Department** has no objection to the scheme subject to any future gates/doors being recessed and/or be incapable of opening outwards, steps and access ramps being recessed or contained within the curtilage of the proposed development and that surface water from the site shall not run across public footpath (or road). **Cork City Council Drainage Department** has no objections subject to conditions relating to drainage, foul water, CCTV survey, storm run-off and soakaways.

3.3 **Cork City Council Conservation Officer** has no objection to the proposed extension. Reference is made to the objection on file where the officer notes that the extension is unlikely to have a major impact on No. 4 (appellant) in terms of loss of sunlight or amenity. It is recommended that a condition be attached requiring that the detailed design of the extension and of consequential works to the existing house be prepared and overseen during construction by a professionally qualified and registered architect.

3.2 **Irish Water** has no stated objection to the scheme.

3.3 The **Local Authority Planner** recommended that planning permission be **granted** subject to conditions. The notification of decision to grant planning permission issued by Cork City Council reflects this recommendation.

#### **4.0 OBJECTIONS / OBSERVATIONS TO THE PLANNING AUTHORITY**

4.1 There is one objection/observation recorded on the planning file from Ken Brown & Lesley Stothers, 4 Laurelwood, Douglas Road, Cork City (adjoining property to the west and also the appellant in this case). The issues raised are similar to those raised in the appeal below and relate to inaccurate drawings; loss of light; out of character with the area; materials; development contribution; loss of privacy; overshadowing; overbearing effect due to its location, proximity, height, scale and size; maintenance of boundary hedge and precedent.

#### **5.0 PLANNING AUTHORITY DECISION**

5.1 Cork City Council issued notification of decision to **GRANT** planning permission subject to 6 generally standard conditions.

#### **6.0 PLANNING HISTORY**

6.1 There is no evidence of any previous planning application or subsequent appeal on this site. However, there was an appeal for a similar development further east along Douglas Road that may be summarised as follows:

**PL28.244174 (Reg Ref 14/36043)** – Cork City Council granted permission for the demolition of an existing rear return and the erection of new part two-storey single storey extension to rear together with solar panels to rear pitched roof to main house at 4 Pinewood, Douglas Road, Cork. The decision was appealed by a third party. The Board granted permission subject to 5 conditions including the requirement to omit the first floor extension in the interest of residential amenity.

#### **7.0 POLICY CONTEXT**

7.1 The operative plan for the area is the **Cork County Council 2015-2021**. Map 7 South Central Suburbs identifies the within an area zoned **Residential, Local Services and Institutional Uses** as well as being within an area designated an **Architectural Conservation Area**. Development Management policies are set out in Chapter 16; **Part D** deals with **Alterations to Existing Dwellings**.

#### **8.0 GROUNDS OF APPEAL**

8.1 The **third party** appeal has been prepared and submitted by Ken Brown & Lesley Stothers, 4 Laurelwood, Douglas Road, Cork City (adjoining property to the west). The issues raised may be summarised as follows:

- 8.2 **Sunlight & Daylight Issues** – The scheme will have a significant and adverse impact on residential amenity, specifically on the light available for the appellants long-established conservatory and garden seating area/amenity space.
- 8.3 **Privacy** - The proposal will have an adverse effect on the appellant’s privacy. The extension is designed to maintain the ground floor level of the house. Submitted that anyone sitting or standing on the proposed decking will be above the height of the boundary hedge, and so will be directly overlooking the appellants garden. Concern also raised that the flat roof, with the parapet wall, would also serve as a first floor patio causing overlooking and a loss of privacy
- 8.4 **Size, Scale and Position** - The mass and bulk of the building and its location adjoining the boundary hedge will create an overbearing and adverse effect on the appellants’ property. Laurelwood Terrace is located with an Architectural Conservation Area. The extension is out of keeping with the style of the terrace, and stretches out for 11 metres beyond the house.
- 8.5 **Observations on the Proposal** – Also submitted that the application for planning permission (16/36825) has a number of errors.
- the proposal claims that the property is not located in an architectural conservation area;
  - the proposal claims that the proposers are not aware of any valid planning applications previously made for that structure;
  - the proposal gives no indication of the existence of the appellants kitchen or conservatory;
  - the proposal drawings underestimate the gap between the hedge height and the one-storey element height (SP1508A);
  - the proposal drawing (SP1508A, West Elevation) show the existing boundary wall to be above the height of the one-storey element instead of below it;
  - the proposal drawing (SP1508A) shows a brick finish on the one-storey element, but the key to the drawing shows two different finishes, neither of which are brick;
  - the figures for floor space on page 15 of the proposal are inconsistent.

Further, the proposal states that there was no pre-application consultation, which contradicts the Cork City Planner’s Report on this proposal.

- 8.6 Submitted that the change in the one-storey element from that previous proposal does not reduce the impact on the appellants’ conservatory. The new proposal **increases** the adverse impact on sunlight in the appellant’s conservatory.

## 9.0 **RESPONSE OF THE PLANNING AUTHORITY TO THE APPEAL**

- 9.1 Cork City Council advise that it has no further comments to make.

## **10.0 OBSERVATIONS**

10.1 None recorded on the appeal file.

## **11.0 FIRST PARTY RESPONSE TO THE APPEAL**

11.1 The first party response to the appeal has been prepared and submitted by Wilson Architecture on behalf of the applicant and may be summarised as follows:

11.2 Acknowledges the omission in the planning application that the site is within an ACA.

11.3 Also acknowledges the concerns of the appellants with regard to levels around the proposed rear balcony and loss of amenity. Revised sketches submitted include improving this issue to an acceptable level. The earlier “withdrawn” step level application referred to in the appeal is also included.

## **12.0 SECTION 131 RESPONSES**

12.1 The First Party response to the appeal was cross circulated to relevant parties. The following submissions were received as summarised:

12.2 Cork City Council advise that it has no further comments to make.

12.3 The response from the appellant (third party) set out the following as summarised:

- Stated that in the Registered Post-delivery from An Bord Pleanála inviting the appellant to comment, there was no submission enclosed. The appellant “found” a submission from Wilson Architecture dated 19<sup>th</sup> July, on the Cork City Council Planning site and was confirmed this verbally, by telephone, with An Bord Pleanála on 22/08/2016. Appellants commented on same. Stated that *if this was the wrong submission, or if there are any other submissions that should have been enclosed, then we request their delivery and additional time to comment on them.*
- The submission makes no attempt to justify the overshadowing of the appellant’s conservatory and seating area nor the loss of light and amenity.
- The proposed revision to the plan erects a new side wall on the decking but does not block the viewing platform and decking area above the height of the hedge 11 metres out from the original backline of both houses.
- The submission includes drawings from the earlier withdrawn application (15/36563). Noted that the current application claimed that the agent was not aware of any previous valid planning applications for this property.

- The submission apologises for the claim in the application that the building was not in an Architectural Conservation Area, but does not make any reference to the other misrepresentations.
- Concerned by the sequence of incorrect statements and contradictions, and apparent undocumented meetings, in a planning process which has led to approval of this development.
- The submission has done nothing to reduce the concerns raise

### **13.0 ASSESSMENT**

31 Concerns raised regarding inadequacies and contradictions in the planning application together with undocumented meetings are noted. However, it is not for An Bord Pleanála in this instance to determine whether the application was in breach of the Planning and Development Regulations. Nonetheless I would make the comment that together with my site visit I am satisfied that there is adequate information available on the appeal file to consider the issues raised in the appeal and to determine this application. I would also point out for the purpose of clarity that the development proposed is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application.

13.2 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Residential Amenity
- Other Issues

### **14.0 PRINCIPLE / POLICY CONSIDERATIONS**

14.1 Under the provisions of the Cork City Development Plan 2015-2021 the appeal site is zoned Residential, Local Services and Institutional Uses as well as being within an area designated an Architectural Conservation Area. Having regard to the nature of the development (residential extension) I am satisfied the principle of altering and

extending an existing residential dwelling at this location to be acceptable subject to compliance, with the relevant policies, standards and requirements set out in development plan.

## **15.0 RESIDENTIAL AMENITY**

- 15.1 in my view the pertinent issue in the assessment of this scheme is the impact of the proposal on the amenities of adjoining properties and in particular that of No 4 Laurelwood, Douglas Road, the appellant's property that adjoins the appeal site to the west.
- 15.2 It is accepted, based on the information provided on file that the proposal complies with the quantitative guidelines set out in the current Development Plan. However, adhering to these standards alone should not be used to justify departures from the prevailing spatial structures of the surroundings or to generate and justify a building form. In addition to reconciling the need to meet the requirements of the applicant, with the desire to maximise accommodation, any extension or alterations at this location within an Architectural Conservation Area should maintain the visual amenities and architectural character of the parent building and wider area without compromising the residential amenities of adjoining properties in terms of privacy and access to daylight and sunlight.
- 15.3 With regard to the general design of the proposed extension I would make the comment that notwithstanding the overall scale of the proposed scheme I am not critical of the architectural style applied in this instance. Within established architectural conservation areas such as this there is always opportunity to encourage high quality, innovative, modern design that contrasts with the existing building. I consider this contemporary extension is architecturally compatible with the original house and its surrounding area by reason of design and scale and would not detract from the integrity of the original building or character of the area. In conclusion, therefore, I consider that the proposed development will not seriously injure the visual amenities or character of this Architectural Conservation Area.

- 15.4 It is accepted that overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. Where there is potential for overshadowing or loss of daylighting it is reasonable that such applications be supported by the methods of daylighting and sun lighting assessment set out in the BRE Report "Site Layout Planning" demonstrating both before and after circumstances. The application is silent in this regard. Further people expect good natural lighting in their homes. I consider that the height of the flanking wall facing No 4 Laurelwood (as amended in plans submitted to An Bord Pleanála 21<sup>st</sup> July 2016) would if permitted, form an unduly overbearing and dominant element when viewed from this adjoining property and would also diminish existing daylighting standards. I note that the extension to the rear of No 4 Laurelwood has substantial glazing however I do not consider that this of itself justifies a loss of daylight by reason of the scale of the development proposed.
- 15.5 It is also noted that in response to the typography of the appeal site the proposed scheme involves the formation of a new decking area at a substantial height above ground level. In terms of overlooking I consider that balconies and raised decking should be treated in the same way as windows in terms of privacy and should not permit overlooking of neighbouring property. I am concerned that proposals to ensure adequate privacy to both the applicant and adjoining properties (amended plans submitted to An Bord Pleanála 21<sup>st</sup> July 2016 refers) where the applicant is proposing a new "fin wall" on the western boundary of the balcony / decking area only will lead to further significant over shadowing of a larger portion of the private amenity area associated with the adjoining property. This would be unacceptable and reinforces the inappropriate scale of the proposed scheme at this location.
- 15.6 Having regard to the scale and length of the proposed extension it is my view that to permit the proposed development (as amended) would be injurious to the residential amenities of adjoining properties by reason of overshadowing, loss of daylight and visual dominance of the flank wall. Refusal is recommended.
- 15.7 Regarding the potential use of any flat roofed / balcony areas as amenity space I am satisfied that this matter can be satisfactorily dealt with by means of a suitably worded condition.

## 16.0 OTHER ISSUES

- 16.1 **Appropriate Assessment** – I refer to the report of the Senor Executive Engineer, Cork City Council Drainage Division. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site (Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)), 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.

- 16.2 **Development Contributions** – Cork City Council has adopted a Development Contribution scheme under **Section 48** of the Planning and Development Act 2000 (as amended) and is in place since 14<sup>th</sup> October 2013. There is an exemption in respect of extensions to the family home as set out in Section 1.7 Exemptions and Reduction *where the applicant has confirmed in the Supplementary Planning Application form that the residence and proposed extension are the family home* (Table 5 refers). The applicant has indicated that this application is in respect of an extension to the family home. Therefore, the Section 48 scheme is not applicable in this case
- 16.3 In relation to the **Section 49** Supplementary Development Contribution Schemes (re-opening of an operation of suburban rail services on the Cork to Middleton line; provision of new rail services between Blarney and Cork and the upgrading of rolling stock and frequency on the Cobh rail line as demand increases) it is noted that the subject site is located outside the catchment area of these projects (1km corridor) and therefore the Section 49 scheme is not applicable in this case.
- 16.4 **Construction Impact** - With regard to impacts to the structural integrity of the adjoining property as result of the development proximity to neighbouring dwellings and boundaries I would add that this an engineering issue and is not a planning issue in this instance whereby it falls to the applicant to ensure that there is no damage or deterioration to adjoining properties. However, should the Board be minded to grant permission it may be appropriate to adopt a precautionary approach in this regard whereby a suitably worded condition is attached requesting details of the intended method of construction to be submitted and agreed in writing prior to commencement of work on the site.

## **17.0 RECOMMENDATION**

17.1 There is no objection to the principle of further extending the existing dwelling to meet the changing needs and requirements of the applicant. However, the scale of the design response where there is a requirement to respect the residential amenities of adjoining properties has not been adequately resolved in this instance. Accordingly, refusal is recommended for the reason and consideration set out below.

## **18.0 REASONS AND CONSIDERATIONS**

1. Having regard to the excessive scale and length of the proposed extension it is considered that to permit the proposed development would be injurious to the residential amenities of adjoining properties by reason of overshadowing, loss of daylight and visual dominance of the flank walls to properties neighbouring the appeal site and as such would therefore be contrary to the provisions of the Development Plan and the proper planning and sustainable development of the area and.

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**Mary Crowley**  
**Senior Planning Inspector**  
**14<sup>th</sup> October 2016**

*Report ends MC*