



An  
Bord  
Pleanála

## Inspector's Report

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<b>Development</b>	Replace flat roof with slated pitched roof incorporating high level glazing and roof lights, first floor balcony to front, new windows to existing openings at The Hideaway, East End off Chapel Lane, Townlands, Rosscarbery, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/221
<b>Applicants</b>	Patrick & Catherine Cronin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Appellants</b>	Frances & Vincent O'Regan
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Observer(s)</b>	None
<b>Inspector</b>	Pauline Fitzpatrick
<b>Date of Site Inspection</b>	02/09/16

## 1.0 SITE LOCATION AND DESCRIPTION

- 1.1. The site, which has a stated area of 0.0062 hectares, is accessed via a cul-de-sac lane off Chapel Lane in the centre of Rosscarbery. In addition to providing access to the appeal site the lane also provides rear access to houses on Church Street, Chapel Lane and The Square. The site originally formed part of the rear garden of a dwelling that fronts onto The Square. A narrow passage allowing pedestrian access to the said dwelling from the lane has been retained.
- 1.2. There is a narrow, two storey, flat roofed dwelling on the site which has been built on the shared boundary with the property to the south with windows in its elevation opening directly onto the rear garden of the latter. It is served by a small front area which is used for parking purposes.

## 2.0 PROPOSED DEVELOPMENT

- 2.1. The application was lodged with the Planning Authority on the **13/01/16** with unsolicited information submitted **17/05/16** in response to the objections received. Further plans and details were submitted **27/05/16** following a further information request dated 23/05/16.
- 2.2. As amended, the proposal entails alterations to the existing dwelling comprising:-
- Replacement of flat roof with pitch roof with high level glazing and 4 roof lights.
  - Balcony to front elevation with timber louvre screens to sides
  - New windows to replace existing throughout. The applicant is agreeable to a condition requiring all window replacements to be inward opening only.

### 3.0 **PLANNING AUTHORITY DECISION**

#### 3.1. **Decision**

The PA decided to grant permission for the above described development subject to 4 conditions including:

Condition 2: Replacement windows as shown on drawings received 27/05/16 to be inward opening with opaque glass to be used in the southern and rear elevation. No other windows shall be inserted without written agreement of PA.

Condition 3: 1<sup>st</sup> floor balcony not to be used until two louvre screens have been installed.

#### 3.2. **Planning Authority Reports**

The **1<sup>st</sup> Executive Planner's** report dated **20/05/16** states that the site has a chequered planning history. Windows opening onto the neighbouring land, issues of maintenance and blocking of access points along the lane are noted but these are civil matters. The lane is not a public road. The aesthetics of the existing dwelling is box like and poor. The new pitched roof and front elevation introduce an element of interest and a feature that would not look out of context in this area. A traditional 37 degree pitch raises the roof height by c.1.40 metres. The PA is satisfied that the development conserves and enhances the ACA. The three windows on the southern elevation and window in the rear elevation are fitted with opaque glass and they would remain irrespective of whether permission is granted or not. Providing the status quo is maintained ie. opaque glass which can be conditioned, overlooking and loss of privacy would not arise. The high level windows to the rear is to facilitate improved light and would not give rise to overlooking. Confirmation is required as to use of opaque glass in the window openings in the northern elevation. The balcony faces onto the lane. The screening to the south-side should be replicated on the north. A request for further information on use of opaque glass, opening method in existing windows and screening to 1<sup>st</sup> floor balcony is recommended.

The **2<sup>nd</sup> report** dated **10/06/16** following FI considers the proposal to be acceptable and a grant of permission subject to conditions is recommended.

### **3.3. Other Technical Reports**

The **Area Engineer** in a report dated **21/04/16** has no objection subject to a condition.

**Irish Water** in a report dated **17/05/16** has no objection subject to conditions.

The report from the **Heritage Unit** dated **18/05/16** notes that the dwelling is located in an ACA. The existing structure is unsightly and the proposed changes would significantly improve the overall design quality and aesthetics of the building thereby enhancing the ACA. No objection to the proposal.

### **3.4. Third Party Observations**

Objections to the proposal received by the PA have been forwarded to the Board and are on file for its information. The issues raised are comparable to those in the **3<sup>rd</sup> Party** appeal summarised in section 6 below.

## **4.0 PLANNING HISTORY**

311/73 – permission granted for retention of structure

## **5.0 POLICY CONTEXT**

### **5.1. Skibbereen Electoral Area Local Area Plan, 2011**

The site is within the development boundary of Rosscarbery and is within the Architectural Conservation Area.

## 5.2. **Cork County Development Plan, 2015**

HE 4-5 – Conserve and enhance the special character of ACAs. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by:

- Protecting all buildings, structures, groups of structures, sites, landscape and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.
- Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.
- Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- Promoting high quality architectural design within ACAs.
- Protect structures from demolition, non-sympathetic alterations and the securing of appropriate infill developments.

## 6.0 **THE APPEAL**

### 6.1. **Grounds of Appeal**

The 3<sup>rd</sup> Party appeal, which includes a copy of their original submission to the PA, can be summarised as follows:

- The planning history on the site as facilitated by the PA has resulted in significant issues arising. Details of the said history dating to 1973 are provided.
- The works will further encroach on their privacy with overlooking arising from the glazing at both gable ends and the skylights, as living quarters are now proposed at 1<sup>st</sup> floor level.
- The balcony will also encroach on their privacy.

- The new height will result in overshadowing of their property.
- The permission granted for tilt/turn windows is of great concern. The new windows will have larger openings on frames which will allow full access to their property.
- The enlarged area of glazing at 1<sup>st</sup> floor level is of concern. If permitted opaque glazing should be required to avoid unrestricted views into their property.

## 6.2. Planning Authority Response

The submission can be summarised as follows:

- The window openings are stated to be the same as those existing. The status quo will be retained. Condition 2 requires the use in perpetuity of opaque glass in the southern and rear elevation. The requirements as set out in the condition could be separated into two separate conditions.
- It would not be possible to directly view out the enlarged glazing area at 1<sup>st</sup> floor level as the bottom cill commences at around 2.25 metres above floor level.

## 6.3. Applicants' Responses

The submission by Hogan Architecture and Urban Design on behalf of the applicants can be summarised as follows:

- The windows have always opened outwards and access would always have been available. Trespass has never been and would not be an issue.
- The overall window sizes in the external walls remain unchanged. The opening arrangements were altered at the request of the PA following objections.
- No overlooking can occur from the high level roof glazing with the cill level being 2.5 metres above floor level. They are positioned and designed to

provide necessary daylight. The appellants' requirements to have them fitted with opaque glazing is unnecessary.

- The proposed alterations are considered appropriate and would not detract from the ACA.

#### 6.4. **Observations**

None

#### 6.5. **Section 131 Notices**

The Department of Arts, Heritage and the Gaeltacht was invited to make a submission. No response received.

### 7.0 **ASSESSMENT**

I consider that the substantive issue arising is the impact the proposed works would have on the amenities of adjoining property and their suitability within the ACA.

The dwelling to which the appeal refers and its relationship to adjoining property is somewhat unusual. As is evident from the maps for the area the site originally formed part of the rear garden of the two storey dwelling that fronts onto The Square with the structure as constructed securing retention permission in 1973 under ref. 311/73. It is a small, flat roofed, two storey structure with a small front parking area and, as a consequence of its position on the shared boundary with the appellants' property has windows in the southern elevation which effectively open out onto the latter's garden. The openings are fitted with opaque glazing. Nevertheless the privacy of the appellants' property is materially compromised by the arrangement with planting undertaken to limit the impact.

Notwithstanding I submit that the proposed works in terms of impact on the amenities of adjoining property must be assessed in the context of the current situation on the ground.

In my opinion the replacement of the flat roof with a pitch roof will assist in improving the appearance of the structure which would have a marginal, albeit positive, impact on the Architectural Conservation Area. The pitch will increase the height of the overall structure by 1.5 metres and this increase will have minimal, if any, impact on the amenities of adjoining property in terms of overshadowing over that already experienced. I note that the building is to the north/north-east of the appellants' property. The high level glazing proposed to improve lighting into the dwelling will not give rise to overlooking due to the fact that the bottom cill will be 2.5 metres from the floor level. I would therefore concur with the agent for the applicant that the installation of obscure glazing is not necessary. The roof lights would also not give rise to overlooking

The windows in the dwelling are to be replaced with the size of the openings not being altered. Tilt and turn window design is proposed with the applicants amenable to a condition restricting the replacements to be inward opening only. The existing windows open outwards.

The windows in the southern elevation are to be fitted with opaque glazing as is the existing situation. As such the status quo is being retained. The existing 1<sup>st</sup> floor window to the rear (west) elevation currently has clear glazing. By way of condition 2 attached to the PA's decision opaque glazing is required. I note that the applicants have not objected/appealed this condition. To assist in the protection of the amenities of adjoining property both to the west and south I consider such a requirement to be reasonable.

The dwelling does not have the benefit of any open space save that to the front of the dwelling which is used for parking. A 1<sup>st</sup> floor balcony to the front elevation is proposed with timber louvres to the sides. Such screens will prevent overlooking of adjoining property. Views from the balcony to the east are onto the lane and would not adversely affect any property to the other side of the lane.



I therefore consider that the proposed works to the dwelling are acceptable, would not have an adverse impact on the existing residential amenities of adjoining property nor the character of the Architectural Conservation Area.

#### *AA – Screening*

Having regard to the nature and scale of the development within the settlement of Rosscarbery, 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.

### **8.0 RECOMMENDATION**

- 8.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to the scale, nature and design of the proposed works to an existing house and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity by reason of overlooking or loss of privacy, would not detract from the Architectural Conservation Area, 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, as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of May, 2016, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity

2. Opaque glazing shall be installed in the 1<sup>st</sup> floor window opening on the rear (western) elevation. Clear glazing shall not be used.

**Reason:** In the interests of preserving the amenities of adjoining property.

3. All replacement windows shall be inward opening only.

**Reason:** In the interest of preserving the amenities of adjoining property.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**September, 2016**