



An  
Bord  
Pleanála

## Inspector's Report PL28.248040

<b>Development</b>	Retain omission of roof light and alterations to dormer window as permitted under reg ref:12/35348, removal of rear window and elevational material alterations
<b>Location</b>	43 Ballincurrig Park, Douglas Road, Cork City
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	16/37163
<b>Applicant(s)</b>	Deirdre Carwood & Edward Horan
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Deirdre Carwood & Edward Horan
<b>Observer(s)</b>	(1) Clare & Donal Spillane (2) Eileen O'Neill (3) Barry & Mary Hyland
<b>Date of Site Inspection</b>	11 <sup>th</sup> May 2017
<b>Inspector</b>	Mary Crowley

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	5
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicant Response .....	<b>Error! Bookmark not defined.</b>
6.3. Planning Authority Response.....	7
6.4. Observations .....	7
6.5. Further Responses.....	8
7.0 Assessment.....	8
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	12
10.0 Conditions .....	12

## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.04ha is located within Ballincurrig Park; a residential estate of predominantly two storey semi-detached dwellings screened by 2m high rendered walls, on the south side of Douglas Road and about 2kms southeast of Cork city centre. The appeal site dwelling is the southern half of a pair of semi-detached dwellings.
- 1.2. 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. This is an application for permission for retention of omission of roof light and alterations to dormer window as permitted under Planning Reference 12/35348, removal of rear window and associated elevational material alterations.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Cork City Council issued a **split decision** summarised as follows:

- **Grant** permission to retain the removal of the rear window and associated elevations material alterations subject to 2 no conditions summarised as follows:

(1) Retained in accordance with plans and particulars submitted 22<sup>nd</sup> November 2016.

(2) *Permission is granted for the retention of removal of rear window at first floor level and associated elevation changes at first floor level only. No permission for the retention of omission of roof lights and alterations to dormer window is permitted.*

- **Refuse** permission for retention of omission of roof light and alterations to dormer window as permitted under Reg Ref 12/35348 for the following reason

*The roof dormer development to be retained, by reason of its location and scale is entirely unsympathetic to the existing character of the area, is overbearing and has a negative impact upon the visual integrity of that existing established pattern of development and would seriously injure the visual amenities of the area, and is contrary to the proposed planning and sustainable development of the area.*

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

#### **3.2.1. Planning Reports**

3.2.2. The **Local Authority Planner** having considered the application recommended that planning permission be granted subject to conditions. The notification of decision to grant planning permission issued by Cork County Council reflects this recommendation.

#### **3.2.3. Other Technical Reports**

3.2.4. **Road Design** has no stated objections to the scheme.

### **3.3. Prescribed Bodies**

3.3.1. There are no reports from any prescribed bodies recorded on the planning file.

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

3.4.1. There are several observations recorded on the planning file from (1) Clare & Donal Spillane, (2) Brendan Rose, (3) Mary Manning, (4) Barry & Mary Hyland and (5) Eileen O'Neill. The issues raised are similar to those raised in the observations to the Board and relate to overlooking, loss of character, visual amenity, fire hazard, loss of privacy, devaluation of property values and loss of light.

3.4.2. Further noted that the applicant has attached the dormer extension to the central joint chimney of their semi-detached neighbour's house and that this has enabled the occupiers to place solar panels elsewhere on their roof in an area which attracts maximum sunlight but inhibits the erection of effective solar panels by their semi-detached neighbour due to the size and position of the dormer extension and the resulting overshadowing.

## 4.0 Planning History

4.1. There is no evidence of any previous appeal on this site. As set out above this is an application for permission for retention of omission of roof light and alterations to dormer window as permitted under Planning Reference 12/35348 which can be summarised as follows:

**Reg Ref 12/35348** – Cork City Council granted permission in 2012 for permission to demolish existing garage and permission to construct a new two storey extension to side, single storey extension to rear and 2 no roof lights and dormer window to rear of existing dwelling house at Knockadoon, Ballincurrig Park subject to 6 no conditions.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative plan for the area is the **Cork City Development Plan 2015 – 2021**. The site is zoned **ZO4 Residential, Local Services and Institutional** uses where the objective is to protect and provide for residential uses, local services, institutional uses and civic uses and having regard to employment policies outlined in Chapter 3. With regard to Residential Extensions paragraph 16.72 sets out 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.....:*

- *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;*

### 5.2. Natural Heritage Designations

5.2.1. The site is not located within any designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island

Channel cSAC (site code 001058) which are located to the north and east of the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The first party appeal has been prepared and submitted by CCL Chartered engineers on behalf of the applicant Deirdre Carwood & Edward Horan and may be summarised as follows
- 6.1.2. **Development History** - At the time of commencement of the development, it was intended to construct the development as was proposed and approved under Planning Reference 12/35348. During the construction stage of the property and following the removal of the roof covering of the building, it was discovered that the proposed construction was not possible to complete in accordance with Technical Guidance Document B & K of the Building Regulations. Due to the roof structure of the building having being altered and the roof covering removed, a reluctant decision was made by the applicant to increase the size of the dormer window in order to facilitate the completion of the development in accordance with the relevant building regulations and to prevent damage to the existing structure. The change was considered by applicant at the time to be a necessary and marginal deviation from the original planning permission for the dormer window.
- 6.1.3. **Development Visible from Public Areas** - Submitted that the permitted window would be as visible as the current window from public areas. Photomontages attached. The increase in size of the dormer does not result in any additional deviation from the development plan as that of the permitted dormer window.
- 6.1.4. **Development out of Character with Local Area** – The development is in fact very similar in style and scale to a number of dormer extensions in Ballincurrig Park and the surrounding area such as Rhodaville Estate, Woolhara Park, South Douglas Road and Douglas Road. Photomontages attached. The dormer window as constructed does not result in a significant change in visual impact to that of the permitted dormer window. Should An Bord Pleanála share the opinion of the negative visual impact of the development, it would be proposed to provide an

additional finish cladding to the external façade of the window in an effort to reduce the visual impact concerns. Photomontage of the alternative proposal attached.

- 6.1.5. **Scale of the Development (Overlooking & Overshadowing)** - The appeal was accompanied by a sun shadow study completed for both the permitted dormer window and the current dormer window indicating that the current dormer does not affect the overshadowing of the adjoining property any more than the permitted window from the viewpoint of the installation of solar panels.
- 6.1.6. Taking into account the urban location of the property, the development as constructed does not reduce the privacy or increase the overlooking of adjoining properties due to the fact that the bedroom window as permitted under Planning Reference 12/35348 is the only window which sightlines are possible from within the development. The additional window as constructed, is located within a stairwell and therefore does not provide any sightlines from the dwelling. Submitted that the removal of the permitted roof window at second floor level and the first floor window, results in an increase in the privacy to the adjoining and surrounding properties from the proposal as submitted under Planning Reference 12/35348.
- 6.1.7. **Note:** The appeal was accompanied by a letter from the applicants setting out that the reasoning why the works to which this application related were carried out in the first instance.

## 6.2. **Planning Authority Response**

- 6.2.1. There is no response recorded on the appeal file

## 6.3. **Observations**

- 6.3.1. There are three observations recorded on the appeal file from (1) Clare & Donal Spillane, (2) Eileen O'Neill and (3) Barry & Mary Hyland. The issues raised are similar and may be summarised as follows:
- Non-compliance with the Building Regulations is not an excuse to carry out unauthorised development works in breach of a permitted development
  - The position and size, scale and mass of the unauthorised development carried out i.e. the box dormer structure, could not be more insensitively

increased in size, re-positioned and relocated on the roof slope to cause any further diminution in the use, enjoyment and amenities of their home.

- Development is visible from public spaces.
- Development is out of scale and character with local area.
- Overshadowing & overlooking
- The dormer extension extends from the apex of the roof to almost gutter level and is attached to the central joint-chimney of the adjoining semi-detached neighbours house. The original approval was for a smaller dormer which was more centrally located away from the chimney.

#### 6.4. Further Responses

6.4.1. There are no further responses recorded on the appeal file.

### 7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application, the planning history pertaining to the site and to 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
- Amenity
- Development Contribution(s)
- Screening for Appropriate Assessment

#### 7.2. Principle / Policy Considerations

7.2.1. The applicant is seeking permission for the retention of omission of roof light and alterations to dormer window as permitted under Planning Reference 12/35348, removal of rear window and associated elevational material alterations.

7.2.2. The appeal site is wholly contained within an area zoned *ZO4 Residential, Local Services and Institutional* uses where the objective is to protect and provide for inter



alia residential uses and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. Accordingly, I am satisfied that the principle of the development to be retained to be acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

### 7.3. Amenity

- 7.3.1. In addition to reconciling the need to meet the requirements of the applicant to maximise accommodation any extension or alterations at this location should maintain the visual amenities, scale 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. Paragraph 16.72 Residential Extensions of the Development Plans sets out the following:

*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.....:*

*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*

- 7.3.2. Cork City Council issued a split decision granting permission to retain the removal of the rear window and associated elevations material alterations and refusing permission for the retention of omission of roof light and alterations to dormer window as permitted under Reg Ref 12/35348 by reason that *its location and scale is entirely unsympathetic to the existing character of the area, is overbearing and has a negative impact upon the visual integrity of the existing established pattern of development and would seriously injure the visual amenities of the area.* As pointed out by the Case Planner the dormer window element to be retained is in essence a doubling of the size of the permitted dormer window.
- 7.3.3. It is generally accepted that good planning and design practise requires extensions at roof level to be designed so as to be subordinate to the parent dwelling without

any obvious or detrimental impact to the area in terms of visual amenities. It was evident on day of site inspection that the rear dormer window was not visible from the Ballincurragh Park Estate but was clearly visible from Rhodaville Estate to the rear (refer to site photos taken on day of site inspection).

7.3.4. Overall, I am concerned that the scale and design of the scheme overwhelms and dominates the original form and appearance of the parent house, that the rear dormer has a significant negative impact on the character and visual amenities of this established residential area and the wider streetscape. The scale of the dormer to be retained does not in my view complement the established pattern of development in the area and creates a negative visual distraction when viewed in the context of adjoining buildings. As a result, the development appears highly incongruous in relation to the adjoining properties. Having regard to the scale and location of the proposed rear dormer I consider that the scheme forms an unduly overbearing and dominant element when viewed from the adjoining properties and surrounding areas. Refusal is recommended.

7.3.5. With regard to overlooking I agree with the applicant that the development as constructed does not allow for any significant additional views from the bedroom window and that the additional window as constructed, is located within a stairwell and does not provide any significant view from the dwelling as there is no floor directly adjacent to the window. I also note that the roof window as previously permitted was over the stairway in the general position of the additional dormer window. Taking into account the urban location of the property, the development as constructed does not in my view reduce the privacy or significantly increase the overlooking of adjoining properties. Further I am satisfied that the design, scale, form and positioning of the dormer to be retained will not result in any significant over shadowing of adjoining properties and that it will not result in any unreasonable loss of natural light or to neighbouring residential properties.

#### 7.4. **Development Contribution(s)**

7.4.1. **Section 48 Development Contribution** – 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 14th October 2013. No Section 48 Development Contribution condition was attached to the notification of

decision to grant permission issued by Cork County Council. According to the Case Planner no contributions apply for this application. I am satisfied that the Section 48 scheme is not applicable in this case

7.5. **Section 49 Supplementary Development Contribution** - 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.

#### 7.6. **Screening for Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development, the 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)), it is reasonable to conclude on the basis of the information available, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site. An appropriate assessment (and submission of a NIS) is not therefore required.

### 8.0 **Recommendation**

8.1. Having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** to retain the removal of the rear window and associated elevations material alterations and that permission be **REFUSED** for retention of omission of roof light and alterations to dormer window as permitted under Reg Ref 12/35348 for the reasons and considerations set out in Schedule 1 and 2 below.

## 9.0 **SCHEDULE 1 - GRANT permission to retain the removal of the rear window and associated elevations material alterations**

### 9.1. **Reasons and Considerations**

Having regard to the Residential Zoning Objective for the area as set out in the Cork City Development Plan 2015 – 2021 and the overall design and scale of the development to be retained, the location of the appeal site and the established pattern of development in the area it is considered that subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would therefore be generally in accordance with the proper planning and sustainable development of the area.

### 10.0 **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 22<sup>nd</sup> November 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Permission is hereby granted for the retention of removal of rear window at first floor level and associated elevation changes at first floor level only. No permission for the retention of omission of roof lights and alterations to dormer window is permitted.

**Reason:** In the interest of clarity

## **11.0 SCHEDULE 2 – REFUSE permission for retention of omission of roof light and alterations to dormer window as permitted under Reg Ref 12/35348**

### **11.1. Reasons and Considerations**

- 1) The roof dormer development to be retained, by reason of its location and scale is entirely unsympathetic to the existing character of the area, is overbearing and has a negative impact upon the visual integrity of the existing established pattern of development in the area and to permit its retention would seriously injure the visual amenities of the area, and is therefore contrary to the proper planning and sustainable development of the area.

---

**Mary Crowley**

**Senior Planning Inspector**

**18<sup>th</sup> May 2017**