



An
Bord
Pleanála

Inspector's Report PL28.248609

Development	Retention of roof finish on house.
Location	'Roundhouse, Foxwood, Gardiners Hill, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	17/37326.
Applicant(s)	Clodagh Ryan and Ken Walsh
Type of Application	Retention
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Clodagh Ryan and Ken Walsh.
Observer(s)	1. Kevin Higgins
Date of Site Inspection	11 th August 2017
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (0.8 ha) known as 'Foxwood' is located to the east of Gardiner's Hill road, within the north inner suburbs of Cork City. To the north it is bounded by Herbert Park Lawn and to the south by Adelaide Place; the latter is a Victorian terrace of Protected Structures. There is an existing vehicular access from the site onto Gardiner's Hill via Adelaide Place.
- 1.2. On the Gardiner's Hill frontage is a high stone wall; there are also significant trees and areas of vegetation along this boundary and within the site. The site reflects the fall on Gardiner's Hill and slopes down from the north to south, it is elevated well above Adelaide Terrace with clear views south across the city centre. There is substantial vegetation, including mature trees and shrubbery on the site, which create an attractive woodland landscape setting within the site.
- 1.3. Permission was granted on appeal for the construction of two detached dwellings and associated site works incl. the demolition of the existing house on the site known as 'Foxwood' Ref. TP 08/33319 / PL 28.231404.
- 1.4. Both dwellings have been constructed on the site. 'Roundhouse' is clad in timber with a standing seam roof in grey single ply with a central polycarbonate glazed roof light and two additional roof lights. The second dwelling located to the west of the site comprises a two storey wooden frame house, with timber finish. The dwelling is of full gable design with a pitched grey roof.

2.0 Proposed Development

- 2.1. The proposal comprises:
 - Retention of roof finish on house.

3.0 Planning Authority Decision

3.1. Decision

Retention Planning permission refused subject to one reason for refusal which states:

“The application site is located within a Landscape Preservation Zone where it is an objective ‘To preserve and enhance the special landscape and visual character of landscape preservation zones.’ Having regard to the planning history of the site, to the architectural integrity of the overall house design and its location within the Landscape Preservation Zone, it is considered that in visual terms the retention of the existing roof finish would not be architecturally appropriate. The development to be retained therefore would be contrary to objective 10.5 of the Cork City Development Plan 2015 – 2021 and would therefore not be in accordance with the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Senior Planners Report concurs with the report and recommendation of the AP and the SEP. The planning report concludes that retention of the roof finish as existing is not architecturally appropriate and that the green roof should be installed as per the details submitted under previous permission TP 08/33319

3.2.2. Other Technical Reports:

Drainage: No objection subject to conditions.

Roads (Planning): No objection subject to conditions

Irish Water: No objection

3.3. Prescribed Bodies

The file was referred by ABP to DAU Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, An Comhairle Ealaíon, An Taisce, The Heritage Council and Fáilte Ireland, no response was forthcoming / on file.

3.4. Third Party Observations

There is one number third party submission on the file. Concerns raised are similar to the concerns raised in the observation submitted, summarised in detail below.

4.0 Planning History

- 4.1. **TP 01/25060 / PL.28.126918** Planning Permission Granted by CCC for development consisting of 36 number residential units on this site in September 2001. Subsequently Permission Refused by ABP.
- 4.2. **TP 03/27455 / PL.28.205706** Permission **Refused** by CCC and ABP for demolition of existing dwelling and construction of 34 apartments in two number blocks and including ancillary works at Foxwood, Gardener's Hill, with vehicular access from Adelaide Place.
- 4.3. **TP 05/29220** Outline Permission Refused by CCC for demolition of existing dwelling and development of 7 number serviced sites.
- 4.4. **TP 05/30232 / PL28.216043** Outline Permission **Refused** by ABP for the demolition of existing dwelling and the development of 7 number serviced sites at Foxwood, Gardiner's Hill, to be accessed from within the curtilage of Protected Structures at Adelaide Place ref. no. PS 467 -475.
- 4.5. **TP08/33319 / PL28.231404** Permission **Granted** for the development of three storey Roundhouse, clad in timber, with a green roof on the eastern portion of the site and a second dwelling on the western side of the site, including the demolition of existing house on site known as Foxwood.
- 4.6. **TP10/34505** Retention Planning Permission **Granted** by CCC for revised roof material and minor alterations to site layout and elevational details of TP 08/33319. Condition No. Two states:
- 'Within 6 months of the date of grant of this permission a green sedum roof shall be installed over the existing standing seam roof, as per the details submitted by way of further information.'
- 4.7. **TP11/35096** Temporary retention permission sought for a 5-year period for the roof finish of file reg. ref. TP10/34505. Permission **Granted** by CCC for a 3-year period. Condition number two states:

‘Within 3 years of the date of grant of this permission a green sedum roof shall be installed over the existing standing seam roof, as per the details submitted under previous permission TP08/33319.’

4.8. Enforcement

4.8.1. The planners report sets out the following with respect to enforcement.

E7791 Current file for noncompliance with condition 2 of TP11/35096, see above for details.

E6991 Noncompliance with condition 1 of PL28.231404 (TP 08/33319) i.e. finish floor level and subsequent roof level has been raised by approximately 1.2m and the green roof not installed. Case lost on foot of grant of permission TP 11/35096

5.0 Policy Context

5.1.1. Development Plan

The site is governed by the policies and provisions contained in the Cork City Development Plan 2015-2021. The site is situated in the area Zoned ZO 12 Landscape Preservation Zone where it is an objective ‘To preserve and enhance the special landscape and visual character of landscape preservation zones. There will be a presumption against development within these zones, with development only open for consideration where it achieves the specific objectives set out in Chapter 10, Table 10.2.’

Chapter 10 of the City Plan refers to Landscape Preservation Zones.

Objective 10.5 Landscape Preservation Zones

Chapter 16 of the City Development Plan refers to Development Management.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- All other houses visible on the North East Ridge of Cork City Council have a grey roof finish similar to the current finish on Roundhouse
- No other new planning permission in the area has required a green roof finish. A recently completed wooden frame house on same site was not require a green roof finish.
- Given the garden of Roundhouse contains over 40 mature trees, it is submitted that the site contributes greatly to objective 10.5 of the Cork City Development Plan 2015 – 2021.
- Given the tree screening the house is not visible from the south west or south east. It is only visible from the south.
- The house is sunk into the landscape with only a small portion of the roof visible.
- The roof finish is in keeping with surrounding houses.
- Do not believe that the roof finish alters the architectural integrity of the house.
- Do not believe that the existing roof finish is not architecturally appropriate.
- Submit that the house and garden has enhanced the landscape and visual character of the landscape preservation zone.
- No good reason why the PA would insist on a roof finish on this house different to all other houses in the area.

Appeal accompanied with photographs and notification of decision to refuse planning permission Reg. Ref. 17/37326'

6.2. **Planning Authority Response**

- Response has been received, no additional comments forthcoming.

6.3. **Observation**

6.3.1. An observation was submitted by Kevin Higgins; it is summarised as follows:

- Foxwood is located in a Landscape Protection Zone.
- The retention of the as-built roof has been the subject of three planning applications (1034505, 1135096 & 1737326) each of which has been refused by CCC.
- The German made Bauder standing seam single ply membrane roof is not architecturally appropriate given the architectural integrity of the overall house design and the location of the site within a Landscape Preservation Zone.
- Foxwood is like no other house on the North East Ridge of Cork City. It is architecturally significant and the green roof finish is a central part of its design, a fact which has been pointed out on numerous occasions by the design architect.
- The unfortunate lack of landscape planting and screening, coupled with the raising of Foxwood has meant that this house has not fully enhanced the special landscape and visual character.
- The installation of a green roof would make the area landscaped rather than building dominated.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Roof Finish**
- **Appropriate Assessment**

7.1. Roof Finish

- 7.1.1. Planning permission was granted on the subject site under TP08/33319 / PL28.231404 for two number detached dwelling houses including the demolition of the existing house on site known as 'Foxwood'. This permission permitted the development of a three storey 'Roundhouse', clad in timber, with a green roof on the eastern portion of the site and a second two storey timber clad dwelling on the western side of the site.
- 7.1.2. The three storey timber clad roundhouse has been constructed and completed, however, the green sedum roof as proposed in the original design has not been provided, instead a standing seam single ply roof in a grey colour has been provided.
- 7.1.3. The site is located within a Landscape Preservation Zone. It is the opinion of the planning authority and the observer to the appeal, that, the provision of a green roof on this architecturally significant house was a central part of the design of the proposed dwelling in the original planning application. In this context, under TP10/34505, see planning history section of this report above, it was not considered acceptable in visual terms to revert to what is considered a lesser quality roof finish.
- 7.1.4. The retention of the as-built roof has been the subject of two previous planning applications Reg. Ref. 10/34505 (permission sought for revised roof material and minor alterations to site layout and elevational details of TP08/33319) and Reg. Ref. 11/35096 (temporary permission sought for a five-year period for the ply roof finish). In the first instance, under Reg. Ref. 10/34505, the planning authority required by way of Condition (2) that a green sedum roof be installed over the existing standing seam roof, within six months of the date of grant of planning permission. Under Reg. Ref. 11/35096 condition (2) was attached, which required, that within 3 years of the date of grant of permission that a green sedum roof be installed over the existing standing seam roof. Regard was had to the economic downturn at the time and the fact that the property was not overly visible. The planners report states that it was considered 'reasonable to permit a temporary retention of the standing seam roof finish for a period of 3 years, only, but that it would be desirable that the green roof would be installed having regard to the architectural integrity of the overall house design and the fact that the building is cited within a Landscape Preservation Zone'.

- 7.1.5. Green roofs can be designed to give a wide range of benefits including reducing surface water runoff, creating new open space for relaxation, keeping buildings cool, providing extra heat and noise insulation, helping to meet the targets of our bio diversity action plan and improving the character and appearance of a building and the wider area. From my assessment of the planning reports associated with the protracted history of this site, I consider, that the primary benefit of the green roof in the subject appeal case hinges upon visual amenity.
- 7.1.6. Within Landscape Preservation Zones there is a presumption against development, with development, only, 'open for consideration' where it achieves the specific objective 'to preserve and enhance the special landscape and visual character of landscape preservation zones'.
- 7.1.7. I am of the opinion that the architectural design and finish of the three storey 'roundhouse' had a significant bearing, in the first instance, upon the acceptability of the dwelling at this location. The site is elevated with panoramic views, from the site, across the city centre, it is visible from the south. There is a need to conserve and enhance the appearance of the locality by controlling the impact of development.
- 7.1.8. I highlight the arguments put forward by the first party that the in-situ sanding seam single ply roof is not visually obtrusive, is not architecturally inappropriate and is in accordance with grey roof finishes on all other houses visible on the north east ridge of Cork City Council.
- 7.1.9. Cognisance is had that the house is not too prominent when viewed from the south and it sits comfortably within its landscaped setting. On balance, however, I consider that regard being had to the setting and policy pertaining to the Landscape Preservation Zone, as set out in the City Development Plan, that the unauthorised change in the roof material is inappropriate and unacceptable.
- 7.1.10. The green roof proposed as part of the original permitted development (Reg. Ref.08/33319 / PL28.231404) was integral to its design and acceptability of the proposal within a landscape protection zone. To permit the roof finish as proposed, would in my opinion, set an undesirable precedent for noncompliance with planning conditions.
- 7.1.11. A grant of planning permission in this instance would tacitly imply that given time and perseverance that it is acceptable to amend critical design elements of a proposal

and that it is not imperative that all planning conditions need to be complied with in the original grant of planning permission.

7.2. Appropriate Assessment

- 7.2.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).
- 7.2.2. Having regard to the nature and scale of the proposed development and nature of the receiving environment and 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.

8.0 Recommendation

- 8.1.1. I recommend that the decision of the planning authority be upheld and planning permission be refused to the proposed development.

9.0 Reasons and Considerations

1. It is considered that the retention of the grey standing seam single ply roof, instead of a green sedum roof, as proposed in the original design, would materially contravene condition number two of Cork City Council's decision under Reg. Ref. 10/34505 and condition number two of Cork City Council's decision under Reg. Ref. 11/35096 which required, respectively, 'that a green sedum roof be installed over the existing standing seam roof, within six months of the date of grant of planning permission' and 'that within 3 years of the date of grant of permission that a green sedum roof be installed over the existing standing seam roof'. The granting of retention planning permission for a grey standing seam single ply roof would set an undesirable precedent in terms of non-compliance with planning conditions and would therefore be contrary to the proper planning and sustainable development of the area.

2. The application site is located within a Landscape Preservation Zone where it is an objective 'To preserve and enhance the special landscape and visual character of landscape preservation zones' as set out in the Cork City Development Plan 2015 – 2021. Having regard to the planning history of the site, to the architectural integrity of the overall house design and its location within the Landscape Preservation Zone, it is considered that in visual terms the retention of the existing roof finish would not be visually or architecturally appropriate. The development to be retained would therefore be contrary to objective 10.5 of the Cork City Development Plan 2015 – 2021 and to the proper planning and sustainable development of the area.

Fiona Fair
Planning Inspector
04/09/2017