



An  
Bord  
Pleanála

## Inspector's Report PL28.248809

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| <b>Development</b>                  | Permission for the construction of dwelling extension to include alterations to existing roof. |
| <b>Location</b>                     | 41 McSwiney's Villas, Gurrabraher, Cork City.  |
| <b>Planning Authority</b>           | Cork City Council  |
| <b>Planning Authority Reg. Ref.</b> | 17/37382   |
| <b>Applicant(s)</b>                 | Maurice Crowe  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Denis O'Sullivan   |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 05 <sup>th</sup> October, 2017   |
| <b>Inspector</b>                    | A. Considine   |

## **1.0 Site Location and Description**

- 1.1. The site the subject of this appeal is located to the north western area of Cork City, to the north of the River Lee and in a predominantly residential area. The site is currently occupied by a detached house on a site which runs in a north west to south east orientation, with the front of the site (north west) fronting onto McSwiney Villas. The site slopes down from the road towards the rear and the house itself is located on a lower level than the public road. There is an existing small shed located adjacent to the road to the front of the site as well as a parking area which can accommodate two cars.
- 1.2. The existing house on the site comprises a two storey house with a single storey wrap around extension to the front and northern side of the house. The house has red brick finish on the ground floor level with a wet dash finish to the first floor element. The site has a stated area of 0.041ha and is connected to existing public services.

## **2.0 Proposed Development**

- 2.1. The application to Cork City & County Council was for permission for the construction of dwelling extension to include alterations to existing roof on the site.
- 2.2. The development will provide for an additional bedroom above the single storey flat roofed element of the house. The proposal also includes a proposal to install an additional first floor window to light the first floor hall and landing. Finishes will reflect those of the existing house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to grant planning permission for the proposed development, subject to 4 conditions. The Board will note that condition 2 requires the omission of the proposed first floor hall window on the front elevation.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The Planning Officers report formed the basis for the planning authority's decision to grant permission. The report considered that the proposed long window to the front elevation is not of similar size or proportion to the existing first floor windows and would be inconsistent with the layout of first floor windows. Appropriate Assessment and Environmental Impact Assessment are also dealt with within the report.

### 3.2.2. Other Technical Reports

Drainage Section: No objection subject to compliance with conditions.

Roads Section: No objection subject to compliance with conditions.

## 3.3. **Prescribed Bodies**

Irish Water: No objection.

## 3.4. **Third Party Observations**

There is one third party submission noted on the Planning Authority's file from Mr. Denis O'Sullivan. The issues raised are summarised as follows:

- The proposed development will obstruct the only view from home.
- The proposed development will result in loss of privacy.
- The proposed development's windows will be within the permitted 22m.
- There is no objection to development taking place to the rear of the property.

## 4.0 **Planning History**

There is no relevant or recent planning history associated with the subject site.

## 5.0 Policy Context

### 5.1. Development Plan:

5.1.1. The Cork City Development Plan 2015 – 2021 is the statutory Development Plan for the city of Cork. 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.

5.1.2. Chapter 16 of the City Plan deals with Alterations to Existing Dwellings. Section 16.72 of the Plan 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.

## 5.2. **Natural Heritage Designations**

The site is not located within any designated site.

## 6.0 **The Appeal**

This is a third party appeal from Mr. Denis O'Sullivan.

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

The grounds of appeal are summarised as follows:

- If permitted, the development will result in the loss of views over the City from his property.
- The development would change the landscape in McSwiney's Villas
- Shandon, an historic building, has been visible from some of these house and this would no longer be the case.

### 6.2. **Applicant Response**

The first party has responded to the third party appeals as follows:

- Disagrees with the claim made regarding views from the appellants house.
- There is no view of Shandon.
- There were no objections from other neighbours.
- The proposed improvements are not over extensive or in bad taste and would have no negative impact on the area.

A photograph to show the view is enclosed.

### 6.3. **Planning Authority Response**

The PA has responded to this third party appeal, advising no further comments.

### 6.4. **Observations**

None

## 7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. General Compliance with the Cork City Development Plan & General Development Standards
2. Third Party Issues
3. Appropriate Assessment

### 7.1. **Compliance with the Cork City Development Plan & General Development Standards:**

- 7.1.1. The development before the Board provides for the construction of a modest first floor extension to the side of an existing detached dwelling. 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'. In this regard, it is considered that the principle of the proposed residential extension is acceptable and in compliance with the existing policy and objective applicable to the subject site.

7.1.2. Chapter 16 of the Plan deals with Development Management Standards and Part D relates to Alterations to Existing Dwellings as indicated in Section 5.1.2 of this report. In this regard, the following is relevant:

The extension:

- follows the pattern of the existing building
- is to be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it. The development does propose the provision of a large floor to ceiling window to service the new hall area which I consider to be incongruous in terms of the existing house. The Board will also note the existing window which currently serves the stairs and landing area. As such, I would consider that this proposed new window should be omitted. This can be dealt with by way of condition.
- roof form is compatible with the existing roof form and character.
- does not provide for dormer windows
- will not overshadow windows, yards or gardens or proposes windows in flank walls which would reduce the privacy of adjoining properties.

7.1.3. I am satisfied that the design and layout of the extension has regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building is respected and external finishes and window types match the existing.

## 7.2. **Third Party issues:**

7.2.1. The third party appellant considers that the development, if permitted, will impact on his residential amenities by removing their view from their porch. The Board will note that the appellants property is elevated above the subject site and is located across the road and to the north west of the site. There is no right to private views arising in planning legislation and there are no identified public vistas identified in the City Development Plan which would preclude a grant of planning permission in this instance. The proposed extension will have no impact in terms of loss of light, overlooking or overshadowing of the appellants property and as such, I am satisfied that the development can be considered acceptable in this context.

### **7.3. Appropriate Assessment**

- 7.3.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058). Having regard to the nature of the site, being a developed residential site, together with the minor nature and scale of the works proposed, 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**

I recommend that planning permission be granted for the proposed development for the following stated reasons.

### **9.0 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, the Board is 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 extension, would be acceptable and would not injure the existing visual and residential amenities of properties in the vicinity of the site. It is concluded that the development, would be acceptable in terms of 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, submitted the 13<sup>th</sup> day of April 2017, 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 proposed first floor window on the front elevation of the house, proposed to service the hall, shall be omitted

**Reason:** In the interests of visual amenity.

3. The external finishes of the proposed extension, including roof tiles, shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

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A. Considine

Planning Inspector

7<sup>th</sup> October, 2017