



An  
Bord  
Pleanála

## Inspector's Report PL28.248942

### Development

Permission for the demolition of the single storey rear extension, erection of a new single storey rear extension, increase the size of the existing front (first floor) dormer window and the construction of a two storey rear extension to the dwelling house.

### Location

26 Evergreen Road, Cork.

### Planning Authority

Cork City Council

### Planning Authority Reg. Ref.

17/37277

### Applicant(s)

Michelle O'Connor & Ruairi O'Reilly

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Ann O'Rourke

### Observer(s)

None

### Date of Site Inspection

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

### Inspector

A. Considine

## **1.0 Site Location and Description**

- 1.1. The site the subject of this appeal is located to the southern area of Cork City, in an area which has a mix of uses, including commercial and residential. The property to the north of the subject site is a two storey 3 bay buildings which has a commercial use on the ground floor. To the south, there is a similar dormer style house to the subject site with a further two storey commercial building further south.
- 1.2. The existing house on the site comprises a small, narrow dormer mid terraced house. The house has smooth plaster finish and the site to the rear garden extends for +35m. The site has a stated area of 0.31ha and is connected to existing public services.
- 1.3. On the date of my inspection, I could not gain access to the rear of the property and I did not access the appellants property. There are a number of photographs on the file for visual reference.

## **2.0 Proposed Development**

- 2.1. The application to Cork City Council was for the demolition of the single storey rear extension, erection of a new single storey rear extension, increase the size of the existing front (first floor) dormer window and the construction of a two storey rear extension to the dwelling house. Overall, the proposed development works will increase the property size by approximately 17m<sup>2</sup> and is seeking to alter the internal layout of the house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority, following a number of further information and clarification requests, decided to grant planning permission for the proposed development, subject to 6 conditions. The Board will note that condition 2 does not permit the proposed enlargement of the front dormer window.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officers report formed the basis of the planning authority's decision to grant permission. The report considered that the submitted drawings were initially unclear and further information was required. Following two submissions, the report accepts that the proposed development, as amended, is acceptable. Appropriate Assessment, Environmental Impact Assessment and Flood Risk Assessment are also dealt with within the reports.

### 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 Mrs. Ann O'Rourke. A second submission was lodged with the Council following the receipt of the response to the further information request. The issues raised are summarised as follows:

- The drawings submitted are inaccurate. An area of the site lies within the property in the ownership of the objector.
- The drawings do not reflect the layout and pattern of development in the area. Issues raised in relation to the sewer line passing through the site.
- The development as proposed due to its nature, mass and scale, will be injurious to the use and enjoyment of property.
- The development as proposed will result in a diminution in the value of adjacent property.

- The development as proposed is contrary to the proper and orderly planning and sustainable development of the area.

## 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 has two zoning objectives afforded to it and the front area of the site, including the building is zoned ZO 10, Local Centre, where it is the stated objective of the zoning to ‘protect, provide for and / or improve the retail function of local centres and to provide a focus for local centres.’ Residential uses are also acceptable in this zone. The rear of the site, including the garden, is zoned ZO 4 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 use and civic uses, having regard to employment policies outlines in Chapter 3.’

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. The closest Natura 2000 site are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).

## 6.0 The Appeal

This is a third party appeal from Mrs. Ann O'Rourke.

### 6.1. Grounds of Appeal

The grounds of appeal reflect those issues raised during the Planning Authority's assessment of the proposed development and are summarised as follows:

- The Planning Authority did not have regard to the third party submission.
- Issues relating to the boundary anomalies were not assessed or addressed.
- Inaccuracies in the drawings submitted have not been addressed.

- Potential impacts to services unacceptable and will impact on the value of appellants property.
- The development is contrary to the proper and orderly planning and sustainable development of the area and any clash with the use and enjoyment of adjoining properties is unacceptable and avoidable.

## 6.2. Applicant Response

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

- Refutes a number of comments made in the appeal.
- The area omitted in error on the site layout plan is the back bedroom of no. 26 Evergreen Road and is only accessible from this house. This is the area of boundary dispute. The matter of the boundary dispute has been ongoing for years and before the current applicants purchased the house.
- Issues with the drains are known and a drains survey was attempted in 2015 but failed due to a build-up of stone and silt in the line. The proposed works to the foul sewer are clearly indicated in the planning documents and should alleviate any concerns of the appellant.
- The inaccurate drawing was acknowledged as an error arising from OS data that inaccurately depicted the boundaries. A Land Registry Compliant Map, received when purchasing the property, is included.
- The applicants are the owners of the land to be developed and therefore comply with Article 22(1)(d). The plans comply with the requirements of Article 23 of the Regulation.
- The proposed development is in accordance with the propose planning and sustainable development of the area and will not injure the residential and visual amenities of the area.
- It is considered that the appeal is vexatious as a letter from the appellant advise that ‘there are no matters from a planning perspective which are of concern to her’.

A number of enclosures, including a cover letter, photographs, engineers report and other correspondence, 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 the Board will note that I could not gain access to the rear of the property. 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 demolition of the single storey rear extension, erection of a new single storey rear extension, increase the size of the existing front (first floor) dormer window and the construction of a two storey rear extension to the dwelling house. The subject site is located within an area of Cork City which is zoned ZO 10, Local Centre, where it is the stated objective of the zoning to 'protect, provide for and / or improve the retail function of local centres and to provide a focus for local centres.' Residential uses are also acceptable in this zone. In this regard, and having regard to the current residential use of the property,

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 should:

- Follow the pattern of the existing building:  
The Board will note that the first floor dormer window to the front of the building was originally proposed to be enlarged. Condition 2 of Cork City Councils decision to grant permission does not permit this proposed enlargement. In terms of the visual impact, I would agree with the Planning Authority in this matter. The existing dormer window, while different from that of its neighbour, reflects a similar style and scale which enhances the visual amenity of this pair of houses. Should the Board be minded to grant permission for the proposed development, I recommend that this condition be included in a positive decision.
- Be constructed with similar finishes and with similar windows to the existing building so that they will integrate with it;  
The Board will note that the drawings submitted to Cork City Council, on the 9<sup>th</sup> June, 2017, clearly indicate that the development is to be constructed with rendered finish. The proposed new windows are located to the rear and I consider them to be acceptable.
- 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;  
The Board will note that the proposed development proposes to essentially reinstate the roof types already existing at the site as part of the proposed development, and include a flat roof section to the rear over the proposed



first floor extension. There are no alterations to the roof proposed to the front of the site. Overall, I am satisfied that the proposed development is acceptable.

- 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;  
The proposed development does not provide for any new dormer windows. Subject to the inclusion of a condition to prevent the enlargement of the existing dormer window to the front of the building, I am satisfied that the proposed development is acceptable in this regard.
- 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:  
Having regard to the nature and scale of the proposed development, I am satisfied that the development will not overshadow windows, yards or gardens, and does not propose windows in flank walls which would reduce the privacy of adjoining properties.

7.1.3. I would note the submission of the third party in relation to the proposed development, where it is considered that the proposal is 'confused', 'very significant and extensive in its nature'. I also acknowledge the concern that if permitted, the development may impact on the existing residential amenities of the adjacent property. Having carefully considered the proposed development, the Board will note that the proposal is to demolish previous extensions to the rear of the house and reconstruct practically within the same footprint. The proposed extension is slightly wider by 0.7m and slightly longer in the south eastern area by 0.6m with a ground floor increase of approximately 5m<sup>2</sup> in floor area. The proposed first floor extension will provide for a bedroom. I am satisfied that the works proposed are not overly extensive or significant and can be considered acceptable.

7.1.4. Having regard to the information presented in support of the proposed development, I am satisfied that, in principle, the design and layout of the proposed 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. As such, I have no objections to the proposed development.

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

### Issues with the Planning Authority assessment:

7.2.1. The third party has submitted concerns regarding the Planning Authority assessment and apparent lack of regard to the third party issues. I am satisfied that the proposed development is now before the Board for assessment and all matters raised by all parties have informed the preparation of this report. I am further satisfied that all necessary information is available on the file, in accordance with the requirements of the Planning & Development Regulations, 2001 as amended, in terms of plans and particulars, to make a fully informed decision on the appeal.

### Site boundary issues:

7.2.2. The third party appellant has submitted that part of the proposed development site is outside the control of the applicants and essentially, the applicant does not have sufficient legal interest to make the application. I would note that there has been a history of disputes in relation to the boundaries between the two sites and I note the appellants concerns in this regard. However, the addressing of boundary issues is a civil matter and not for the Board to determine.

7.2.3. The appellant has indicated that the original site boundary submitted as part of the planning application has been amended and that anomalies have not been addressed through the revised plans submitted by the applicant. I would disagree. The Board will note that a clear indication as to why the error occurred has been put forward by the applicant. Overall, I am satisfied that the applicant has sufficient legal interest in the site to make the planning application.

### Impacts on Services:

7.2.4. The third party raises a concern that the proposed development will have an impact on existing services as the sewer line runs through the proposed development site. The Board will note that the Drainage Section of Cork City Council has raised no concerns in relation to the proposed development. I would note that the existing house is currently unoccupied but has existing services in the building.

The development proposes to address the existing problems, as indicated by the third party in relation to the combined sewer, as part of the overall development. I am satisfied that the proposed works cannot be considered as having a significant impact on the existing services of the adjacent properties.

Impact on residential amenity:

7.2.5. Having regard to the layout of the site and the nature of the proposed development works, I am satisfied that 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, as amended by the further plans and particulars submitted on the 4<sup>th</sup> day of May and the 9<sup>th</sup> day of June 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) No permission is granted for the proposed amendments to the existing first floor dormer window on the front elevation of the house.

**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.

4. Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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A. Considine  
Inspector  
1<sup>st</sup> November, 2017