



An  
Bord  
Pleanála

## Inspector's Report PL28.249069

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<b>Development</b>	Permission for the demolition of existing garage / shed, alterations to existing dwelling house and construction of a two storey extension, conversion of loft space and associated works.
<b>Location</b>	4 Linden Avenue, Beaumont, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	17/37442
<b>Applicant(s)</b>	Denis & Fiona Mulcahy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Multiple: <ol style="list-style-type: none"><li>1. Third Party v grant</li><li>2. First Party v condition 2</li></ol>
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Neil &amp; Patsy Manley</li><li>2. Denis &amp; Fiona Mulcahy</li></ol>
<b>Observer(s)</b>	John Aherne
<b>Date of Site Inspection</b>	24 <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 eastern area of Cork City, in an area which is predominantly residential in nature. The site is a semi-detached two storey house and is located to the east of Linden Avenue, Beaumont, Cork. The site runs in a west to east direction and comprises the southern half of the semi-detached pair of houses and has a large east facing rear garden which backs onto the residential properties on Rosegreen Avenue.
- 1.2. The existing house on the site comprises a two storey house with three bedrooms and a detached garage and with an overall stated floor area of 101m<sup>2</sup>. The site has a stated area of 0.0487ha 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 subject property or the appellants property.

## **2.0 Proposed Development**

- 2.1. The application to Cork City Council was for the demolition of existing garage / shed, alterations to existing dwelling house and construction of a two storey extension, conversion of loft space and associated works. Overall, the proposed development works will increase the property size by approximately 154.2m<sup>2</sup> through a rear and side extension and will alter the internal layout of the house.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority 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 dormer window to the rear of the house, and requires that this window be replaced with a velux, in the interests of residential amenity.

## 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 proposed development 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 are two third party submissions noted on the Planning Authority's file from neighbours, Mr. and Mrs. Neil & Patsy Manley and Mr. John Ahern. The issues raised are summarised as follows:

- The type of dormer is out of character with the area.
- The dormer will overlook the rear of neighbouring property and will result in loss of privacy of rear garden.
- There is no objection in principle to the proposed extension, the development will shadow the decking area to the rear of neighbouring house.
- The scale of the extension, increasing the house from 101m<sup>2</sup> to 255.2m<sup>2</sup> is disproportionate to the size of the site and is out of line with other extensions in the area.
- The huge increase will devalue adjoining property because of increased shading and decreased light and privacy.
- The north wall is coincident with existing boundary and is therefore encroaching on adjoining 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 has two zoning objectives afforded to it and the front area of the site, including the building 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 multiple appeal as follows:

1. Third Party appeal from Mr. and Mrs. Neil & Patsy Manley.
2. First Party appeal in relation to Condition 2 of the grant of permission.

### 6.1. Grounds of Appeal from Mr. and Mrs. Neil & Patsy Manley

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

- Impact on light in kitchen, main living room and outside decking area.
- The scale of the development has not taken into account the impact due to the orientation of the site.
- The shadow diagrams are misleading and do not truly reflect shading from higher level.

- The shadow diagram references sunlight in June which is the best case scenario.
- While there was consultation, the amendments provide limited improvement.
- The scale of the development is disproportionate to the size of the site and will have an exaggerated impact on light to downstairs rooms and decking area.
- The development will devalue property.

## 6.2. Grounds of Appeal from First Party

The grounds of appeal are summarised as follows:

- If the dormer is to be eliminated and replaced by a velux roof light, this would greatly reduce the floor area of the proposed study/home office thereby not making the best use of the space.
- Headroom has to be taken into consideration
- The design of the dormer has been well thought out and fits in with the overall design and the architectural character of the area.
- The window does not increase overlooking
- The front and sides will be finished in a render to match the existing house.
- The development is of a high architectural standard and while maintaining the visual amenities and character of the parent building, still achieves the standard of accommodation required.
- The pitched roof of the dormer is more expensive to construct but blends in better with the existing house design and is visually subordinate and complimentary to the existing dwelling house.

## 6.3. Applicant Response

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

- The further height reduction requested by the appellants could not be accommodated which would create dangerous and impractical steps between the existing house and the extension.
- The applicants have endeavoured to point out that there would be no significant effect on their neighbours property by their proposed extension.
- The third party have not supplied evidence to substantiate the claims made in the appeal. The extension has been designed in accordance with good practice and well within the guidelines as set out in BRE – Site Layout Planning for Daylight and Sunlight – A Good Practice Guide.
- Overshadowing of the adjacent patio area is increased by only up to 240mm at lower flat roof level and only 450mm at the higher flat level of the proposed extension. This minor increase is only relevant for a very short period of time in the morning.
- The appellants property is already affected by overshadowing because of the existing boundary, their house and existing extensions to their house. Extensive decking / patio has been constructed to the rear of their garden to avail of the sun.
- The level of additional overshadowing is not significant and should not deprive the applicants of having their proposed new extension as designed.
- In terms of light availability, neither the south facing window or the large east facing patio double door are affected by the proposed extension.
- The extension has been designed to blend in with the existing house. There will be no decrease to privacy.
- The extension will not devalue their property, rather demonstrate how properties can be maximised.
- The higher section of the single storey roof extension projects out 2.5m from the rear wall of the existing house, which is the minimum required to provide continuous level access with proper ceiling heights.

- Reference is made to ABP ref PL28.244932 where the Board held up the planning decision of Cork City Council for a single storey extension having an overall length of 5.65m and a height of 3.3m.
- The applicants purchased the house with the intention of developing it as their long term family home. The objections are unfounded and the delay caused serious financial costs and have held up the development of their house.

A number of enclosures, including a emails, photographs and other correspondence, are included.

#### **6.4. Third Party Response to First Party Response to Third Party Appeal**

The Third Party appellants submitted a response as follows:

- The appellants have lived in their home for 27 years and have 3 patio areas in their back garden.
- The patio adjacent to the proposed extension gets the sunshine from sunrise until 16:30 approximately in the summer and is the most sheltered area in the garden.
- The appellants know the impact of shading, and while the impact may be correct to the referenced standard, it is not fully reflected in the submission.

The submission seeks to address comments raised in the first party response noting that the development will

- Result in overshadowing of the deck area and it is questioned why the applicants architect should comment on aspects of the appellants back garden.
- Just because there is further decking in the rear garden, the appellants should not have to sacrifice the decking area outside their living room to facilitate the applicants design.
- The development will result in overlooking and overshadowing.
- The appellants rights to should be equal to the applicants.



It is concluded that a greater effort could have been made to appease the appellants concerns in terms of overshadowing / shading. It is considered that the quality of the enjoyment of the appellants property should not be unduly impacted by any neighbours proposed extension.

Enclosures include photographs.

## **6.5. Planning Authority Response**

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

## **6.6. Observations**

Mr. Ahern submitted an observation in relation to this appeal and the submission is summarised as follows:

- Other extensions have been constructed in the area but none have dormer windows.
- The observer disagrees with the opinion that the dormer window does not increase overlooking of neighbouring gardens. The property that the subject site overlooks are on lower ground.
- The photograph submitted in the first party appeal is taken a floor below the proposed dormer window so doesn't show how overlooked the property will be.
- This is a huge extension in a mature suburban neighbourhood which will have a major impact on the surrounding properties.

## 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 existing garage / shed, alterations to existing dwelling house and construction of a two storey extension, conversion of loft space and associated works. Overall, the proposed development works will increase the property size by approximately 154.2m<sup>2</sup> through a rear and side extension and will alter the internal layout of the house. The subject site is located within an area of Cork City which 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.' 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:

Overall, I am generally satisfied that the proposed extension seeks to following the pattern of the existing building in that the roof form from the front elevation reflects the existing hip roof and the windows proposed are similar in terms of size and design. The overall scale of the extension is significant in terms of the current house size, being 1½ times the existing floor area. However, I am generally satisfied that the extension has been designed to a high standard and the front elevation is appropriate. I would have some concerns regarding the size of the proposed dormer window to the rear of the house however. In addition, I have concerns regarding the potential negative impacts on the existing residential amenities of the house to the north, and the joined semi-detached house.

Condition 2 of Cork City Councils decision to grant permission does not permit the proposed dormer window. In terms of the visual impact, I would agree with the Planning Authority in this matter. Should the Board be minded to grant permission for the proposed development, I recommend that a condition be included in any positive decision to remove the dormer window.

In terms of the potential impacts on the residential amenity of the property to the north, I would agree with the third party appellants. I also note that the first party acknowledges that there will be an additional overshadowing of the adjacent property by reason of the proposed extension. While it is considered that the impact will not be significant, I consider that the area affected comprises a likely well used area, being immediately adjacent to the kitchen / living room patio doors. I am satisfied that the amenities of the third party would be affected by reason of overshadowing and loss of light if the extension is permitted as proposed. At a minimum, the extension should not come within 1m of the party boundary in order to protect the residential amenities of the adjoining property.

- 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 29<sup>th</sup> May, 2017, clearly indicate that the development is to be

constructed with rendered finish. The proposed new windows also seek to reflect the scale of the existing windows, with a minor alteration to the design. The property to the south has similar window designs and I consider them to be acceptable. I will discuss the proposed rear dormer window further below.

- 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 existing roof is a hip roof style and the proposed extension will reflect this roof design to the front elevation. The rear of the extension proposes a two storey gable with a flat roof single storey element to the northern boundary. In principle, I have no objection to the form of the proposed extension. 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 provide for a new dormer window to the rear of the house. In principle, the proposed dormer design can be considered as according with the requirements of the City Plan. However, I would have serious concerns regarding the size of the dormer window proposed. The Board will note that Cork City Council included a condition to remove the dormer window in the interests of residential amenity and I would concur. In addition to reducing the potential for overlooking of adjacent properties, I consider that the dormer adds to the bulk and scale of the extension, rendering it out of character with the mature suburban residential area.

- 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:

The Board will note that the third party appellant raises concerns in terms of the potential for the extension to overshadow their house and patio / decking area to the rear of their home. Having regard to the nature and scale of the proposed development, I am satisfied that the development if permitted as proposed, will significantly overshadow the outside decking area immediately adjacent to the neighbours kitchen / living room patio doors, will significantly overshadow the south facing kitchen window and east facing patio doors and would reduce the privacy and residential amenity of the adjoining property to the north.

7.1.3. Having carefully considered the proposed development, and in particular the orientation of the subject site together with the scale of the extension proposed, I am satisfied that amendments are required in order to protect the visual and residential amenities of adjoining properties.

## 7.2. Other issues:

### Impacts on Services:

7.2.1. 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. 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:

7.2.2. Having regard to the layout of the site and the nature of the proposed development works, I am satisfied that, subject to compliance with conditions reducing the width, or relocating the single storey extension a minimum of 1m to the south and off the party wall and the omission of the proposed rear dormer window, the proposed extension will be acceptable and will have no further impact in terms of loss of light, overlooking or overshadowing of the adjacent properties 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, 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, and recommended amendments to the extension design and layout, 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 29<sup>th</sup> day of May 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 single storey element of the extension, to the rear of the existing house, shall be relocated a minimum of 1m to the south and off the party boundary wall.
- (b) No permission is granted for the proposed dormer window to the rear of the house.

Prior to the commencement of any development on the site, full plans and site layout plan shall be submitted for the written agreement of the planning authority.

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

3. The external finishes of the proposed extension, including roof tiles / slate, 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

9<sup>th</sup> November, 2017