



An
Bord
Pleanála

Inspector's Report ABP-300941-18

Development	Construction of single-storey extension
Location	No. 5 The Park, Ballyvoleen, Cobh, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/5264
Applicant(s)	Nico O'Rourke & Vanessa Hamilton
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Nico O'Rourke & Vanessa Hamilton
Observer(s)	None
Date of Site Inspection	16 th May, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 5 The Park is located just north of the town centre of Cobh in County Cork. It is a centrally located terraced, three-bay, three-storey dwelling which is a protected structure. The Park comprises a terrace of ten houses with communal access, parking immediately in front of the houses, and deep back gardens.

2.0 Proposed Development

2.1. The proposed development comprises a single-storey extension to the existing kitchen at the rear of the house to form a dining area with a stated floor area of 16.8 square metres. The floor level of the extension would be positioned approximately midway between the kitchen level and the rear garden level. This would allow for access from the side of the extension to the rear of the property by way of a proposed ramp to accommodate disabled and wheel chair bound persons.

3.0 Planning Authority Decision

3.1. Decision

On 23rd January, 2018, Cork County Council decided to refuse permission for the development for one reason relating to the proposal's adverse impact on the setting of a protected structure and the character of an Architectural Conservation Area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner noted development plan policy and reports received. He concurred with the Conservation Officer's concerns.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal subject to conditions.

The Conservation Officer had concerns in relation to the proposed design of the extension, the practicality of ingress and egress, and the impact on amenities of adjoining property. A redesign of the extension was recommended that included a flat roof behind a parapet, omission of glazing and access to the east elevation, the provision of the entrance to the extension in the north elevation, and use of extensive glazing in the north elevation.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. On 10th July, 2017, further information was sought requesting a revised design and a response was received to the request by the planning authority on 19th December, 2017. The response stated that the proposals submitted were the only proposals acceptable to the applicants.

3.5 Following the receipt of further information, the reports to the planning authority were as follows:

The Conservation Officer recommended that permission be refused for one reason relating to the detrimental impact of the proposed extension on the setting of the protected structure and the character of the architectural conservation area.

The Area Planner noted the Conservation Officer's comments and recommended that permission be refused.

An Executive Planner concurred with the recommendation made.

4.0 Planning History

I have no record of any previous planning application or appeal relating to this site.

5.0 Policy Context

5.1. Cobh Town Development Plan 2013

Zoning

The site is zoned 'Existing Built-up Area'

Architectural Heritage

No. 5 The Park is a protected structure in the Council's Record of Protected Structures.

Objectives in the Plan include:

HE-22: When considering development proposals for alterations and/or extensions to a protected structure or within the curtilage/attendant grounds of a protected structure, the planning authority shall ensure that there is no loss or damage to the elements which contribute to the special character of the structure or its curtilage/attendant grounds.

HE-23: It is an objective to ensure development proposals are appropriate in terms of architectural design, treatment, character, scale and form to the existing protected structure.

Architectural Conservation Areas

The Park is located within a designated Architectural Conservation Area. Objectives in the Plan include:

HE-27: It is an objective of the Plan to conserve and enhance the special character of the Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, street and plot layout, landscape, settings, public spaces and important aspects and views.

HE-28: It is an objective of the Plan to ensure that all new development located within or adjacent to designated Architectural Conservation Areas will respect the established historical and architectural character of that area and will contribute positively to the existing built environment in terms of design, scale, setting and material specifications. This will be achieved by promoting a contemporary design of high architectural quality within Architectural Conservation Areas. The special character of Architectural Conservation Areas will be maintained through the protection of structures from demolition, non-sympathetic alterations and the securing of appropriate in-fill developments.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be synthesised as follows:

- The proposed design is very much in keeping with the general style and scale of all existing rear annexes to the adjoining properties and does not have a detrimental impact on the setting of the protected structure and character of the architectural conservation area.
- The request for a flat roof behind a parapet wall and a solid wall to the eastern elevation would be contrary to the best interests and sustainable amenities of the applicants and the adjoining residents of No. 6 and the existing architectural character of the rear elevations in general.
- The single pitch roof was designed to be in sympathy with other rear annexes and was done in consultation with adjoining residents and to eliminate overshadowing and diminution of light. A flat roof with parapet wall would create excessive overshadowing of No. 6.
- The height of the boundary/separating wall between No. 5 and No. 6 relative to the proposed finished floor level ensures no overlooking or interference with privacy for adjoining residents.

- The proposed glazing and access door on the east elevation will provide improved light intake, will reduce the tunnelling effect and reduced light intake to the kitchen and proposed extension, and will protect privacy.
- The provision of wheelchair-ramped access to the garden/patio to meet the applicants' personal requirements is a critical part of the design. This necessitated that the proposed floor level be set as proposed. Access via a door on the east elevation was the only logical solution. The provision of door access on the northern elevation as required by the planning authority would not be possible and suitable ramped gradients could not be achieved.

6.2. Planning Authority Response

The Architectural Conservation Officer set out details of correspondence with the applicants, noted that there are a variety of rear extensions along the terrace, that only one property has a grant of permission issued subsequent to the addition of the buildings to the Record of Protected Structures and introduction of Architectural Conservation Areas, and noted that the proposed extension was not considered to comply with relevant policies and objectives in relation to design.

7.0 Assessment

- 7.1 The principal planning issue in this appeal relates to the impact on architectural heritage. The planning authority has determined that the proposed extension would have a detrimental impact on the setting of the protected structure and on the character of the Architectural Conservation Area.
- 7.2 The proposed extension would comprise a small addition to the rear of No. 5 The Park to form a dining area, less than 17 square metres in floor area. It is proposed to form an extension to the kitchen area, with the proposed new floor area extending therefrom below the level of the rear garden and patio behind the house. To accommodate wheel chair bound access, provision of an appropriately graded ramp to the east side with door access is proposed. Provision of a steeper sloping access from the garden to the northern side of the proposed extension is considered by the appellants to cause particular concern to meet their requirements. It is my

submission to the Board that the design, layout and provision of the ramped access, in particular, is an appropriate response to meet the specific requirements of the appellants. Satisfactory ramped access would not be achieved by providing access from the rear elevation of the proposed extension.

- 7.3 In considering the design and character of the proposed small extension, one must take a balanced approach to the functionality of the proposal and its coherence with its context. In this instance and in accepting the functional requirements of the proposed extension, one must have regard to the relationship of the extended area with the protected structure of which it would form an annexe thereto and to the relationship with adjoining protected structures.
- 7.4 The proposed extension comprises a small addition to the rear of this property. It has a simple palette of materials and finishes, namely slate, glass and smooth plaster to block walls. It is distinctly separable from the main house and has been designed to cause minimal intrusion on the main structure. What is most notable is that the character of the extension is very much reflective of the character of extensions in adjoining properties in terms of form and materials used. In my opinion, it would be very difficult to discern how the proposed small extension could be construed as being so radical in its context to merit a refusal of permission in these circumstances. Indeed, while I understand the reasonable conservation approach which seeks a contemporary design alternative to additions to structures of heritage value, I must also seek to understand the compatibility of a simple small extension that is coherent with the terrace of structures, a terrace of houses where each together formulates a high quality collective unit of architectural merit. In this understanding of context, I firmly am of the opinion that the proposed extension sits comfortably with the structure which it would extend and with adjoining extended structures. It would be compatible with the main house, while easily understood as a more modern addition.
- 7.5 As an aside, I further note that the finished floor level of the extension and the existence of a boundary wall will ensure that the proposed extension will not have any adverse impact on the adjoining No. 6 by way of loss of privacy.

7.6 Having regard to the above considerations, I find it entirely unreasonable that the small extension could be construed as a distinct intrusion on not alone the setting of the protected structure that is No. 5 but also on the character of the Architectural Conservation Area. How the proposed development has a detrimental impact on the setting of the protected structure has heretofore not been, in any meaningful way, explained by the planning authority. The *setting* of the protected structure is in no way adversely affected by the proposed small extension off the below rear garden level kitchen of this house. It is notable that the planning authority has not determined that the proposed small extension would have any direct, physical negative impact on the protected structure. Further to this, it is even more inexplicable how it could reasonably be determined that the proposed small rear extension would have a detrimental impact on the character of the Architectural Conservation Area, an area one assumes that is primarily to be appreciated from the public realm. Once again, at no time has the planning authority explained *how* the rear extension would have a detrimental impact on the ACA. I put it to the Board that a small rear extension at the location proposed and in the manner proposed, such that it is somewhat compatible with adjoining extensions, placed to the rear of the house, with a finished floor level below that of the adjoining back garden, with a floor area of 16.8 square metres, with a sloping roof and extending to a height of 3.84 metres at its highest point, would not have a detrimental impact on the character of this Architectural Conservation Area in the town of Cobh.

7.7 In conclusion, it is my submission to the Board that the decision to refuse permission for the proposed extension is not a balanced, reasonable decision. The proposed extension is compatible with the main house and with adjoining structures, has no detrimental impact on either the setting of this house or the character of the Architectural Conservation Area, and can reasonably be viewed as being in accordance with the proper planning and sustainable development of this area, while meeting the principal needs of the appellants as a functional small addition to their residence. It does not conflict with any policies, objectives or provisions of the Cobh Town Development Plan as there is no loss or damage to the elements which contribute to the special character of the protected structure or its curtilage/attendant grounds, it is appropriate in terms of architectural design, treatment, character, scale

and form, and it has no impact on the special character of the Architectural Conservation Area.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the compatible design and limited scale of the proposed development, it is considered that the proposed extension would not adversely impact on the residential amenities of adjoining properties, on the architectural heritage value of the protected structure of No. 5 The Park or on the designated Architectural Conservation Area at this location, and would otherwise be in accordance with the provisions of the current Cobh Town Development Plan. The proposed development would, therefore, be 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, 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. The external finishes of the proposed extension shall harmonise in colour and texture with the existing finishes on the house.

Reason: In the interest of visual amenity.

3. The 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 and to ensure a proper standard of development.

Kevin Moore
Senior Planning Inspector

31st May 2018