



An
Bord
Pleanála

Inspector's Report ABP-301224-18

Development	Dormer window and alterations to dormer window
Location	43 Ballincurrig Park, Douglas Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	17/37714
Applicant(s)	Deirdre Carwood & Edward Horan
Type of Application	Retention Permission & Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Deirdre Carwood & Edward Horan
Observer(s)	Mary & Barry Hyland Eileen O'Neill Clare & Donal Spillane Máire Manning
Date of Site Inspection	20 th June, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 43 Ballincurrig Park is a two-storey, detached house with dormer accommodation located within a residential estate in the southern suburbs of Cork City. The dormer window the subject of the appeal is located in the roof to the rear of the house. The two-storey houses on the south-east side of Ballinacurrig Park back onto the two-storey houses on Rhodaville Estate.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of a dormer window to the rear of the existing house and permission for alterations by way of lowering the flat dormer roof and cladding dormer walls.
- 2.2. The covering letter submitted with the application referred to a previous permission for a dormer window to the rear of the house and to the works carried out not fully complying with Building Regulation Technical Guidance Documents, resulting in the built dormer deviating from that granted permission. Reference was also made to the refusal by the Board of a retention application for the dormer window.

3.0 Planning Authority Decision

3.1. Decision

On 21st February, 2018, Cork City Council decided to refuse permission for the development for one reason relating to its unsympathetic character.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Senior Executive Planner noted the site's planning history, development plan provisions, interdepartmental reports, and third party submissions. The proposed changes were seen to alter somewhat the appearance of the dormer. However, it was considered that the proposal would be inappropriate in terms of scale and location and that it would have a detrimental visual impact. A refusal of permission was recommended.

The Senior Planner concurred with the above recommendation.

3.2.2. Other Technical Reports

The Drainage Engineer had no objection to the proposal.

The Roads Design Engineer had no objection to the proposal.

3.3. **Third Party Observations**

Submissions were made to the planning authority by Mary and Barry Hyland, Eileen O'Neill, Hugh and Adrienne Rodgers, Máire Manning, Brendan Rose, and Donal and Clare Spillane. The observations to the Board reflect the concerns raised.

4.0 **Planning History**

P.A. Ref. TP 12/35348

Permission was granted by the planning authority for extensions to the house, which included the provision of a dormer window. The window was not constructed in accordance with the permitted plans.

ABP. Ref. PL 28.248040

Permission was granted by the Board for the retention of the removal of a rear window and elevation alterations and was refused for the removal of a roof light and alterations to the dormer window.

5.0 **Policy Context**

5.1. **Cork City Development Plan 2015-2021**

Zoning

The site is zoned 'ZO 4 Residential, Local Services and Institutional Uses' with the objective "To protect and provide for residential uses, local services, institutional uses and civic uses".

Alterations to Existing Dwellings

The Plan states:

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 ...
- 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; ...

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- The revised proposal results in a significant reduction in the overall scale of the development, reducing the existing dormer façade from 7.2 square metres to 5.1 square metres.
- The principle of the dormer extension to the rear was established as part of a previous planning application. The proposed development is significantly more sympathetic to the character of the area than that previously permitted. The style and proportion of the dormer is not uncommon to Ballincurragh Park and surrounding area, with examples of Nos. 31 and 52 given.
- The proposal would provide the same level of overbearing and visual impact on the established pattern of the area as that previously permitted. The

proposal would assist in reducing the overall visual impact and this would be reduced significantly when compared to that previously permitted.

- When considering the extended dormer window in the context that it consists of an extension of a previously permitted dormer, the development is compliant with Paragraph 16.72 of the City Development Plan.
- It is unclear why the planning authority determined the proposal would seriously injure amenities when it was acknowledged that the proposal would not overshadow or reduce the privacy of adjoining properties.
- It would not be possible to determine how the proposal would depreciate the value of properties in the area since a dormer window was previously permitted and it is accepted the proposal does not overshadow or reduce privacy.
- Having regard to the above, the proposal would not be considered to be contrary to the proper planning and sustainable development of the area.

6.2. **Planning Authority Response**

I have no record of any submission by the planning authority in response to the appeal.

6.3. **Observations**

6.3.1 Observation by Mary and Brian Hyland

The observers, residing at 42 Ballinmcarrig Park, raise concerns relating to the proposal remaining a large, overbearing and unsightly structure, the visibility from public areas, non-compliance with development plan provisions, and the construction and context of existing dormer windows at Nos. 31 and 52 Ballinmcarrig Park being different from the proposal.

6.3.2 Observation by Eileen O'Neill

The observer, residing at 17 Rhodaville Estate to the rear of the site, raises concerns relating to development in the context of the site's planning history, the minimalistic adjustments of the proposal, the construction and context of existing dormer windows at Nos. 31 and 52 Ballincurrig Park being different from the proposal, the overbearing design, increased overlooking, visibility from public areas and property devaluation.

6.3.3 Observation by Clare and Donal Spillane

The observers, residing at 41 Ballinmcurrig Park, raise concerns relating to the development in the context of the site's planning history, the minimalistic adjustments of the proposal, the construction and context of existing dormer windows at Nos. 31 and 52 Ballincurrig Park being different from the proposal, the overbearing and visual impact, devaluation of property, overshadowing, and non-compliance with planning law.

6.3.4 Observation by Máire Manning

The observer, residing at 14 Rhodaville Estate to the rear of the site, raises concerns relating to loss of privacy, devaluation of property, and the negative impact on the visual integrity of the established pattern of the area.

7.0 **Assessment**

- 7.1. I note the site's planning history and the proposed changes in the current application over that which the Board previously made a determination on. It is acknowledged that the principle of a dormer window has previously been established under P.A. Ref. 12/35348. I further note that the properties at Ballincurrig Park and on Rhodaville Estate are two-storey houses that have first floor windows to the rear and, thus, overlooking already occurs from upper level windows. The issue of overlooking from the dormer windows in this instance is not a matter of any particular concern. The Board should note that one of the windows serves a stairwell and the other is

recessed from the main room being served by the window. It is apparent that the introduction of the window to serve the stairwell has brought forth the increase in scale of the final finished form of the openings. A final observation on the physical impact of the increased scale of the dormer is that it causes no notable degree of overshadowing. Thus, it may reasonably be determined that the proposal would not have an adverse impact on privacy and the residential amenities of residents in the area.

With regard to the wider visual impact of the proposal, I note that the dormer window is not visible from Ballinacurrig Park and acknowledge that there is limited visibility between properties at Rhodaville Estate. One must first recognise that the degree of impact on the public realm is not significant. However, I accept that the scale of the dormer that was constructed is approximately double that which was originally permitted under P.A. Ref. 12/35348 and that what is constructed has previously been refused by the Board under ABP. Ref. PL 28.248040. This was refused for one reason relating to it being unsympathetic to the existing character of the area, its overbearing impact, and its negative impact upon the visual integrity of the existing established pattern of development in the area. It is my submission that the degree of impact from the window openings themselves are not significant but rather that the manner in which they are framed, together with the utilisation of materials, finishes and colour of this framing, greatly exacerbates the impact of the dormer windows when visible from the public realm. The appellant proposes to lower the dormer flat roof, to reduce the head height of the two windows themselves and to introduce horizontal cladding on the walls surrounding the windows to match the colour of the existing roof tiles. In my opinion, these changes will significantly reduce the visibility of the dormer construction when viewed between houses to the rear of this property, tying in with the roof in a more compatible format. As a result, I consider the changes to be acceptable to reduce the overbearing impact that prevails at present and I am satisfied to determine that the visual integrity of the established pattern of development of this residential area will not be adversely affected in a significant manner when the proposed changes are made.

Finally, I am satisfied to conclude that the proposed changes will result in the dormer window complying with the provisions of the Cork City Development Plan as they relate to alterations to existing dwellings. The proposal would satisfactorily address

any concerns relating to impact on the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. Furthermore, the revisions would improve compatibility with the character of the established roof.

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 design, form, reduction in scale of the dormer window construction, and the proposed finishes, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would comply with the provisions for extensions to dwellings as set out in the current Cork City Development Plan, and would otherwise be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. Prior to the commencement of development, details of the external finishes of the proposed dormer walls shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

2. 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

25th June 2018