



An  
Bord  
Pleanála

## Inspector's Report ABP-301681-18

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<b>Development</b>	Retention of single storey rear extension
<b>Location</b>	24 Vicar St., Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	17/37590
<b>Applicant(s)</b>	Florence Gabriel
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Grant, subject to 6 conditions
<b>Type of Appeal</b>	Third party -v- Decision
<b>Appellant(s)</b>	Maria O'Regan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> September 2018
<b>Inspector</b>	Hugh D. Morrison

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## **1.0 Site Location and Description**

- 1.1. The site is located within the vicinity of St. Fin Barre's Cathedral in Cork's inner suburbs. This site lies on the western side of Vicar Street, which runs on a north/south axis between Dean Street and Barrack Street. It occupies a mid-row position towards the northern end of the Street and between three and two storey dwelling houses to the north and south, respectively. (Elsewhere on this row there are examples of single storey dwelling houses). On the opposite side of the Street from the site, there is a grassed area, which is forward of a three-storey block of flats.
- 1.2. The site itself is of elongated form and it extends over an area of 0.0042 hectares. This site accommodates a small, single storey, street-fronted dwelling house with a rear extension and back yard.

## **2.0 Proposed Development**

- 2.1. The proposal is for the retention of a single storey rear extension. This extension is "L" shaped in plan-view and its construction has been undertaken in conjunction with the construction of a mono-pitched roof over the entire rear portion of the dwelling house.
- 2.2. Formerly there was a smaller single storey extension to the rear of the dwelling house. This extension was "L" shaped in plan-view, too, and it had a flat roof. (The rear roof plane of the dwelling house, as distinct from the extension, was pitched).
- 2.3. A comparison of the existing and former extensions indicates that the existing entails a net increase in the gross internal floorspace of 5.2 sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Following clarification of further information received, permission granted, subject to 6 conditions, including one that requires the mezzanine floor to be used be storage only.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Further information requested concerning more extensive plans of the property under its different stages of development and, subsequent, clarification of these plans.

#### **3.2.2. Other Technical Reports:**

- Irish Water: No objection, standard observations.
- Drainage: No objection.
- City Archaeologist: Commentary given.
- Area Engineer: No objection, subject to conditions.

## **4.0 Planning History**

None

## **5.0 Policy Context**

### **5.1. Development Plan**

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying within an area that is zoned Z04, “To protect and provide for residential uses, local services, institutional uses, and civic uses.” This site lies within the South Parish ACA Sub-Area A: Cathedral Quarter and the adjacent houses at Nos. 2 & 4 Dean Street are identified by the NIAH (reg. nos. 20503675 & 20503674)). It also

site lies within the Zone of Archaeological Potential for Cork City. Paragraph 16.72 of the CDP addresses extensions to existing dwellings. Objective 9.32 addresses development in ACAs.

## 5.2. **Natural Heritage Designations**

Cork Harbour SPA (site code 004030)

Great Island Channel SAC (site code 001058)

## 6.0 **The Appeal**

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

The appellant's dwelling house adjoins the site to the north. The applicant's dwelling house is a single storey infill between this dwelling house and another dwelling house which adjoins the site to the south.

Attention is drawn to the documents "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" BRE 1991 and "Lighting for Buildings Part 2 1992: Code of practice for Daylight" BS8206. Attention is also drawn to Class 1 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 – 2018.

The grounds of appeal are as follows:

- The submitted plans are critiqued on the basis that they are not based on a site survey. Furthermore, they depict neither the overhang of neighbouring properties on both sides of the site nor the unfinished state of these side elevations. No plans have been submitted to show how the said overhang would be remedied. At a minimum such plans should be conditioned.
- The initial description of the proposal was inadequate, i.e. it should have referred to the substantial demolition of an existing dwelling house and its subsequent reconstruction and enlargement.
- The proposal has been constructed on top of existing party walls to the site with a consequent loss of amenity to neighbours, i.e. they are overbearing.

- The area of rear garden is sub-standard under the above cited Class 1. Consequently, an inadequate area of private open space pertains.
- No lighting/shadow analysis was submitted and so the resulting assessment was not sufficiently informed.
- The railings between the appellant's rear yard and the applicant's one and the Perspex canopy over this yard were erected for security reasons. The current proposal reduces the lighting of it further.
- If the reconstruction had occurred without the enlargement, then neighbouring amenity would have been unaffected. However, the quest for a mezzanine floor has led to enlargement, which, regardless of any prohibitive condition, is likely to be used for habitable purposes.

#### **6.2. Applicant Response**

- Contrary to the appellant's contention, the plans are based on a site survey.
- A condition, as suggested, is invited.
- Other points raised have been adequately addressed by the case planner.

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

No further comments.

#### **6.4. Observations**

None

#### **6.5. Further Responses**

None

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) The application,
- (ii) Land use, conservation, and amenity,
- (iii) Water, and
- (iii) Screening.

### **(i) The application**

7.2. The appellant questions the adequacy of the submitted plans on the basis that they may not be based on a site survey, as distinct from the ordnance survey base map for the site. The applicant has responded by insisting that these plans were based on a site survey.

7.3. I note that the details and stated dimensions of the submitted plans indicate that they are based on a site survey. I note, too, that the extent and accuracy of these plans was the subject of attention at the application stage under requests for further information and clarification of further information.

7.4. The appellant also questions the adequacy of the description of the proposal on the basis that more extensive works were undertaken than those denoted by this description.

7.5. I note that works undertaken to the dwelling house have entailed the replacement of the former rear extension with the one that is now existing on site. I note, too, that these works have also entailed the re-roofing of the dwelling house. Thus, the submitted plans show that the front roof plane has been reconstructed as well as the rear roof plane. The former front plane is shown as being similar to but not the same as the existing one. The former rear roof plane was pitched and the former extension had a flat roof, while the existing one is entirely pitched. The former ridgeline has been replaced by a flat roof between the front and rear pitched roof planes.

7.6. The Planning Authority validated the current application, which includes the said description. Nevertheless, this description fails to refer to the re-roofing of the

dwelling house in conjunction with the replacement rear extension. As these two items are linked and are inter-related, they should both have been referred to in the current application for retention.

7.7. I conclude that the description of the proposal is inadequate and so, should the Board be minded to grant, a public consultation exercise would be necessary, based on an adequate description.

**(ii) Land use, conservation, and amenity**

7.8. Under the CDP, the site lies within an area that is zoned Z04. In land use terms, residential uses are appropriate within this zone. The site has previously been in such use and under the current proposal this would continue to be the case.

7.9. Under the CDP, the site lies within an ACA. The works carried out to the dwelling house on the site have not entailed any significant alteration to its front elevation. Accordingly, the streetscape presence of the dwelling house within the ACA is unaffected by the same.

7.10. The pre-existing dwelling house on the site with its former extension had a floorspace of c. 26 sqm. Under the subject extension, this figure would rise to c. 30 sqm, a figure that would still be less than, for example, the minimum of 37 sqm for a studio apartment cited in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines. Nevertheless, given the presence of the dwelling house on the site, the slight increase in floorspace and the significant increase in volume, due to the specification of a pitched roof over the extension, have the effect of improving the amenities afforded by the dwelling house.

7.11. The appellant draws attention to the mezzanine facilitated by the aforementioned additional volume. While she acknowledges condition 4 attached to the draft permission, which requires that the mezzanine be used for storage only, she questions whether in practise this would arise.

7.12. I recognise the appellant's concern. At the application stage the applicant sought to allay this concern by means of revised plans of the mezzanine, which were submitted as clarification of further information and which show this space as being enclosed and subject to an access hatch only. The draft permission thus granted was subject to conditions that require the implementation of these plans and the subsequent use of the said space for storage only.



- 7.13. I recognise that the design approach to the overall extension of the dwelling house is based on increasing its volume to facilitate the introduction of the mezzanine. Given the limited ground floor area available, such introduction is a creative way to secure additional space. However, it is clearly sub-standard for habitable accommodation and, while the applicant's revised plans are welcome, the difficulty in practise of ensuring that a storage only use is maintained would be considerable.
- 7.14. The appellant also draws attention to the reduction in the yard area from its former 14.5 sqm to its present 7.8 sqm. She states that this area is sub-standard under Class 1 of Schedule 1 of Part 2 to Article 6 of the Planning and Development Regulations, 2001 – 2018.
- 7.15. I recognise that, under the said Class, 25 sqm of private open space is cited. However, this Class is designed to be used in determining when new build extensions need to be the subject of planning control. In the present case, an existing dwelling house is in view and the applicant has opted to "trade" yard for additional floorspace. In doing so the retained yard continues to occupy the south western corner of the site and so, while reduced in size, its favourable aspect would be maintained.
- 7.16. The appellant expresses concern over the rear extension insofar as it leads to a reduction of light to her residential property, at No. 25 Vicar Street, which adjoins the site along its northern boundary. She also expresses concern that the extension protrudes over this boundary, i.e. the northern extremity of the eaves and the northern fascia board to the roof edge encroach beyond the mid-point of the common boundary.
- 7.17. The appellant's rear yard is one that is laid out for predominantly the drying of clothes. Unusually, the clothes lines are accompanied by Perspex canopies, one of which abuts the aforementioned common boundary and is accompanied by vertical Perspex sheeting and railings that rise above the blockwork wall. While the Perspex is translucent, the lighting of the said yard is affected by these items.
- 7.18. The aforementioned yard is bound on its eastern and northern sides by the rear elevations of the dwelling houses at Nos. 25 and 26 Vicar Street and No. 2 Dean Street. The ground floor windows in these elevations overlook this yard. The

separation distance between Nos. 26 and 2 and the common boundary with the site is c. 5m. Thus, the lighting and outlooks from these windows is limited.

- 7.19. The profile of the subject rear extension is visible through the greater portion of the railings above the common boundary wall. The solid form of this profile has, consequently, reduced the lighting of the yard and the aforementioned windows, significantly.
- 7.20. The Planning Authority took the view that, as the lighting of the yard is already affected by the two canopies described above, a further reduction in lighting could be countenanced. I consider that, as the pre-existing lighting of the yard is a given, the impact of the extension on lighting should be assessed in its own right. As described above, this impact is significant.
- 7.21. While the applicant has undertaken to set back the protruding portion of the roof, this would have no bearing on the issue of lighting.
- 7.22. I conclude that the design approach to the extension of the dwelling house is based on the insertion of an upper floor. While, under revised plans, the future use of this floor is shown as storage, the limited ground floor area of the extended dwelling house would be such as to mean that pressure for its use other than for storage could be anticipated. The shape of the new roof specified for the dwelling house reflects the imperative of the inclusion of the upper floor and it entails the incorporation of an extended pitched rear roof plane. The resulting northern elevation of the rear extension is visible above the common boundary wall between the site and the adjoining rear yard to the north and it reduces the lighting to this yard and the ground floor windows of the three dwelling houses that abut it. In all of these circumstances, I conclude that the retention of the said extension would adversely affect the amenities of these residential properties.

### **(iii) Water**

- 7.23. The site is in an existing fully serviced urban location and so the extended dwelling house would continue to be served by the public water mains and the public foul and surface water sewerage system.
- 7.24. The OPW's flood maps indicate that the site is not at any identified risk of flooding.

### **(iv) Screening**

- 7.25. Having regard to the nature and scale of the proposal, there is no real likelihood of significant effects on the environment arising from the proposal. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 7.26. Having regard to the nature and scale of the proposal, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. That retention permission be refused.

## **9.0 Reasons and Considerations**

The proposal is for the retention of a rear extension to an existing very small dwelling house. This extension has a mono-pitched roof, the specification of which is linked inextricably to the inclusion within the overall roofspace of an upper floor, the design of which would be inherently unsuited to habitable use. Its northern elevation is visible above the common boundary wall between the site and the adjoining rear yard to the north and the presence of this elevation significantly reduces the lighting to this yard and the ground floor windows of the three dwelling houses that abut it. Consequently, the retention of the rear extension is seriously injurious to the amenities of the adjoining and adjacent residential properties and so to accede to it would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

17<sup>th</sup> October 2018