



An
Bord
Pleanála

Inspector's Report

ABP-305651-19

Development	Demolition of single storey rear extension and construction of new two storey rear extension.
Location	No 3 Railway Cottages, Anglesea Street, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38575
Applicant(s)	Colin Good & Yvonne Leo
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party V Decision
Appellant(s)	Colin Good & Yvonne Leo
Observer(s)	None
Date of Site Inspection	19 th December, 2019
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. No 3 Railway Cottages is a modest single storey terraced dwelling which is in a state of dis-repair. The site is located within an established residential area. The cottages are included on the National Inventory of Architectural Heritage (NIAH) ref no. 20508359 with a regional rating of architectural interest, built circa 1867. The cottages are also located within the Anglesea Street Architectural Conservation Area (ACA).
- 1.2. Immediately adjoining the property to the east and west of the site are similar single storey terraced cottages at no 2 & 4 Railway cottages. On the opposite side of the street are contemporary style three storey terraced residential units and to the south (rear) of the site is a large surface car park area.
- 1.3. The rear boundary treatment of the site comprises a c. 5 metre high stone wall. To the east and west of the site, above ground floor extensions have been constructed to the rear of properties no's 2 & 4 Railway Cottages and similarly to the rear of many of the adjacent Railway Cottages.

2.0 Proposed Development

- 2.1. The proposed development is to comprise the demolition of an existing single-storey rear extension and the construction of a two-storey flat roofed rear extension.

3.0 Planning Authority Decision

3.1. Decision

On the 18th day of September 2019, Cork City Council decided to refuse to grant permission for the proposed development for two reasons:

- By virtue of the location of the site within an ACA and its inclusion on the NIAH that the design and scale of the proposed two storey extension would be visually obtrusive and would materially contravene the City Development

Plan and establish an undesirable precedent and erode the architectural character of the cottages.

- The design and layout as proposed would result in an inadequate provision of private amenity space and an insufficient level of amenity for existing and future occupants and would be injurious to their residential amenities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer noted the planning history of properties in the vicinity, development plan provisions and internal reports received from internal Departments within the City Council and from prescribed bodies. The key issues were considered to be the impact of the development on the character and setting of the dwelling and the overall terrace and the impact upon residential amenity.

3.2.2. Other Technical Reports

- The Roads Design Engineer: No objection subject to conditions.
- The Environment Waste Management & Control Section: No objection subject to conditions.
- The Drainage Engineer: No objection subject to conditions.

3.3 Prescribed Bodies

- Irish Water - No objections.
- Health and Safety Authority - No objections.

4.0 Planning History

I am not aware of any recent planning application relating to this site.

On neighbouring properties:

- TP/0833343 -Permission granted in 2008 for retention of dormer extension to front of dwelling house at first floor level, single storey extension to rear and all associated siteworks at 13, Railway Cottages, Anglesea Street. Planning Permission was upheld by the Board reference number PL28.231629

- TP 06/30746-Permisison granted in 2006 by Cork Corporation for retention of two storey rear extension, raised ridgeline and installation of rooflights at No 10, Railway Cottages, Anglesea Street.
- TP02/26652-Permission granted in 2002 by Cork Corporation for retention of two storey rear extension, raised ridge line and installation of rooflights at No 5, Railway Cottages, Anglesea Street.

5.0 Policy and Context

5.1. Cork City Development Plan 2015-2021

5.1.1. *Zoning*

The site is zoned 'Z03 Inner City Residential, Neighbourhood with an objective: To reinforce the residential character of inner-city residential neighbourhoods, while supporting the provision and retention of local services, civic and institutional functions.

5.1.2. Designations

The cottages are included on the National Inventory of Architectural Heritage (NIAH) ref no. 20508359 with a regional rating of architectural interest, built circa 1867. The cottages are also located within the Anglesea Street Architectural Conservation Area (ACA).

5.1.3. Alterations to Existing Dwellings

The design and layout of extensions to houses are required to 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.

5.1.4. Section 16.72 of the Plan sets out the requirements f in relation to extensions and alterations to dwellings. 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;
- 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.

5.1.5. Architectural Conservation Area's

Sections 9.46-9.49 of the Plan specifically address the topic of ACA's and set out the following:

The aim of designating areas is to protect their special characteristics and distinctive features from inappropriate actions. External works that would affect the character as described by the Planning Authority will require planning permission. The City Council as planning authority has a legal duty to seek the conservation and enhancement of Architectural Conservation Areas designated in the city by the Development Plan

Objective 9.29 Seeks - To preserve and enhance the designated Architectural Conservation Areas in the city.

Objective 9.32 sets out the consideration for works within ACA's as follows:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc, shall not be generally permitted,
- Acceptable design, scale, materials and finishes for new developments,
- Original materials and methods of construction should be retained. For example, timber barge boards, windows and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.
- Features of historic or architectural value should not be removed.

5.1.6. The specifics in relation to ACA's are set out with Volume Three of the Plan. There are a number of smaller area ACA's designated throughout the city within the Plan. One of these is the Railway Cottages 1-13, Anglesea Street. This particular ACA is described as follows-A terrace of 13 two-bay two storey houses located in a cul-de-sac-built c. 1865-1868. Although altered and modernised they are important as part of a group which retain vernacular, even rural character and are important for the domestic scale of the area.

5.2. Architectural Heritage Protection Guidelines for Planning Authorities (2011)- Department of Arts, Heritage and the Gaeltacht.

5.2.1. Development Control

Chapter 6 of the Guidelines addresses the issue of Development Control. Section 6.25 outlines the following in relation to development proposals within ACA's:
Consider the potential impact of the development on the character of the ACA when determining the application.

5.2.2. Extensions to Dwellings in ACA's

Section 6.8.5 of the Guidelines sets out the following in relation to matters to be considered when assessing domestic extensions within ACA's: The effect of extensions may have considerable impact on the appearance of buildings or on the setting of neighbouring buildings, or indeed on the appearance of the structure when viewed from a distance (or a set of similar structures such as in a terrace), and this should be considered by the planning authority when assessing applications.

5.3. Natural Heritage Designations

Not relevant

6.0 The Appeals

6.1. Grounds of Appeals

6.1.1 The grounds of the appeal may be summarised as follows:

- The proposal seeks to bring this dwelling that has been unoccupied for over twenty years back into use within this established residential area.
- The applicants family have resided within this property for over 100 years.
- They have expended significant resources into acquiring the property and developing a suitable design for the extension. The design seeks to keep the ridge height at a minimal level, hence the existing ridge line is not proposed to be breached and the new development proposals are to be set back from the existing ridge line in order to minimise the visual impact of same.
- In order to make the dwelling adaptable for future family needs, it must be extended and modernised.
- They liaised with the Conservation Officer of Cork City Council at -pre-planning stage where the Officer outlined no objections from a conservation perspective.
- They outline details of a number of precedents permitted and established locally for two storey extensions, mainly to the rear of adjacent dwellings within the terrace,
- The proposals will bring a use back into this vacant dwelling within this city location as should be encouraged by the City Council.

6.2. **Planning Authority Response**

The Planning Authority submitted that it carried out its duties in terms of the provisions of the Planning and Development Act and the associated Regulations and that its decision is consistent with the provisions of the Development Plan and the proper planning and sustainable development of the area and that they had no further comments to make on the application.

6.3. **Further Submissions**

Comments were invited by the Board from the Development Applications Unit, the Heritage Council., the Arts Council, An Taisce and Failte Ireland and no comments were received.

7.0 **Assessment**

7.1. **Introduction**

7.1.1 I consider the principal planning issues relating to the proposed development are the impact on the character of the area including the ACA and the impact on residential amenities.

7.2 **Impact on the Character of the Area, including the ACA**

7.2.1 The Planning Authority are concerned that the scale and design of the proposed two storey extension would not be compatible with the character of the existing house and the character of the terrace and the ACA designation. The concern relates to the design and scale of the proposals being visually intrusive and eroding the architectural character of the terrace. It is noted that the proposed ridge height (5.8 metres) will exceed the existing max ridge line (4.7 metres) of the pitched roof by approximately 1.1 metres. However, the proposed rear extension is to be recessed back from the existing ridgeline by approximately three metres. Given the narrow width of the adjoining street (approximately 7 metres), and the fact that the existing above ground floor rear extensions are not visually prominent within the local streetscape, it is unclear how the proposed rear extension will impact upon the character of this terrace by virtue of its design and scale.

7.2.2 The Planning Authority acknowledge in the planning report that a number of properties in the terrace have constructed two-storey extensions to the rear of the properties. Therefore, it is considered that the applicants in progressing their design proposals have had regard to the established and permitted character of the area. I am satisfied that the design solution presented will not be visually prominent or obtrusive within the local streetscape.

7.2.3 The proposed extension would be constructed to the southern (rear) side of the dwelling and thus could not truly be seen to interfere with the character of the terrace of houses that exist to the east and west. This context would ensure that the proposed development would not disturb the general rhythm of character of development within the terrace. Flanked between a terrace of houses, it is considered that the proposed development would not form any obtrusive development in isolation.

7.2.4 In conclusion, the proposal does not reasonably warrant a refusal of permission based on any perceived undermining of the character and setting of the ACA.

7.3 Impact on Residential Amenity

7.3.1 The Planning Authority have expressed concerns regarding the inadequate provision of private amenity space. At present to the rear of the property there is a yard area which has an area of 6.5 sq. m approximately. It is noted that this yard area is surrounded on two sides (east and west) by existing above ground floor rear extensions and to the rear (south) by a 5-metre stone wall. Therefore, the amenity afforded to this private rear amenity space is of minimal value by virtue of its surrounds whereby daylight and sunlight are severely restricted. The Planning Authority consider that the omission of the amenity space would provide for an insufficient level of amenity for existing/future occupants of the dwelling. Any loss of quality private amenity space is undesirable and would not normally be encouraged. However, in this instance, it is considered that the poor quality of amenity afforded to occupants by this space in tandem with the provision of an improved quality and quantity of residential accommodation, that there is merit in consideration of the current proposals, albeit that the private rear amenity space will be subsumed within the proposed internal habitable space.

7.3.2 The proposed development has been designed such that there would be no overlooking of the adjoining properties. The provision of a single first floor window facing towards the rear roof slope of No 3 (their own property) will not result in overlooking of the neighbouring properties. Having regard to this, it is clear that the proposed development would not result in any loss of privacy or amenity to the adjoining properties.

7.3.3 With regard to the issue of overshadowing, I first acknowledge that the applicants are proposing to construct a two-storey rear extension to replace the existing single storey extension to the rear of the property. The ridge height and scale of the proposed rear extension will be consistent in scale and height to the above ground floor extensions constructed immediately adjoining the subject property. Therefore, it is not considered that overshadowing of adjacent rear amenity spaces will arise in this instance. I am satisfied that the proposed development would not result in any significant additional overshadowing of the properties to the east or west to warrant a refusal of permission on this issue.

7.3.4 In conclusion, it is considered that the proposed extension forms a reasonable addition to the existing house and has clearly been designed with due regard to addressing any potential adverse impacts it may have had on the adjoining properties to the east and west.

7.4 Appropriate Assessment

7.4.1 Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distances to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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

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 and limited scale of the proposed development, the existing building on site and the pattern of development within the area, it is considered that the proposed development would not adversely impact on the visual amenity of the streetscape, the residential amenities of adjoining properties by way of overlooking or overshadowing impact, and would not compromise the character and setting of the Architectural Conservation Area. 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 and details submitted to the Planning Authority 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 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.

Fergal O'Bric
Planning Inspector

9th January 2020