



An
Bord
Pleanála

Inspector's Report

ABP-306436-20

Development	Construction of alterations and extensions to dwelling and partially raise ridge of existing roof.
Location	Riverview, Montenotte Road, Tivoli, Cork City.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38621
Applicant(s)	Michelina Fox
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party v. Condition
Appellant(s)	Michelina Fox
Observer(s)	None
Date of Site Inspection	18 th March 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site is located at Montenotte Road, Tivoli, to the north-east of Cork City and comprises a two-storey detached villa style dwelling within the identified development boundary of Cork City. The site is elevated with views over Cork City and more particularly over Kent Railway Station, the River Lee and the docklands area to the south of the site. There are several two storey dwellings located north and east of the appeal site, all on elevated sites overlooking the city.
- 1.2. The subject site has a stated area of 570 square metres (sq. m.). It is located to the rear (south) of a terrace of four town houses and south-west and south-east of several other large detached and semi-detached dwellings accessed off a narrow laneway, Corkscrew Hill. Site levels fall from north to south with a level difference of approximately 3.5 metres. There is no vehicular access to the dwelling, with the pedestrian access via a number of flights of steps from Corkscrew Hill along the western boundary of the townhouses to the north and to the west of the appeal site.

2.0 Proposed Development

- 2.1. It is proposed to construct a single-storey flat roofed kitchen/utility extension to the front (north) of the dwelling within a courtyard area, revised stepped access to the kitchen area from to the rear (south) of the dwelling and to replace the existing single storey kitchen roof. It is also proposed to alter the roof profile of the roof of the house in order to provide for a master bedroom within the attic area and the insertion of eight rooflights to provide illumination within this attic floor area.
- 2.2. The extensions to the dwelling will comprise a total gross floor area of 50.38 square metres onto the existing dwelling which has a floor area of approximately 167 square metres. The revised two-storey dwelling would have an overall stated gross floor area of approximately 217 square metres.
- 2.3. The proposed extensions would provide for a traditional style and form in terms of bi-folding doors/windows with a vertical emphasis, hardwood cornicing detail and hardwood doors and old styled red brick on the proposed front (courtyard) extension.

2.4. Further Information submitted to Cork County Council on the 18th day of November 2019 included: Revised attic space proposals whereby the attic level dormer windows were omitted and rooflights proposed instead, and the roof profile was altered to provide for a double pitched/truncated roof profile.

3.0 **Planning Authority Decision**

3.1. **Decision**

Planning permission was granted subject to thirteen standard conditions. The following is the relevant condition to this appeal:

Condition Number 2: The proposed works to the roof shall be omitted. No permission is granted for the raising of the roof or dormers.

Reason: In the interests of architectural character and visual amenity of the area.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

Following the submission of the further information, the Area Planner recommended that planning permission be granted subject to conditions.

Other Technical Reports

- Roads Report: No objection, subject to conditions
- Environment Report: No objection, subject to conditions
- Drainage Report: No objection, subject to conditions

3.3. **Prescribed Bodies**

- Irish Water: No objections, subject to conditions.
- Health and Safety Authority: No objections.

4.0 **Planning History**

Subject Site:

I am not aware of any relevant planning history pertaining to the application site.

Adjoining Sites:

None relevant.

5.0 Policy Context

5.1. Cork City Development Plan, 2015-2021

5.1.1. Zoning

The site is zoned 'Z04 Inner City Residential, Local services and Institutional Uses with an objective: To protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3.

Paragraph 15.10 of the Plan states that the provision and protection of residential uses and residential amenity is a central objective of this zoning.

5.1.2. 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.

5.1.3. Section 16.72 of the Plan sets out the requirements 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.

5.2. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal against the Planning Authority's condition number two only was received from the applicant. The issues raised therein are summarised below:

- The Planning Authority acted appropriately in raising concerns in relation to the box dormers as originally proposed. However, the determination of the revised design proposals by the Planning Authority involving the modest alteration of the roof and provision of rooflights is considered to be unfair.
- Condition number two is un-warranted and not required to protect the architectural character and visual amenity of the area.
- It is stated that the Planning Authority have adopted an overly restrictive approach to the proposed development. The omission of the dormer windows as originally proposed minimises the effect on the sites immediate context, a matter acknowledged by the Planning Officer within the planners report, where it states that the low pitch slate roof is not high enough to give adequate headroom for habitable space in the attic.
- The dwelling is not included within the National Inventory of Architectural Heritage nor identified as a Protected Structure within the Cork City Development Plan, nor is the area defined as an Architectural Conservation Area.
- The proposed alteration to the roof profile is minimal and the addition of rooflights have often been considered to constitute exempted development in

accordance with Section 4 (1) (h) of the Planning and Development Act 2000, as amended, by Planning Authorities and the Board.

- The proposed alterations to the roof comply with the City Development Plan development management standards and are based on minimal intervention to the dwelling and they consider that the works will not have any injurious effect on the character of the area.
- The Planning Authority state that they are concerned that the proposed alterations at roof level which are needed to create such space will result in a visually unsatisfactory river facing elevation.
- It is stated that the house is located outside of the Montenotte (Tivoli) ridge as defined within the Development Plan from where there are landscape and townscape views. There are mature trees and an outcrop which screen the appeal site from the River Lee channel below.
- In assessing the proposed development, the Planning Authority have suggested an architectural significance pertains to the house, this is not supported by planning policy. The Planning Authority also consider that the proposed alterations will cause visual injury to the amenities of the area, when in fact the proposed alterations would be imperceptible from the River Lee to the south.
- Given the separation distance between the appeal site and the River Lee and the nature of the alterations to the roof, the appellant considers that the alterations will be imperceptible and could not be considered to have a negative impact on the visual amenities of the area.

6.2. Planning Authority Response

6.2.1. No additional comments received.

7.0 Assessment

7.1. This is a first-party appeal only against condition number two attached to the Planning Authority's decision to grant planning permission. This condition requires that the works to the roof be omitted and that no permission is granted for the raising of the roof or dormers.

- 7.2. Having regard to the nature and scale of the proposed development and the nature of condition number two, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.3. The grounds of appeal assert that as the site and surrounding area does not have any conservation status, the raising of the ridge level by approximately two hundred millimetres would not be considered to constitute a significant alteration. I am satisfied that the proposed minor alterations would be insignificant when viewed from the Ricer Lee, which is located approximately 300 metres south of the appeal site with the existence of mature plantation and vegetation between the appeal site and the river.
- 7.4. The Planning Authority's reason for attaching condition number 2 to their notification of a decision to grant permission is stated as 'in the interests of architectural character and visual amenity of the area'. It is apparent that this site/area is not subject to any conservation status as per the policies and objectives as set out within the Development Plan. It is acknowledged by the Conservation Officer within his report that the Villa style dwelling is a good example of a dwelling from that era. However, it is considered that the scale of the roof modification would result in a modest increase in the ridgeline, providing for a double pitched/truncated style roof. I am satisfied that the design of the revised roof profile is acceptable and would accord with the policies and objectives of the Development Plan.
- 7.5. In conclusion, I am satisfied that condition Number 2, requiring that the proposed roof works be omitted, and that no permission is granted for the raising of the roof or dormers, would not be warranted.

8.0 Recommendation

- 8.1. It is recommended that the Planning Authority be directed to remove condition number 2, for the reasons and considerations hereunder.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Cork City Development Plan 2015, it is considered that the modification to the proposed development, as required by the planning authority in its imposition of condition number 2, was not warranted, and that the proposed development, with the omission of condition number 2, would not detract from the architectural and visual amenities of the area, would be acceptable within the landscape and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Fergal O'Bric
Planning Inspector

6th April 2020