



An
Bord
Pleanála

Inspector's Report ABP-308428-20

Development	Construction of first floor extension and construction of porch to front of dwelling house.
Location	Woodbine Cottage, The Lough, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	20/39058
Applicant(s)	Anne & Carmel Ennis
Type of Application	Permission
Planning Authority Decision	Grant, subject to 7 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Sean & Christine Russell
Observer(s)	None
Date of Site Inspection	19 th December 2020
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located to the east of Cork Lough and in a position adjoining the north-eastern corner of the junction formed between Lough Road and Fairy Lawn. This site lies within a residential area that comprises a mixture of house types, sizes, and designs. It is accompanied to the south by Fairy Lawn, which rises at a moderate gradient from its junction with the Lough Road in an easterly direction.
- 1.2. The site is roughly square in shape and it extends over an area of 0.0346 hectares. This site accommodates an existing, two-bed, single storey dwelling house (56.4 sqm), which is sited mainly in the north-eastern quadrant. The main body of this dwelling house is of rectangular form under a double pitched roof. It has a utility room extension on its eastern side and a kitchen/bathroom extension on its north facing rear elevation. The dwelling house is accessed via separate vehicular and pedestrian gates from Lough Road and it is served by a garden to the front and side (western) and a drive-in and yard to the rear. The site is enclosed by means of boundary walls. In addition, the utility room extension abuts the existing garage that is attached to the western side of the appellants' two-storey dwelling house at No. 1 Fairy Lawn.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a first-floor extension (51.29 sqm) over the main body of the dwelling house and the rear extension. This extension would be accompanied by internal alterations to the existing dwelling house. It would facilitate the provision of a third bedroom.
- 2.2. The existing back bedroom would be utilised to provide a staircase and a toilet. (The existing bathroom would be omitted in favour of the enlargement of the kitchen). Two bedrooms would be provided in the new first floor over the main body of the dwelling house and a new bathroom and hot press/box room would be provided over the rear extension.
- 2.3. A front porch would be constructed around the existing front door to the dwelling house.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted, subject to 7 conditions, the second of which requires that the proposed first floor extension over the existing kitchen and bathroom be set back by 1m from the line of the existing rear elevation and that a hipped roof be specified to a pitch that would match that of the existing pitched roof. The reason for this condition is to protect the amenities of adjoining residential properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following:

- The site plan to show the full extent of the adjacent dwelling house to the east,
- A shadow study of the proposal in relation to neighbouring residential properties to be prepared, and
- The proposed first floor extension over the existing kitchen and bathroom may need to be scaled back.

3.2.2. Other Technical Reports

- Irish Water: Standard observations.
- Cork City Council:
 - Roads Design: No objection.
 - Drainage: No objection, subject to conditions.
 - Contributions: No objection.

4.0 Planning History

Site: None

The appellants' adjoining site to the east:

TP19/38559: (a) Demolish existing garage and single storey extension to the side and rear of the dwelling house, respectively, (b) Construction of single storey side extension and two-storey rear extension, (c) Alterations to the existing dwelling house, and (d) All associated site works: Permitted at appeal ABP-306299-20.

5.0 Policy and 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 ZO5 “Residential, local services and institutional uses” wherein “The provision and protection of residential uses and residential amenity is a central objective”. Paragraph 16.72 of the CDP addresses “Extensions”. It states that “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.” One of the factors subsequently identified as being relevant states the following: “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

- Cork Harbour SPA (004030)
- Great Island Channel (001058)

6.0 The Appeal

6.1. Grounds of Appeal

- The submitted shadow study is considered to be inaccurate: It is not accompanied by any explanatory methodology and it appears to underplay the lighting of the appellants' residential property, for example, if the

overshadowing shown for September is compared with photographs taken during this month.

- Condition no. 2 would be inadequate to prevent a loss of direct sunlight arising at the appellants' residential property. The appellants estimate that such loss would occur between 15.00 and 17.00 hours as a result of the proposed first floor extension over the main body of the dwelling house and between 17.00 and 19.00 hours as a result of the proposed first floor extension over the existing kitchen and bathroom to the rear.
- The submitted cross sections are considered to be ambiguous: Again, any first-floor extension over the existing kitchen and bathroom would obstruct light from the setting sun.
- Attention is drawn to notation on the proposed first floor plans which denotes a space as hot press/bedroom and yet there would be no window in the same.
- Attention is also drawn to the ground floor kitchen and dining room windows in the appellants' dwelling house, which presently overlook the site to enjoy views of The Lough beyond. Under the recently granted permission for this dwelling house the former window would be resited 1m to the south and so the impact of the proposed first floor extension over the existing kitchen and bathroom would be even greater upon it.
- The appellants request that the proposed first floor extension over the existing kitchen and bathroom be omitted. They suggest that the opportunity exists for the applicants to develop compensatory space over their utility room to the side of the main body of their existing dwelling house.

6.2. Applicant Response

- The appellants descriptions of the applicants' shadow study as "inaccurate" and cross sections as "ambiguous" are contested. The former contention is unsupported, and the latter contention is simply incorrect.
- The notation cited does not refer to a bedroom, but a box room.
- Attention is drawn to the fact that both the appellants' kitchen and dining room are served by windows in their rear and front elevations, respectively.

Furthermore, the dining room window that they discuss would become a door under their permitted application reg. no. TP19/38559.

- The appellants do not have a right to a view over the applicants' residential property.
- The applicants' question whether the appellants' existing rear extension is authorised along with its kitchen window in its side elevation.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of Cork City Development Plan 2015 – 2021, relevant planning history, 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) Visual amenity,
- (ii) Residential amenity,
- (iii) Water, and
- (iv) Appropriate Assessment.

(i) Visual amenity

7.2. The site is located in the north-eastern corner of the junction between Fairy Lawn and Lough Road. The front elevation of the existing single storey dwelling house on this site addresses the former residential street and its western side elevation

addresses the latter Road, which runs to the east of Cork Lough. The main body of this dwelling house is of rectangular form under a double pitched roof and it is accompanied by flat roofed extensions on its eastern side and to the rear. Under the proposal, an additional storey would be constructed over the main body of the dwelling house and its rear extension. A new double pitched roof to a shallower pitch of 30 degrees would be constructed over this combined first floor extension.

- 7.3. The appellants' two storey dwelling house lies to the east of the site at No. 1 Fairy Lawn. This dwelling house is sited at a higher level than the applicants' one. Under the proposal, the new ridge height would coincide with the eaves line of this dwelling house to the east and so the existing pronounced difference in height between these two dwelling houses would be eased.
- 7.4. Due to the easterly rise in Fairy Lawn, the finished floor level of the existing dwelling house on the site is higher than the comparable dwelling houses to the north along Lough Road. Under the proposal, the new eaves height would approximate to the ridge height of the nearest two storey dwelling house to the north. The new ridge height would coincide with the ridge height of the dwelling house to the north of this dwelling house. Correspondence between these lines would thus ensue.
- 7.5. The existing symmetry across openings in the front elevation of the dwelling house would be replicated in the proposed first floor windows and the proposed glazed porch would be sited centrally around the existing front door.
- 7.6. I conclude that the proposal would be compatible with the visual amenities of the area.

(ii) Residential amenity

- 7.7. The proposal would effectively double the floorspace of the applicants' dwelling house and facilitate the addition of a third bedroom, the enlargement of the kitchen, and an increase in internal storage space. It would thereby enhance the amenities of the applicants' dwelling house.
- 7.8. The appellants express concern that the proposal would lead to a reduction in the amenities that their dwelling house would enjoy as it exists at present and as it would exist under permitted application/appeal TP19/38559 and ABP-306299-20. In this respect, their concerns relate to two ground floor windows in the western side elevation of their extended dwelling house, i.e. a dining room window and a kitchen

window. Under their permitted application, the former window would be reconfigured as a glazed door to a circulation space and the latter window would be re-sited in a position 1.5m to the south and 0.5m closer to the common boundary with the applicants' site. Both these openings, in their existing and proposed formats, face/would face almost west north-west and so the appellants anticipate that the proposal would obstruct direct sunlight and reduce the lighting to and outlook from these openings.

- 7.9. Under further information, the applicants submitted a site plan, which shows the existing footprint of the appellants' dwelling house. The appellants' existing kitchen window lies 5.1m away from the applicants' rear extension and the existing dining room window lies 5.7m away from the north-eastern corner of the main body of the applicants' dwelling house. The outlook from this kitchen window over sails the flat roof of the rear extension, as does the majority of the outlook from the dining room window. Under the permitted application, the outlook from the proposed kitchen window would, likewise, over sail.
- 7.10. Under clarification of further information, too, the applicants submitted a shadow analysis of the existing and envisaged scenarios that would arise under their proposal. This analysis depicts overshadowing in the months of March, June, September, and December. In the case of the first three of these months, it is evident that overshadowing of the appellants' existing dwelling house would increase from mid-afternoon on and that this would have implications for the lighting of the kitchen and dining room windows.
- 7.11. The appellants have expressed reservations over the accuracy of the submitted shadow analysis. However, they do not contest the above finding regarding increased overshadowing, only its extent. They also state that Condition No. 2 attached to the Planning Authority's permission, which requires that the proposed first floor over the rear extension be set back by 1m, would be insufficient to overcome their concerns. They request that the entirety of this first floor be omitted and that the applicants consider extending at first floor over their side extension instead.
- 7.12. The applicants have responded by drawing attention to the fact that both the existing kitchen and dining room are served by other windows, too, i.e. ones in addition to

those that would be affected by their proposal. They also draw attention to the proposed re-specification of the dining room window as a door, they question whether the appellants' rear extension is authorised, and they state that the appellants do not have a right to a view over their residential property.

- 7.13. The Planning Authority has not expressed a view on whether the appellants' existing rear extension is authorised. What is clear, however, is that under the recently permitted replacement rear extension a similar kitchen window would be specified.
- 7.14. I note that the existing dining room window is a secondary one to this room, the primary one being in the northern elevation. Under the proposal this window would be re-specified as a glazed door to what appears to be predominantly a proposed circulation space. I note, too, that the existing kitchen is served not only by the window at issue, but by glazed doors in the northern elevation and another window in the eastern elevation. Under the proposal a more extensive glazed opening combining windows and doors would be specified for the northern elevation.
- 7.15. By way of commentary on the foregoing paragraph, I consider that, under the proposal, the rooms/spaces concerned under either the existing or proposed layouts would continue to be adequately lit. I consider, too, that the applicants are correct in stating that the appellants do not have right to a view over their residential property and that the appellants identification of the side extension, beside their garage, as an acceptable alternative position for the proposed first floor extension over the applicants rear extension suggests that the view of Cork Lough from their kitchen window is their primary concern.
- 7.16. I note that under the appellants proposal the applicants' residential property would be affected in terms of lighting and an increased sense of enclosure. Ultimately, these effects were not considered to be so significant as to warrant objection by either the Planning Authority or the Board. I note, too, that the current proposal would have similar effects. These proposals illustrate the difficulties of extending in situations where dwelling houses are both close to one another and there are concerns to protect the amenity value of habitable room windows in side elevations.
- 7.17. The Planning Authority's Condition No. 2 would be insufficient to allay the appellants concerns. I consider that the 1m set back would have a negligible effect upon the lighting of the applicants' dwelling house, but that the specification of a fully hipped

roof end would have a slight effect, e.g. in the lighting of the first floor high level window above the kitchen window in the appellants' permitted rear extension. Thus, the former should be omitted, and the latter retained. I consider, too, that the appellants are correct in their assessment that the omission of the entire first floor over the rear extension would be necessary to mitigate the reduction of lighting to their kitchen window. Their suggestion that the existing side extension could be built off instead is, from my examination of the submitted plans, not self-evidently an option. I therefore consider that the amenity gain to the applicants of the first floor extension at issue needs to be weighed against the amenity loss to the appellants, within a context wherein they have an extant permission to build in a manner that would affect the applicants' residential property to a greater extent than prevails at present.

- 7.18. I conclude that, subject to the specification of a hipped roof end to the proposed first floor extension, the proposal would be compatible with the residential amenities of the area.

(iii) Water

- 7.19. The existing dwelling house is served by the public water mains and the public foul and surface water sewerage system. Under the proposal, this would continue to be the case.
- 7.20. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.21. I conclude that no water issues arise.

(iv) Appropriate Assessment

- 7.22. The site is a fully serviced one in an urban area. The proposal is for the extension and internal alteration of an existing dwelling house only. During its construction and operational phases, this proposal would not have any effect upon the nearest European sites, which are in Cork Harbour, or any other such sites.
- 7.23. Having regard to the nature, scale, and location of the proposed development and the nature of the receiving environment, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 permission be granted.

9.0 Reasons and Considerations

Having regard to the Cork City Development Plan 2015 – 2021 and to the recent planning history of the adjoining residential property to the east, the Board considers that, subject to conditions, the proposal would be compatible with the visual and residential amenities of the area. No water or Appropriate Assessment issues would arise. The proposal would accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th day of April 2020 and on the 24th day of August 2020, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>The roof to the first-floor extension over the existing single storey rear extension shall be specified with a hipped end, which shall exhibit a 30-degree roof pitch.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>

Hugh D. Morrison
Planning Inspector

4th January 2021