



An
Bord
Pleanála

Inspector's Report ABP-308640-20

Development	Construct a rear extension at ground and first floor and associated site works.
Location	10 Marguerita Villas, Dean Street, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	20/39531
Applicant(s)	Sean Lyons
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Sean Lyons
Observer(s)	None
Date of Site Inspection	18 th February 2021
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in Cork's southern inner city off Dean Street, which bounds the southern side of St. Fin Barre's Cathedral. This site lies towards the south-western corner of a backland area comprising two corresponding rows of two-storey terraced dwelling houses, known as Marguerita Villas. A narrow laneway from Dean Street serves the Villas. The northern portion of the backland area is used for car parking and the open storage of domestic bins. Buildings on Dean Street are in institutional use and the streets/laneways to the south are in residential use.
- 1.2. The site itself comprises a mid-terrace, street-fronted, two-storey dwelling house with an "L" shaped, flat roofed, single storey rear extension, which wraps around a small yard (4 sqm). The dwelling house has also been extended by means of front and rear dormer extensions that bridge across the ridgeline of the original double pitched roof. The total area of the site is 0.0047 hectares and it is enclosed to the rear by a high stone wall (3.9m). To the south of the rear extension is a yard and a further single storey rear extension, while to the north this extension and its yard abut another single storey rear extension.

2.0 Proposed Development

- 2.1. The proposal would entail a ground floor rear extension over part of the yard and a first-floor rear extension over this extension and the east/west portion of the existing "L" shaped rear extension. (An existing rear oriel window on the rear elevation of the dwelling house would be removed).
 - The former extension would increase the size of the existing living/dining room and it would facilitate the installation of a new staircase between the ground and first floors. The existing staircase is steep and hazardous.
 - The latter extension would facilitate the provision of a bathroom/en-suite at first floor level. The existing bathroom lies beyond the kitchen in the existing rear extension.
- 2.2. In total the proposal would result in the floorspace of the dwelling house increasing in area by 11.8 sqm from 73.5 sqm to 85.3 sqm. The combined extension would be finished in timber on elevations that face onto the retained yard, to match the existing

ground floor rear extension, and it would be finished in smooth render on elevations that face outwards towards adjoining properties.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. The proposed rear extension would result in inadequate private amenity space and so the proposal would lead to over-development, and
2. The first floor of the proposed rear extension would, due to its height, scale, prominent location, and contextual relationship, be overbearing and it would lead to undue overshadowing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection: Standard notes.
- Cork City Council
 - Archaeology: No objection, subject to condition.
 - Drainage: No objection.
 - Contributions: No objection.

4.0 Planning History

Site:

- 00/23494: Extension: Refused.
- 04/28910: Conversion of attic and construction of front and rear dormers and a first-floor bay window in the rear elevation: Permitted at appeal PL28.210233.

No. 7 Marguerita Villas

- 20/39277: Construction of a rear extension at ground and first floor: Permitted.

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 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. 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 (004030)
- Great Island Channel SAC (001028)

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by stating that the proposal is prompted by the prospect of a family member’s return to Cork with No. 10 Marguerita Villas being her place of permanent residence.

The following grounds of appeal are cited:

In relation to the proposed ground floor rear extension:

- This extension would facilitate the enlargement of the existing living/dining room and the construction of a replacement staircase to the overly steep existing one.

- It would result in the yard being reduced in area from 4 sqm to 2 sqm. Nevertheless, it would continue to be a space that affords light/ventilation to the living/dining room, kitchen, and bathroom.
- The original utilitarian domestic uses of yards to “two-up/two-down” dwelling houses are listed, and the observation is made that the majority of these yards have been the subject of kitchen extensions that incorporate pre-existing w.c.s.

In relation to the proposed first floor rear extension:

- Attention is drawn to application 20/39277 for a similar first floor extension at No. 7 Marguerita Villas, an end of terrace dwelling house. In this case, permission was granted, as overshadowing and overlooking were not considered to be issues, whereas these factors were considered to be issues in the current case.
- The existing layout of the dwelling house is such that the ground floor bathroom is inconveniently placed for the first-floor bedroom. An additional bathroom at first floor by means of the proposed first floor extension is thus proposed. As the applicant had been the agent for 20/39277, he took his cue from the permission granted in designing the current proposal. It, too, would not result in overshadowing and overlooking.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the Cork City Development Plan 2015 – 2021 (CDP), 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 and residential amenity,
- (ii) Amenities of the property,
- (iii) Conservation and archaeology,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Visual and residential amenity

7.2. The proposal would entail the removal of an existing oriel window at first floor level on the rear elevation of the existing dwelling house and the construction of a ground floor extension in the space essentially beneath this window and a first floor extension above this extension and over the initial east/west portion of the existing single storey rear extension. At ground floor level, this extension would be served by a new glazed door and side window into the retained rear yard and at first floor level a bedroom window would be installed in an equivalent position to that of the oriel window. A bathroom window would be installed in the northern elevation of the projecting first floor extension and a dome shaped rooflight would also serve this extension. The combined extension would be finished in materials to match the existing rear extension, i.e. timber to elevations overlooking the retained yard and rendered plaster to elevations facing outward towards adjoining properties.

7.3. The opportunity to see the proposal would be limited due to the predominantly built-up nature of rear yards to the dwelling houses in the western terrace to Marguerita Villas and to the high rear wall to these yards that largely blocks views from further to the west. Insofar as it would be visible, I consider that its design and appearance would be compatible with the visual amenities of the area.

7.4. The Planning Authority's second reason for refusal critiqued the proposal on the basis that it would be overbearing, and it would lead to undue overshadowing. The

applicant has responded to this critique by drawing attention to a similar proposal that he was responsible for at No. 7 Maquerita Villas. In this case, a two-storey dwelling house at the southern end of the eastern terrace to Marguerita Villas was granted planning permission under application 20/39277 for a similar first floor rear extension to the one now proposed.

- 7.5. During my site visit, I observed that to the south of the existing ground floor rear extension there is a rear yard that accompanies a single storey rear extension to the dwelling house at No. 9 Marguerita Villas. This yard is overlooked by a ground floor window to a habitable room in the rear elevation of the dwelling house and a kitchen window in the side extension of the rear yard. The outlook from the former window is funnelled between the two existing adjacent rear extensions and it is partially blocked by a high boundary wall to the rear. The outlook from the latter window is affected by the proximity of the southern elevation of the applicant's existing rear extension to the north.
- 7.6. Under the proposal, the aforementioned outlooks would be restricted still further, especially that from the kitchen window. Thus, while I do not consider that the orientations at play are such that overshadowing would be a significant factor, I am concerned about the additional overbearing that would result to these outlooks. If the projection of the proposed first-floor extension over the existing ground floor one was to be approximately halved, then this would relieve the additional overbearing, i.e. from 4.4m to 2.4m.
- 7.7. During my site visit, I observed that to the north the existing rear extension and rear yard abut a rear extension to the dwelling house at No. 10 Marguerita Villas. The proposal would thus have no affect upon this extension and, as the greater portion of it would be set well back from the common boundary, upper floor windows in the rear elevation would be only marginally affected.
- 7.8. I conclude that the proposal would be compatible with the visual amenities of the area. I conclude, too, that subject to a reduction in the depth of the main portion of the proposed first floor extension, it would be compatible with the residential amenities of the area.

(ii) Amenities of the property

- 7.9. The applicant has explained that the proposal would give rise to a number of amenity gains for his residential property. Thus, the replacement of the existing steep and hazardous staircase between ground and first floor would be facilitated and so these floors would be served by a new safer staircase. The provision of a bathroom/en-suite at first floor would also be of benefit, as the existing bathroom is beyond the kitchen in the rear ground floor extension. The existing living/dining room and first floor bedroom would be expanded, too.
- 7.10. The Planning Authority's first reason for refusal critiques the proposal on the basis of loss of private amenity space and hence over development of the site. The applicant has responded to this critique by drawing attention to the trend evident at Maguerita Villas of rear yards being built upon. He also draws attention to how, under the proposal, the retained rear yard would still act as a light and ventilation well for the extended dwelling house.
- 7.11. During my site visit, I observed that the 4 sqm yard is enclosed and it is accessed via doors from the living/dining room and the kitchen. The oriel window overhangs part of this yard at present and transparent corrugated plastic sheeting overhangs the northern most portion. The amenity value of this space is limited by its size and these overhangs and so I observed that its primary role is as a light and ventilation well, a role that would continue under the proposal. I also observed that domestic bins are stored within a communal space in the northern portion of the backland area that comprises Maguerita Villas and so rear yards are not needed for the storage of such bins.
- 7.12. Under the proposal, two competing factors are at play: The amenity gains to the dwelling house that would ensue versus the halving of the rear yard from 4 sqm to 2 sqm. The applicant gives greater weight to the first factor, while the Planning Authority gives greater weight to the second factor. In the light of my site visit and observations of the rear yard, I consider that the implications of its halving in area would not be as serious as the Planning Authority's reason for refusal suggests. I also consider that, weighed against the amenity gains to the dwelling house, these implications can be set aside.

7.13. I conclude that the proposal would afford a net gain to the amenity value of the applicant's residential property.

(iii) Conservation and archaeology

7.14. Under the CDP, the site lies both within the South Parish Architectural Conservation Area Sub-Area A: Cathedral Quarter and within the Zone of Archaeological Potential for Cork City.

7.15. In the light of my discussion of the proposal under the first heading of my assessment, its minor nature and size and discrete location are such that no conservation issues would arise. Likewise, as it would only entail the excavation of a small area of rear yard, any archaeological implications would be unlikely. The City Archaeologist requests a condition to address such an eventuality.

7.16. I conclude that the proposal would raise no conservation issues and archaeological ones would be unlikely.

(iv) Water

7.17. The dwelling house is served by the public water mains and public foul and surface water sewerage system. Under the proposal, these arrangements would persist.

7.18. Under the OPW's flood maps, the site is not the subject of any identified flood risk.

7.19. The proposal raises no water issues.

(v) Appropriate Assessment

7.20. The site is neither in nor near to a European site. The proposal is for a domestic extension to an existing dwelling house in fully serviced urban area. No Appropriate Assessment issues would ensue.

7.21. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal 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, the proposal would, subject to conditions, be an appropriate extension to the dwelling house at No. 10 Marguerita Villas. As such, it would be compatible with the visual and residential amenities of the area and it would result in a net gain in the amenities of the residential property. No conservation issues would arise. Archaeological issues would be unlikely and would be capable of being addressed by a condition. No water or Appropriate Assessment issues would arise. The proposal would thus 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, 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>(a) The proposed first floor extension over the existing ground floor extension shall be set back by 2 metres from the boundary wall to the rear of the residential property.</p> <p>(b) All consequential changes for the proposal of this set back shall be made explicit.</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>If, during the course of site works and construction, archaeological material is discovered, the City Archaeologist shall be notified immediately. Further, it is obligatory under the National Monuments Amendment Act 1994 – 2004 that such is brought to the attention of the National Monuments Service.</p> <p>Reason: In the interest of preserving in situ or by record archaeological material likely to be damaged or destroyed in the course of development.</p>
4.	<p>(a) The external finishes of the proposed extension shall be the same as those of the existing rear extension in respect of colour and texture.</p> <p>(b) The proposed bathroom window shall be opaque glazed and, thereafter, such glazing shall be retained for the duration of the extension.</p> <p>Reason: In the interest of visual and residential amenity.</p>
5.	<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>

Hugh D. Morrison
 Planning Inspector

16th March 2021