



An
Bord
Pleanála

Inspector's Report ABP-310493-21

Development	Alterations and extension to dwelling and construction of a garden shed
Location	'Padua', 6 Highfield Lawn, Model Farm Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/40026
Applicant(s)	Enda & Siobhan O'Regan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Enda & Siobhan O'Regan
Observer(s)	Finbar & Elaine O'Keefe
Date of Site Inspection	19 th October, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 6 Highfield Lawn is a three bedroom, two-storey, semi-detached, hip-roofed house within an established residential estate south of Model Farm Road in the west side of Cork City. It has a garden and parking area to the front of the house and a deep back garden enclosed by fencing. It is bounded to the east and west by semi-detached, two-storey houses. Other development in the vicinity includes a national school located to the east of the principal access road serving Highfield Lawn a short distance east of the site.

2.0 Proposed Development

2.1. The proposed development would comprise:

- (a) the demolition of a chimney and single-storey kitchen room,
- (b) the construction of an entrance canopy and a single-storey extension to the rear of the house to provide a family room and kitchen,
- (c) the conversion and extension of an existing garage to the side of the house to a bedroom with an ensuite,
- (d) the conversion of the attic to provide a bedroom with an ensuite and to include a new dormer window to the north-western corner,
- (e) the insertion of a skylight to the main roof to the south, and
- (f) the construction of a garden shed/store in the back garden.

2.2. The proposed development would add 65.4 square metres of floor area to the house. The garden shed would be 39.2 square metres in area.

2.3. Details submitted with the application included a Design Statement, a Schedule of Areas and a Schedule of Finishes. The Design Statement also indicated the need for the proposed development.

3.0 Planning Authority Decision

3.1. Decision

On 17th May 2021, Cork City Council decided to refuse permission for the proposed development for two reasons relating to injury to amenities arising from the proposed dormer addition and overdevelopment of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site and adjoining properties' planning history, development plan provisions, reports received, and a third party submission. Reference was made to the restricted amenity areas of the neighbouring houses to the east of the site.

The proposed side extension was seen to have a significant impact on residential amenity on the properties to the east due to the reduction of sun and daylight to gardens and windows at ground floor level. The proposed rear extension was also seen to give rise to an unacceptable impact by way of overshadowing and loss of light to the neighbouring properties and there was concern about overlooking from a proposed patio. The proposed dormer was seen to have a negative impact on the visual amenity of the area and to have potential for increased overlooking of adjoining properties. The garden shed was seen to be acceptable. A refusal of permission for two reasons was recommended.

The Senior Executive Planner concurred with the Planner's recommendation.

The Senior Planner also concurred with the recommendation.

3.2.2. Other Technical Reports

The Environment Waste Management & Control Section had no objection to the proposal and set out a schedule of conditions.

The Community, Culture & Placemaking Technician had no objection subject to the attachment of a development contribution condition.

The Drainage Engineer recommended that further information be sought to identify the location of a public sewer running through the property and the options to deal with it.

3.3. **Prescribed Bodies**

Irish Water recommended a request for further information similar to that of the planning authority's Drainage Engineer.

3.4. **Third Party Observations**

An objection to the proposal was received from Finbar and Elaine O'Keefe, with concerns including inadequacy of public notices and documentation, impact on residential amenity, property devaluation, and non-compliance with policy provisions.

4.0 **Planning History**

P.A. Ref. 19/38999

This application to extend the proposed house was withdrawn.

5.0 **Policy Context**

5.1. **Cork City Development Plan 2015-2021**

Zoning

The site is zoned 'ZO 4 Residential, Local Services and Institutional Uses' with the objective to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.

Development Management

Alterations to Existing Dwellings (Para. 16.72)

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.

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;
- Dormer extensions should not obscure the main features of the existing roof, i.e. should not break the ridge or eaves lines of the roof. Box dormers will not be permitted where visible from a public area;
- Traditional style dormers should provide the design basis for new dormers;
- Front dormers should normally be set back at least three-tile courses from the eaves line and should be clad in a material matching the existing roof;
- 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. EIA Screening

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The planning authority's assessment is based on a rigid application of generic development plan standards and takes a particular punitive approach to the

assessment of the proposed extension due to the disposition of adjoining properties to the east. These adjoining properties have an unusual arrangement where their private amenity space is to the side of the houses and the rear walls/annexes of the houses are within close proximity to the site boundary. This relationship and close proximity were not created by the appellants and they should not be penalised for the juxtaposition of the adjoining houses. Reference is made to the assessment of an extension to a house (No. 5 Highfield Lawn) immediately opposite, where there is stated to be a similar relationship with adjoining property, and to the acceptability of that proposal.

- The planning authority's assessment does not acknowledge the architectural and high quality design approach.
- The majority of houses in Highfield Lawn have been modified / extended to a certain degree. The proposal is of a high standard and would not set an undesirable precedent.
- The scale of the extension/modifications are commensurate with the generous space available and could not be considered overdevelopment and will not have an adverse impact on the amenities of the area or on adjoining properties.
- The extension does not impact on the foul network in the area, which runs through neighbouring properties to the east and not the site.
- The proposal will make a positive contribution to the area, will provide much needed additional accommodation, will result in increased privacy for the appellants, and will have a positive impact on the property to the east by reducing overlooking from a landing window.

The appeal submission included a shadow study and photographs of examples of dormers in the surrounding area.

6.2. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

6.3. **Observations**

The observers reside in the semi-detached house to the east of the appeal site. Concerns raised relate to overshadowing, overlooking and overbearing impact. The grounds of appeal are refuted and reference is made to the detailed considerations of the planning authority. The Board is asked to uphold the planning authority's decision.

7.0 **Assessment**

- 7.1. I consider that the principal planning issue relating to the proposed development is the impact the proposal would have on the residential amenities of the houses immediately east of the site of the proposed development, which includes the observers' house.
- 7.2. I acknowledge that the site of the proposed development includes a deep back garden and that the planning authority has raised no concerns about the development and impact of the proposed garden shed/store at the end of the garden. I further note that the observers have raised no concerns about the proposed shed. In the context of the scale of that component of the proposed development and the extensive garden area, I do not consider that the development of the shed would result in any overdevelopment of this site. This shed would not have any adverse impact on the amenities of neighbouring residents.
- 7.3. I also note that the insertion of skylights to the main roofs of houses in Highfield Lawn is relatively common. I do not consider that the provision of a skylight on the main roof to the south would be in any way out of character with the estate or have any adverse impact on the visual amenities of this area.
- 7.4. Before considering the impacts of the proposed extended areas of the house, I note the unusual layout that prevails at this location. The house and site of the proposed development constitutes a relatively standard form and layout for a semi-detached unit in a suburban area. However, the adjoining properties to the east do not necessarily follow suit as these houses are laid out in very shallow sites, with the houses extending close to their rear site boundaries and their main amenity spaces being to the sides of the houses. They have very shallow yard areas to the rear of

the houses. These neighbouring houses have a significant imposing impact on the appeal site and they have very notable impacts by way of overlooking and an overbearing impact due to their layout and proximity. While noting the long-established nature of the estate, it is these houses which have a substantial adverse impact on the amenity of their closest neighbour and not the other way round. Due to the form, layout, orientation and proximity of the houses at this location, there is already long-established impacts arising from overshadowing. The close proximity of the houses to the east, being built so close to the house on the appeal site, has been the prime reason for such an impact. Due consideration to the impact this layout and proximity has on the developability of the house on the appeal site must be given. The issue of whether the form, layout and proximity of the houses to the east should so greatly undermine the developability of the house to the west, which has ample scope to carry out the proposed development, is in question in this instance.

- 7.5. I note that conversions and extensions to and over the original garages to the sides of houses in Highfield Lawn are common within the estate and in the vicinity of the site. The principle of the conversion of the existing garage and a small extension thereto at ground floor level is considered acceptable. This feature of the development would marginally increase the height of the existing structure to be replaced. It would have no notable increased impact on the amenities of neighbouring properties by way of overlooking, overshadowing or overbearing impact. The outlook from the observers' house is onto a narrow yard facing a wall / fence along the property boundary. This is a shaded area to the back of the house as exists at present. The proposed garage conversion and extension would not materially alter the amenity value of this yard.
- 7.6. I note that it is proposed to demolish a chimney and part of a kitchen area at ground floor level to the rear of the house. It is then intended to construct a ground floor extension to the rear of the house to provide a family room / kitchen. This single-storey extension at ground floor level would have no impact by way of overlooking, overshadowing or overbearing impact on neighbouring property. The Board will again note the deep back garden and the private amenity space that would be retained following the development of such an extension. The proposed extension would not result in any overdevelopment of this site.

- 7.7. I further note the proposal to provide an entrance canopy. Many of the houses in Highfield Lawn have been subject to changes in their presentation to the street. The proposed entrance canopy is not seen to result in any adverse impact by way of it being greatly out of character with the pattern of development in this area. It could not reasonably be seen as impacting on the visual amenity of this residential estate.
- 7.8. I note the proposal to convert the attic of the house to provide a bedroom with an ensuite and to include a new dormer window to the north-western corner. The Board will note that the proposed dormer would tie in with the established roof and would not further project beyond the outer edge of that roof. This small extended roof area would not in any material, substantive manner culminate in significant additional overshadowing of neighbouring properties to the east. I observe that, while there are no box dormers prevalent in the vicinity, there are a variety of different side extensions to houses, including two-storey, recessed extensions, with roof additions set back from the main building line. The development of a dormer of this form and character at this end-of-road location, significantly screened from the public realm by the close proximity of the house to the east, should not reasonably be seen as being a development which would in any material manner cause such a concern as to be seen to be so greatly at variance with the visual amenities of this area. Due regard must be given to the ongoing changing form and character of the houses in this area resulting from extensions and renovations. Regarding the issue of overlooking, it is noted that the proposed dormer extension would have a window to the front overlooking the street and would have a bathroom window to the rear which would be fitted with obscure glass. The proposed dormer would have no impact on the neighbouring properties to the east by way of overlooking.
- 7.9. I acknowledge the development management standards as set out in Cork City's Development Plan as they relate to alterations to existing dwellings and extensions. I am satisfied to conclude that the design and layout of the proposed development would not significantly impact on the amenities of neighbouring properties in relation to sunlight, daylight and privacy. The proposed extensions could not reasonably be viewed as being out of character with the pattern of development in this estate, where many houses have been subject to different types of extensions and changes. The form and finishes of the proposed extensions are seen to be consistent with the established house and comfortably integrate with the established property.

Acknowledging the difference being introduced at local level with the form and character of the dormer extension, this must be viewed with regard to the variety and form of extensions to properties, including windows at roof level, that have occurred in the immediate vicinity of this site and could not reasonably be seen to be so materially out of character to warrant a refusal of permission. The proposed development could not reasonably be seen to be contrary to the provisions of the City Development Plan.

- 7.10. I further note that the appellant has submitted details on the existing routing of a foul sewer at this location, following engagement with the Drainage Section of Cork City Council. I note that the proposed development would not impact on the route shown. The Board will note that the planning authority has not refuted this submission as part of the appeal.
- 7.11. In conclusion, I am satisfied that the proposed development would not have any significant adverse impact on the amenities of other residential properties in this area, would not be out of character with the pattern of development in this estate, and would not constitute overdevelopment of this suburban house site.

Appropriate Assessment

The site of the proposed development is located within the serviceable urban area of Cork City and within an established residential area. This is a location which is separated from Cork Harbour SPA (Site Code: 004030) by roads, residential and other properties and lands. Having regard to the serviced nature and the limited scale of the proposed development, its location, the nature of the receiving environment, and the separation distance to the nearest European site, 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. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the siting of the proposed development and its design, character and layout, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be compatible with the design, form and character of established properties in the vicinity, would be consistent with the provisions of Cork City Development Plan as they relate to alterations to existing dwellings, and would otherwise 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, 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 external finishes of the proposed extensions shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. 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.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector

28th October 2021