



An
Bord
Pleanála

Inspector's Report ABP-310838-21

Development	Demolition of the existing single storey annex to the rear of the dwelling and construction of a dormer style extension to the rear of the dwelling and alterations to the side elevations of the dwelling.
Location	88 Primrose Hill, Tower, Blarney, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/39847
Applicant(s)	Paul Fenton
Type of Application	Permission
Planning Authority Decision	Grant, subject to 12 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Anne Browne
Observer(s)	None
Date of Site Inspection	13 th October 2021

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 0.3km to the east of the centre of Tower/Model Village on the R617. This site lies towards the north-western corner of the housing estate known as Primrose Hill. It lies on the southern side of a cul-de-sac that roughly parallels the regional road to the north. This cul-de-sac is accessed via a spine road from this regional road. It is composed of detached, single storey, three-bed/five-person dwelling houses with first floors in their roof spaces.
- 1.2. The site itself is of regular shape and it extends over an area of 0.029 hectares. This site accommodates one of the above cited dwelling houses, which has been the subject of a single storey rear extension (14.206 sqm) across the central and southwestern portions of the rear elevation. This extension is in use as a kitchen. The dwelling house faces roughly north/south, i.e. its front elevation is tilted slightly to the west and its rear elevation is tilted slightly to the east. This dwelling house is served by an open plan front garden with a drive-in and a fenced-in rear garden, which is the subject of a gentle downwards gradient in a southerly direction. It is accompanied on either side by narrow passageways.
- 1.3. The dwelling house is accompanied by similar dwelling houses on either side: the one to the east has not been extended, while the one to the west, the appellant's, has a small single storey rear extension, which is centrally placed on the rear elevation. This extension is in use as a rear porch. Both accompanying dwelling houses align with one another, while the applicant's dwelling house is slightly recessed in relation to them, i.e. by c. 0.7m.

2.0 Proposed Development

- 2.1. Under the proposal, the existing single storey rear extension would be demolished, and a new extension would be constructed in its place. This extension would extend across the entire rear elevation of the dwelling house and its eaves and ridgelines would align with the existing eaves and ridge lines of this dwelling house. It would extend to a greater depth, too, i.e. 4.8m rather than 3.375m. The extension would provide a new living area and kitchen on the ground floor (35 sqm) and a new bedroom on the first floor (31 sqm). The overall floorspace of the existing dwelling house would increase from 103.576 sqm to 155.856 sqm.

2.2. Under the proposal, the accommodation in the existing dwelling house would be reorganised with the re-siting of the staircase from within the centre of the rear portion of the dwelling house to the south-western portion. This staircase would have an intermediary landing, which would be served by a new window that would be inserted in the western side elevation. A new external door would also be sited in the eastern side elevation.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following receipt of further information, permission was granted, subject to 12 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Under further information, the applicant was request to “demonstrate that the proposal will not impact unduly upon the light reaching the adjacent residences.”

3.2.2. Other Technical Reports

Cork City Council:

- Environment: No objection, subject to conditions.
- Contributions: No objection, subject to a condition.
- Area Engineer: No objection, subject to conditions.

4.0 **Planning History**

Site

- 05/4473: Ground and first floor extension: Refused on the grounds of visual and residential amenity.

Elsewhere on Primrose Hill

- No. 67: 09/5571: Two-storey rear extension: Permitted.

- No. 65: 15/4052: One-and-a-half-storey rear extension: Permitted.
- No. 86: 18/6015: Part single/part two-storey rear extension: Permitted.
- No. 70: 20/39068: Full width ground and first floor rear extension: Permitted.

5.0 Policy and Context

5.1. Development Plan

Under the Blarney Macroom Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the settlement boundary and in an existing built-up area.

5.2. Natural Heritage Designations

Cork Harbour SPA (004030)

5.3. EIA Screening

The proposal is for a domestic extension to the applicant's existing dwelling house. As such, it does not come within the scope of any of the Classes of development that are potentially the subject of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- Attention is drawn to application 05/4473 for a ground and first floor rear extension to the applicant's dwelling house, which was refused permission, and yet the depth of this extension would have been only 3.3m, whereas the currently proposed one would be 4.7m, and it would have had no side windows, whereas the currently proposed one would have two such windows plus two Velux windows.
- The applicant subsequently constructed a rear extension, which the appellant believes to be exempted development. Even so, it curtails the lighting of her dwelling.

- The proposed rear extension would be large, e.g. it would increase the floorspace of the applicant's dwelling by 65% and the volume by 120%. In addition to its greater depth, it would be c. 2.2m higher than the existing rear extension, and so the lighting of the appellant's dwelling would be more greatly affected again.
- Attention is drawn to the proximity of the applicant and the appellants' dwellings to one another: A fence along the common boundary is accompanied on either side by a 600mm path. This fence steps down with the gradient of the adjoining rear gardens. The proposed rear extension would have a common ground floor level with the applicant's dwelling and so with this gradient its bulk would be more visually intrusive. Likewise, overlooking from windows within it would be more pronounced.
- The accuracy of the applicant's sunlight study is questioned: Details of the appellant's dwelling are incorrect, and photos submitted by the appellant depict more clearly lighting conditions.
- The importance of good lighting is well established with respect to the health and well-being of particularly elderly citizens.

6.2. Applicant Response

- The applicant begins by outlining the need for the proposal from the perspective of his family's situation.
- The proposal would be similar to other rear extensions that have been permitted and built at Primrose Hill, e.g. Nos. 70, 55 & 37 have one-and-a-half-storey extensions and Nos. 86, 67 & 57 have two-storey extensions. Likewise, No. 36 has recently received permission for a one-and-a-half-storey extension, too. Collectively, the attractiveness of Primrose Hill is being improved by these extensions.
- The proposed small stairwell window and high-level window in the extended western side elevation of the applicant's dwelling would be simply for the purpose of lighting.

- Under further information, the applicant submitted a requested sun lighting study to the Planning Authority.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have considered the proposal in the light of the Blarney Macroom Municipal District Local Area Plan 2017 (LAP), 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) The principle of extension,
- (ii) Visual and residential amenity, and
- (iii) Appropriate Assessment.

(i) The principle of extension

7.2. Under the LAP, the site lies within the settlement boundary around Tower/Model Village and in an existing built-up area. Furthermore, the site lies within the Primrose Hill housing estate, wherein there are examples of a variety of rear extensions, which includes ones that are single storey with and without first floors overhead. Amongst these examples, are ones similar to the applicant's current proposal.

7.3. The applicant has set out the need that his family have for more space. The proposal would correspond to this need by providing extra living space and an additional double bedroom.

7.4. I conclude that, in the light of the LAP and relevant planning history of the Primrose Hill housing estate, there is no in principle objection to the applicant extending his dwelling house in order to improve its amenity value for his family.

(ii) Visual and residential amenity

7.5. Under the proposal, the applicant would replace the existing rear extension to his dwelling house with a new, enlarged one. The main differences between these extensions are summarised below:

	existing (m)	proposed (m)
width	5.220	8.400
depth	3.375	4.800
maximum ridge height	4.575	6.629

Essentially, the proposed extension would be built across the entire rear elevation of the original dwelling house, it would be 1.425m deeper, or c. 42%, and its ridge height would coincide with that of the existing dwelling house rather than the mid-point height of the existing rear roof plane.

7.6. The appellant resides in the dwelling house to the west of the applicant's dwelling house. This dwelling house has a small rear extension, which is sited centrally on its rear elevation. This extension has glazed openings to each of its three external faces. To its east, in the original rear elevation there is a kitchen window and, to its west, there is a living room window. She raises objection to the proposal primarily with respect to the impact that it would have upon the lighting of her residential property.

7.7. Under further information, the applicant submitted drawings showing plan and 3-D views of the existing and proposed extensions to his dwelling house, with shadow lines superimposed for the Spring Equinox and the Summer and Winter Solstices. These drawings show that during the Spring Equinox and the Winter Solstice, the appellant's residential property to the west of the site would experience an increase in overshadowing at 9am. Likewise, the residential property to the east of the site would experience an increase in overshadowing at 3pm.

- 7.8. The appellant expresses concern that the applicant's drawings may not depict the likely extent of overshadowing sufficiently. In this respect, she has submitted photographs that show the existing "baseline" situation. The appellant emphasises that this overshadowing arises from the applicant's existing extension, which although "exempted development" still has this impact upon the lighting of her residential property.
- 7.9. I have compared the applicant's drawings with the appellant's photographs. The drawings identified above as being most pertinent to the appellant's residential property depict overshadowing at 9am, whereas the appellant's photographs show overshadowing and sun lighting at earlier times in late June, i.e. around 7am, 7.30am, and 8am. Accordingly, these drawings and photographs are not directly comparable.
- 7.10. The applicant also submitted a commentary on-lighting, which interacts with advice set out in the BRE's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (2nd edition). In doing so the appellant's kitchen window is identified as the habitable room opening that needs to be examined. I note that this window is the nearest one in the original rear elevation to the applicant's dwelling house. I note, too, that the rear extension to this elevation is in use primarily as a porch, i.e. as a circulation/utility space with scope for a chair to be set within it. As this extension is primarily in use as a non-habitable space, I do not consider that the window in the eastern side elevation, which would directly correspond with the western side elevation of the proposed extension needs to be examined.
- 7.11. Sections 2.2 and 3.2 of the Guide provide advice on, variously, light from the sky and sun lighting of existing buildings.
- In relation to the former, the 45-degree rule is recommended for use in situations such as the one pertaining under the current proposal, wherein a proposed rear extension would project perpendicularly in relation to the rear building line of a row of dwelling houses. (I acknowledge that in this case the building line entails an c. 0.7m projection further southwards of the applicant's dwelling house). Figure 2 of the applicant's commentary shows the row of rear elevations in question. The application of a 45-degree line to the eaves height, which would coincide with the eaves height of the existing extension, would

show no change. If an allowance is made for the higher ridgeline, then such a line would still not impinge upon the centre of the kitchen window. A significant loss of skylight to this window would thus not ensue.

- In relation to the latter, the rear elevations in question all face slightly to the east of due south and so the proposed extension, like the existing extension, would come within a 90-degree sweep of due south from the appellant's kitchen window. The proposed extension would have a higher ridgeline and a greater depth than the existing extension. Thus, at the margin, some slight increase in the loss of direct sunlight to the appellant's kitchen window in the early morning could be anticipated. Thereafter, sunlight received by this window would be as at present.

7.12. The appellant's rear garden would likewise experience a slight increase in overshadowing and a slight decrease in the reception of direct sunlight within the vicinity of the proposed extension, i.e. its north-eastern corner. These effects would be eased somewhat by the fact that an existing evergreen tree would be removed as a consequence of the construction of the proposal. Elsewhere, lighting would be as at present.

7.13. I acknowledge the value that the appellant places upon the lighting of her residential property and the beneficial effects that accrue from such lighting for health and well-being. I acknowledge, too, that, as discussed under the first heading of my assessment, the applicant can reasonably expect to extend his dwelling house. My assessment is that the change in the lighting of the appellant's residential property that would arise as a result of the proposal would be evident in the early morning in terms of a slight increase in the overshadowing of her kitchen window and the immediately adjoining rear garden area and a slight decrease in the reception of direct sunlight to the same. I do not consider that this would be an excessive impact.

7.14. The appellant expresses concern that the proposal would appear as an enlarged version of the existing rear extension from within the appellant's residential property. She draws attention to the downwards gradient of the applicant's rear garden and the, consequent, greater visibility of the deeper extension now envisaged. She considers that its visual impact would be overly dominant.

- 7.15. I acknowledge that the proposal would have a greater visual impact upon the outlook from the appellant's kitchen than that which pertains at present. This visual impact would be affected by the replacement of an existing evergreen tree with the new extension, and it would arise mainly from the higher roof that would slope away from the outlook in question. Again, I do not consider that this would be an excessive impact.
- 7.16. The appellant also raises objection to the proposal with respect to the new window that would be inserted in the western elevation of the existing dwelling house and the high-level window that would be inserted in the western elevation of the proposed extension. This window would serve an intermediary landing in the re-sited staircase. Both windows would lead to overlooking of her residential property and so to a loss of privacy therein. She also draws attention to the two rooflights that would be inserted in the western roof plane of the proposed extension. The existing extension does not have such lights.
- 7.17. The applicant has responded to the appellant's concern by stating that the two windows cited would be installed only for the purpose of lighting.
- 7.18. The rear elevation of the applicant's dwelling house projects c. 0.7m beyond the rear elevation of the appellant's dwelling house and the proposed staircase window would be inserted in a position adjacent to the eaves on the existing side elevation. Consequently, this window would be visible in its entirety from within the appellant's rear garden. While I accept that the applicant's intention is that it simply light the re-sited staircase, in practise, the use of this staircase could result in an occasional incidence of overlooking of the appellant's rear garden.
- 7.19. At least the upper portion of the high-level window would be clearly visible above the timber fence that marks the common boundary between the applicant's and the appellant's adjoining residential properties. While no overlooking would be likely to occur through his window, its presence may lead to a perception of overlooking that could otherwise be avoided.
- 7.20. I consider that both the staircase window and the high-level windows should be the subject of obscure glazing to fully address the appellant's concerns with respect to overlooking. However, I consider that the proposed rooflights, which would be installed at a high-level and on a diagonal plane, do not need to be obscure glazed.

7.21. I conclude that, subject to the specification of obscure glazing to new windows facing the appellant’s residential property, the proposal would be compatible with the visual and residential amenities of the area.

(iii) Appropriate Assessment

7.22. The site is neither in nor near to a European site. The proposal is for a replacement/enlarged domestic extension only to a dwelling house in an existing fully serviced housing estate. Accordingly, its development would not raise any Appropriate Assessment issues.

7.23. 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

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Blarney Macroom Municipal District Local Area Plan 2017 and relevant planning history of the Primrose Hill housing estate, it is considered that, subject to conditions, the proposal would, in principle, comply with the existing built-up area zoning of the site and it would be compatible with the visual and residential amenities of the area. No Appropriate Assessment issues would arise. The proposal would accord 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, as amended by the further plans and particulars submitted on the 25 th day of May 2021, except as may otherwise be required in order to comply with the following
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	<p>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 staircase window shall be glazed with obscure glass in the western side elevation of the existing dwelling house.</p> <p>(b) The high-level window in the western side elevation of the proposed extension shall be glazed with obscure glass.</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>Thereafter, these windows shall only be glazed with obscure glass for the duration of the dwelling house and extension upon the site.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</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</p>

	<p>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 external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<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>
8.	<p>The developer shall pay to the planning authority a financial contribution of €1397 (one thousand three hundred and ninety-seven euro) 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. The application of any indexation required by this condition 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.</p>

	<p>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.</p>
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Hugh D. Morrison
Planning Inspector

2nd November 2021