



An
Bord
Pleanála

Inspector's Report

ABP-311486-21

Development	Alterations and both single and 2-storey extensions to dwelling.
Location	Glenlara, Ardfoyle Crescent, Ballintemple, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/39987
Applicant(s)	Margaret & James O'Driscoll
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party vs. Grant
Appellant(s)	Christopher Southgate & Karen Lysaght
Observer(s)	None
Date of Site Inspection	13 th April 2022
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The appeal site is located on Ardfoyle Crescent in the Ballintemple residential area to the southeast of Cork City Centre and Docklands. It is distanced c. 2km from the city centre. It has a stated area of 0.1 hectares, with a significant overall length of c. 70 metres and a width which increases from the road (c.10m) to the rear (c.22m).
- 1.2. The site contains one of a pair of two-storey semi-detached houses. There is a matching pair on the adjoining sites to the northeast, as well as several other examples of similar vintage and character in the area. Ardfoyle Crescent was originally laid out in the 1930's on grounds associated with Ardfoyle House. The site and surrounding area is within the Blackrock Road Architectural Conservation Area (ACA), within sub-area A identified as Ballintemple Village and surrounding suburbs.
- 1.3. There is a vehicular access and parking/circulation area to the front of the property. To the rear is a landscaped garden containing a small shed. Former outbuildings to the rear have recently been demolished. While the site is largely level, there is a steeply declining wooded area at the extreme rear. The general topography and surrounding house levels also rise significantly along the adjoining road from southwest to northeast.
- 1.4. The site is bounded by similar properties to the east and west, and by the road to the south. To the north of the site is Marina Park, which is a large public park of c. 33 hectares on the south bank of the River Lee. It includes the Pairc Ui Chaoimh stadium campus to the northwest of the appeal site.

2.0 Proposed Development

- 2.1. It is proposed to carry out alterations and extensions to the existing 2-storey semi-detached dwelling. In summary, the proposed works involve the following:
 - Removal of existing sun porch
 - Removal of existing rear outbuildings and construction of new west boundary wall as per previous permission P.A. Reg Ref 20/39526 (now complete)
 - Construct single-storey flat-roof porch to front/side of dwelling
 - Construct single-storey and 2-storey extension to the side/rear of dwelling

- Carry out internal and external alterations to the existing dwelling
- Carry out landscaping and associated siteworks.

2.2. It is stated that the existing building has a floor area of 118m² and the proposed extensions (as per the further information response) would be 135m², resulting in a gross floor area of 253m². The original proposal involved a flat-roof contemporary design and external finishes included render, aluminium framed openings and a timber clad panel door. The further information response included revised proposals for a hipped roof to replace the originally proposed flat roof extension, along with reductions to the eaves height and the depth of the 1st floor extension.

3.0 Planning Authority Decision

3.1. Decision

By order dated 1st September 2021, Cork City Council (DCC) issued notification of the decision to grant permission. Notable conditions can be summarised as follows:

1 & 2: The development and materials/finishes shall be in accordance with details submitted, as amended by the further information response of 6th August 2021.

4: The design and footprint of the porch shall be revised to correspond with adjacent properties, albeit a contemporary interpretation is acceptable. Details to be agreed with the planning authority.

5. Full details of all proposed roof and elevation treatments to be agreed with the planning authority.

3.2. Planning Authority Reports

Further Information

3.2.1. Following initial CCC reports, a request for further information was issued on 1st June 2021. In order to address potential overshadowing and outlook impacts on adjoining properties, the planning authority requested the following:

- A reduction in height of the extension so that it does not exceed the existing eaves where it abuts the side of the existing house.

- A reduction in the size/depth of the first-floor element to the rear.
- A shadow study.

Planner's Report

3.2.2. The planning reports on file can be collectively summarised as follows:

- The principle is in accordance with the zoning objective.
- There is no objection to the replacement of the existing sunroom.
- The side/rear extension would not have any significant negative impact on the visual amenity of the area.
- The proposed extension has a large footprint but can be accommodated on the site size. The proposed accommodation is of good standard and adequate private amenity space will be retained.
- The further information response has altered the design of the rear extension, including a minor reduction in the depth of the upper floor element. The submitted shadow study is also noted. While there may be some overshadowing, it would not be unduly prohibitive in this suburban setting and the response is considered satisfactory.
- The concerns of the Conservation Officer are noted but it is considered that the matters can be dealt with by condition.
- It is recommended to grant permission subject to conditions, which forms the basis of the CCC decision.

Technical Reports

3.2.3. The 'Contributions' and 'Drainage' reports outline that there are no objections subject to standard conditions.

The Conservation Report on the further information response request further information to include adjustments to the proposed design. In summary the recommendations are as follows:

- A more sympathetic porch design to reflect neighbouring properties
- A vertical window arrangement on the east elevation to reflect the Edwardian aesthetic

- Clarification of roof and elevation treatments.

3.3. Prescribed Bodies

Irish Water: No objections subject to conditions.

3.4. Third Party Observations

One 3rd Party submission was received from the appellants. The issues raised are covered in section 6.0 of this report.

4.0 Planning History

P.A. Reg. Ref 20/39526: Permission granted (December 2020) at the appeal site and adjoining dwelling to the west (Glenlough) to demolish the single storey annexes to the rear of both properties including both garages and form a new straight boundary line between the 2 properties to the rear by way of a 2m high masonry wall with piers, render and capping to 2m beyond the current garage line. This permission has since been completed.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Cork City Development Plan 2015-2021. The site is zoned as 'ZO 4 Residential, Local Services and Institutional Uses', the objective for which is '*To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.*' Section 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 Part D of Chapter D deals with 'Alterations to Existing dwellings'. Section 16.72 outlines relevant design guidance for extensions, including that proposals should:

- Have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy

- Integrate with the form and character of existing development in terms of finishes, windows, roof form, etc.

5.1.3 The site is within the Blackrock Road Architectural Conservation Area (ACA), within sub-area A identified as Ballintemple Village and surrounding suburbs. Volume 3 of the Plan sets out Specific Built Heritage Objectives. Chapter 9 of Volume 1 deals generally with 'Built Heritage and Archaeology' and relevant objectives can be summarised as follows:

9.28 – Aims to protect the NIAH and other built heritage interest when considering proposals for development. Structures will be protected through addition to the RPS or ACAs, or other appropriate means.

9.29 – Seeks to preserve and enhance the designated ACAs.

9.32 – Development within ACAs should take account of negative impacts on features within the public realm; acceptable design, scale, materials and finishes; original materials and methods of construction should be retained; features of historic or architectural value should not be removed.

5.2. **Architectural Heritage Protection Guidelines for Planning Authorities**

The 'Architectural Heritage Guidelines' was published by the Department of Arts, Heritage and the Gaeltacht in 2011. It sets out detailed guidance to support planning authorities in their role to protect architectural heritage when a protected structure, a proposed protected structure or the exterior of a building within an ACA is the subject of development proposals. It also guides those carrying out works that would impact on such structures.

5.3. **Natural Heritage Designations**

The nearest designated Natura 2000 site is the Cork Harbour SPA, located c. 2km to the east. The Douglas River Estuary Proposed Natural Heritage Area is also located c. 1.5km to the east.

5.4 Environmental Impact Assessment – Preliminary Examination

Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The decision of CCC to grant permission has been appealed by Chris Southgate & Karen Lysaght of 'Glenmore', which is the neighbouring property to the east. The grounds of appeal can be summarised under the following headings:

Planning Issues

- The further information response increased the scale of the development through the addition of a pitched roof and did not meet the parameters set out.
- It is unreasonable that part of Glenlara can be demolished to create light, whilst extending and over-developing adjoining Glenmore, taking light and overshadowing.
- The sites are narrow, and the scale and depth of the extension places a negative impact on the side boundaries, the existing dwelling, and surrounding properties.
- The loss of light to interior rooms and external space to the rear of Glenmore will result in a loss of enjoyment.
- Sketch drawings are included showing a suggested/expected appropriate response to the shadow survey results.

Conservation

- The appeal building is in an ACA and Glenmore is listed on the NIAH. It is listed as 'regional' significance and is due to be added to the RPS in the next development plan.
- It is unacceptable to demolish and extend in such a way that dominates the rear of Glenmore, resulting in loss of light, overshadowing and character. The proposal is detracting and overpowering, while development plan policy requires that extensions enhance the character of the area.
- Policy objectives 9.29 and 9.32 of the CDP seek to preserve and enhance ACAs through appropriate design and this sub-area is described as being of 'historical, social and architectural significance'.
- Contrary to the Architectural Heritage Protection Guidelines and CDP policy, the proposal affects the character of the area as follows:
 - Interruption of the rhythm and inadequate setback results in a bulky extension which dominates the streetscape and has a dominating impact on Glenmore, effectively changing the relationship and setting.
 - The proposed openings do not respect the proportions and spacing of existing development.
 - Excessive scale detracts from the historic buildings
 - The porch design does not reflect original materials and methods of construction.
- The development does not respect the approach and qualities outlined in the ICOMOS Washington Charter, 1987.
- The Architectural Design Statement does not reflect the proposed development and understates its scale and impact.
- An extension could have been carried out in accordance with relevant policies and guidance. Instead, it supports a precedent for over scaled development which detracts from the character of the area, which still exists in a state comparable to the original concept in this important ACA.

Light and Shadow

- The Daylight and Shadow survey failed on the basis of incorrect and insufficient information.
- It assumed a north-facing window in Bedroom 3 and omitted west and north-facing windows in the living room, which would have a further detrimental effect.
- The extension could have been designed to significantly reduce impacts on their property and the current design cannot be justified.
- The proposed extension would not comply with the 25 degree test rule as outlined in the BRE Guide. As such, a full VSC analysis would be expected. The applicant has only assessed impacts for one window, the result for which (26%) is below the BRE target of 27%. The lack of full results for the existing situation and change ratio makes assessment difficult.
- Sunlight analysis is also limited to one window and does not establish a baseline scenario. This living room is dependent on the western aspect. The results are based on an incorrect London location and should be discounted.
- The assessment does not clarify impacts on amenity areas, including the computation used and the baseline scenario.
- Light distribution impacts could have been examined as the appellants would have provided information on the internal layout.
- The study does not accurately reflect the presence and extent of surrounding windows and vegetation.

Legal and other issues

- There may be a legal case to the right to light. In 2021 the law changed from necessitating a period of historical use of light from 20 years to 12 years, but it is believed that a projected/demonstrated loss of light can require the cessation or removal of building works if necessary.
- The street has a relationship with Marina Park and Greenway and forms an important part of Cork's amenity space.

- The west-facing windows are an important element of Glenmore and would be severely affected by the proposed development.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The applicants are happy with the CCC decision and will comply with the conditions of same. They are deeply upset by and deny the allegations contained in the appeal regarding their good faith. The alternative plans devised by the appellants are not for the consideration of the Board and they conflict with the grounds of their appeal.
- The principle of the development is supported by the site locations, its established use, and the zoning objective.
- A considerable majority of dwellings in the area have been subject to some extent of modification or development of various design. Various examples are cited, including the construction of 3 dwellings within the grounds of Ardfoyle House. In that context it is questioned how the proposed development can have a negative impact on the ACA.
- Given the size of the site and the precedent of development in the vicinity, the proposal cannot be considered as overdevelopment. It would not dominate the streetscape as it would not be visible for the majority of the streetscape.
- The character of existing and permitted development in the ACA varies noticeably. The minor nature of the proposal would not negatively impact on the ACA, which is supported by the reports from the applicant's Grade 1 conservation architects (JCA Architects) and CCC.
- The subject dwelling is not included on the NIAH. While the appellants' property is, it has not been included as a proposed Protected Structure in the Draft CDP 2022-2028.
- The proposal has fully incorporated the criteria in section 9.32 of the Development Plan and will not have a significant detrimental impact on the ACA.
- The applicants acknowledge the inaccuracies of the shadow study but there are none that would undermine the veracity of its conclusions. A revised and

updated study is included, which again concludes that there would be no undue overshadowing of adjacent properties.

- The property is at a lower level than the appellants'; is in an urban environment where some level of overshadowing is expected; and the substantial vegetation along the boundary already results in extensive screening and overshadowing.
- The BRE 209 publication 'Site Layout Planning for Daylight and Sunlight' is a guide, not a rigid set of rules. The appellants have not acknowledged this status and have not provided any evidential basis for their conclusions regarding sunlight and skylight impacts.
- The applicant's updated analysis provides evidence that addresses all the appeal points, including a 3D model and before and after analysis which demonstrates no significant changes.
- Both properties have upper floor overlooking windows. The proposal addresses this in a positive way to enhance the privacy of both properties.

6.3. Planning Authority Response

The Planning Authority maintains that it has carried out its duties in accordance with relevant legislation and that the proposal would be consistent with the Development Plan and the proper planning and sustainable development of the area.

6.4. Further Responses

The appellants have commented on the applicant's response to the appeal. The new points raised can be summarised as follows:

- An early iteration of the scheme was shown to the appellants, but this was not the scheme submitted for planning permission.
- Discussion with the conservation officer does not indicate that the plans were appropriate.
- The issues raised in the further information request were not adequately addressed, including an acknowledgement by the planning authority that there

was only a 'minor' reduction in the depth of the upper floor element and that the shadow study was inaccurate.

- The planning authority's response to the appeal reflects an opinion in all good faith based on the assumption that the shadow study was accurate.
- The Board should disregard the correspondence included in Appendix 2 and adjudicate on the planning issues alone based on the proposed development that is before it.
- There is no objection to the principle of an extension. The objection is based on the inappropriate scale and design and its impact on their property.
- Other cited cases are not relevant to the site-specific development at Glenlara, which should be judged on its merits.
- The overall site size is misleading as it is narrow and slopes acutely to the rear. The scale and proximity of the extension leaves insufficient distance to the side boundary to mitigate impacts on their property.
- The scale of the visible element of the extension is dominant, including visibility from the appellants' home.
- The appellants' heritage consultant did not recommend refusal.
- There are concerns about the inaccuracies of the shadow study and the stated reasons for same. The appellants' report highlights that correct internal layouts are important to quantify changes and details would have been made available.
- The appellants are not in a position to comment on the accuracy of the updated shadow study, and it is for the Board to adjudicate on that matter. However, the 3D images do demonstrate the excessive scale of the development and the adverse impacts on their property.
- The difference in levels and boundary planting does not sufficiently mitigate the impact of the scale and bulk of the extension.
- The appellants may provide whatever information/study they choose to dispute the accuracy of that submitted by the applicant.

- If the conclusions of the applicants' updated shadow study have not changed, then the conclusions of the appellants' consultant must also be unchanged.
- There is every basis to suggest that there would be a material loss of daylight and amenity. As an example, the study for the evening of 21st June shows a significant change in the quality of light to private external space.
- Overlooking issues are not the major concern but the proposals do not enhance the situation. They include 2 no. 1st floor windows which are unnecessary and may result in overlooking.

7.0 Assessment

7.1 Introduction

7.1.1 The proposal involves alterations and extensions to an existing dwelling, which would, in principle, be acceptable in accordance with the 'ZO 4' zoning objective for the area. Having inspected the site and examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues for assessment in this appeal case are as follows:

- Visual Amenity & Built Heritage
- Daylight/Sunlight
- Residential amenity

7.2 Visual Amenity & Built Heritage

7.2.1 I acknowledge that the proposed development involves a significant increase in gross floor area compared to the existing dwelling. I also acknowledge the location of the site within an ACA and the objectives of the Development Plan to preserve and enhance ACAs and other elements of built heritage. Consistent with the applicant's submission, I also confirm that the appellants' property (Glenmore) has not been proposed as a Protected Structure in the Draft Development Plan 2022-2028 despite its inclusion on the NIAH.

- 7.2.2 With regard to the front elevation and the streetscape impact, I note that the main alteration to the front façade involves the replacement of the existing porch with a contemporary flat-roofed design. The existing porch/sunroom consists of a quite large, modern uPVC glazed structure. I do not consider it to be of built heritage interest and I would have no objection to its replacement with a suitably designed porch. However, I acknowledge that the porches in the adjoining properties are of a generally consistent design which contributes to the character of the streetscape. The proposed replacement design is not consistent with that character. Nor does it introduce a high-quality contemporary design that might suitably distinguish itself from the original building.
- 7.2.3. In this regard I note that the planning authority decision attached condition no. 4, which requires details of a revised porch design to be agreed in writing with the planning authority prior to commencement of development. The applicants have confirmed their satisfaction with this condition. In the context of the overall development, I consider that the porch design is a relatively minor element. I would agree that the design requires revision, and I would have no objection to this being agreed through a condition of any permission. If the Board feels that this would not bring sufficient clarity to the terms of any permission, then the porch could simply be omitted altogether by condition.
- 7.2.4. I accept that the main extension to the side/rear would also be visible from the front/streetscape. Having originally proposed a flat-roofed contemporary extension, the further information response incorporates some design features to integrate with the existing building. The eaves level was dropped to match the existing dwelling and a hipped roof was added to match its pitch and form. It would appear that roof slates would also match those of the existing dwelling.
- 7.2.5. The extension design also takes deliberate measures to emphasise the primacy of the existing dwelling. In terms of height, the proposed ridge level of the side/rear extension steps down from the main existing ridgeline. And perhaps most importantly, the extension would be setback c. 8 metres from the existing front building line.
- 7.2.6. I would accept that the extension design remains somewhat compromised by, on the one hand, attempts to integrate with and respect elements of the original dwelling,

and on the other, the desire to create a contemporary space with irregular proportions and openings etc. However, the key consideration in my opinion is the impact of the development on the character of the host dwelling and the overall character of surrounding development within the ACA. Ultimately, I consider that the extension is adequately setback from the existing building line/streetscape so that it would have only a limited visual impact when viewed from Ardfoyle Crescent. There is limited space between the subject dwelling and the adjoining property to the east (Glenmore), meaning that the proposed extension would be only momentarily visible at a significantly recessed position in this limited gap. Clearly the full extent of the extension is not apparent from this viewpoint, but I am satisfied that it would not appear excessive in scale when viewed from the public realm.

7.2.7. Otherwise, I consider that the proposed development would be appropriately screened to the rear of the site by existing vegetation, which would mitigate any distant views available within Marina Park and beyond. The visual impact of the development from private property to the east and west is a matter of residential amenity, which is discussed in section 7.4 of this report.

7.2.8. Having regard to the above, together with the Development Plan provisions including objectives 9.28, 9.29 & 9.32 and section 16.72 regarding extensions to dwellings, I consider that the scale and design of the proposed development can be accommodated on this large inner suburban site. In the context of its limited visibility from the public realm, the proposed development would integrate with the existing dwelling while maintaining subordination and would not seriously detract from the scale and character of adjoining development or the wider ACA. Accordingly, I have no objection to the development on grounds of visual amenity or built heritage.

7.3 Daylight/Sunlight

7.3.1 The impact of the development on the availability of light to the appellants' property is a central issue in this case. In this regard, section 16.72 of the development plan outlines that applications to extend dwellings should have regard to the amenities of adjoining properties, particularly as regards sunlight and daylight. However, no particular light standards are quoted, and no reference is made to 'Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research

Establishment (BRE) Report, 2011)', which is generally used as the industry standard.

7.3.2 At the outset I would highlight that the BRE guidelines allow for flexibility in their application, stating in paragraph 1.6 that '*Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*'. The BRE Guide notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

7.3.3 I have considered the reports submitted by the applicant and the appellant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the third-party appeal which has raised concerns in relation to daylight and sunlight.

7.3.4. I note the updated 'Daylight and Shadow Study' submitted by the applicant in response to the appeal concerns regarding accuracy etc. Having inspected the site, I am satisfied that the updated details adequately reflect existing development and vegetation to enable a comprehensive assessment of daylight and sunlight impacts. Where relevant, I am satisfied that the software use of climate information for London is reasonable given its similar latitude to Cork.

Light from the sky

7.3.5 Section 2.2.4 of the BRE guide outlines that loss of light to existing windows need not be analysed if the distance of each part of the new development is three or more times the height above the centre of the existing window. In cases where this test cannot be satisfied, the BRE Guide recommends a modified assessment as to whether the angle to the horizontal subtended by the new development at the centre of the existing window is less than 25°. If so, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. The applicant has accepted that the angle of obstruction to the west-facing ground floor windows in Glenmore would slightly exceed the 25° test by intersecting the extension at

eaves/soffit level. The applicant accepts that further assessment of the impact is therefore required.

7.3.6 The applicant has carried out a Vertical Skylight Component (VSC) assessment for the windows in the adjoining properties to the east (Glenmore) and west (Glenlough). VSC is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that a VSC greater than 27% should provide enough skylight and that any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building would notice the reduction in the amount of skylight.

7.3.7 Based on a Waldram Diagram (a method which is included in the BRE Guide) the applicant's study has outlined VSC results for 8 windows at ground floor and first floor level to the side and rear of Glenmore. Five of these windows would pass the VSC test with results greater than 27%. The ground floor gable window to the living room (W11) would be below the 27% target with a value of 26.07%. However, I consider this to be a marginal deficit which would not result in significantly substandard daylight conditions. The other two windows which did not meet the 27% target relate to the bay window at the rear of the living room. Again, window W1 has a marginal deficit at 26.33%. I acknowledge that window W5 would have a more significant deficiency at 21.11%. However, it should be noted that W5 is only one of several windows within this bay and section 2.2.6 of the BRE Guide recommends that the centre window facing directly outwards can be taken as the main window. In this case, that would be W2 (French door) which has a significantly higher VSC result of 30.32%.

7.3.8 The applicants' updated report also includes a 'no sky line' assessment. The BRE Guide states that the 'no sky line' divides points on the working plane which cannot see the sky and that if, following new development, the line moves so that the area receiving direct skylight is reduced to less than 0.8 times its former value, this will be noticeable to the occupants. The assessment compares the existing and proposed 'no sky line' for Window 11 and demonstrates that the length of working plane affected would be 0.54m, which would not be a reduction to less than 0.8 times the overall room width. A 'no sky line' plot of the ground floor rooms also shows that all areas within the living room would receive direct skyline.

7.3.9 In conclusion, I acknowledge that there would be some impacts for individual windows in the living room at ground floor level of Glenmore. However, having regard to the overall level of daylight accessing this space, together with the marginal nature of the individual deficiencies identified, I am satisfied that the daylight impacts on this property would not be so significant as to warrant a refusal of permission. The applicant has also carried out a VSC test for the property to the east (Glenlough) and all windows tested on the rear elevation significantly exceeded the 27% target. Having regard to the above, I do not have any objection regarding the daylight impacts of the development on surrounding properties.

Sunlight

- 7.3.10 Section 3.2 of the BRE Guide outlines that obstruction to sunlight may become an issue if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window. The proposed rear extension is entirely located to the north of Glenlough, the rear windows of which do not face within 90° of due south. Accordingly, I am satisfied that no further assessment is required in relation to Glenlough.
- 7.3.11 Regarding Glenmore, the applicant's assessment identifies only one window (W11) that would require assessment in accordance with BRE criteria. In this regard, I am satisfied that the bay window generally faces northwest and that the proposed side/rear extension would be placed north of the other ground floor southwest-facing (side elevation) windows in Glenmore. Accordingly, I would agree that W11 is the only window which requires assessment and I consider that it would suitably establish a worst-case scenario for any other windows.
- 7.3.12 In such cases, the BRE Guide states that sunlight may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between 21st September and 21st March; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4% of APSH. The applicant has tested W11 and calculates that it would receive 37% of APSH and 12% of winter APSH, which significantly exceed the BRE targets. Accordingly, there

would be no requirement for further assessment comparing the former value or the reduction in sunlight over the whole year, and I am satisfied that there would be no unacceptable sunlight impacts on the windows of Glenmore.

Sunlight to gardens

- 7.3.13 Section 3.3 of the BRE Guide states that existing gardens and open spaces would be adequately sunlit if at least half of the space receives at least 2 hours of sunshine on 21st March, and that if, as a result of the new development, an existing space does not meet the above and the area which receives 2 hours of sunshine on 21st March is reduced to less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 7.3.14 Given the location of the rear garden of Glenlough to the southwest of the proposed extension, I am satisfied that this space would not be significantly affected by overshadowing. Regarding Glenmore, the applicant's updated report includes shadow study images for all daylight hours during March 21st and highlights any additional shadowing caused by the proposed development. It is based on the entire rear garden area (i.e. including the steep wooded area to the rear) and concludes that the garden would be unaffected from 11am to 1pm, during which over 50% of its area would receive sunshine.
- 7.3.15 I note that the rear wooded portion of the garden is largely unusable, and it could be argued that the area should be excluded for assessment purposes. Therefore, considering the flat 'useable' portion of Glenmore only, I note that the area would still receive good levels of sunlight between 11am and 3pm, and that the proposed extension would be responsible for only minor levels of additional shadowing. And while a detailed calculation for this smaller 'useable' garden space is not available, I am satisfied that the impacts would be acceptable and consistent with BRE standards.

Daylight/Sunlight conclusion

- 7.3.16 I again highlight the advisory, non-mandatory nature of the BRE Guide in this instance and the need for flexible implementation of its standards. In this regard, I consider that the site is located within an inner suburban area where the expansion of home space should be accommodated, and where impacts on daylight/sunlight standards for existing properties are effectively inevitable. I have assessed the

potential daylight/sunlight impacts to adjoining windows and the sunlight impacts on adjoining open spaces, and I have considered the application documents and the 3rd party concerns in this regard. Having regard to the details outlined in my assessment, I am satisfied that the proposed development will not result in any unacceptable daylight/sunlight impacts for neighbouring properties. As the issue of determining rights to light is a matter for the courts, I do not consider that the Board is in a position to draw any conclusions in relation to the legal matters raised.

7.4 Residential Amenity

7.4.1 The rear/side garden is currently defined by high boundary walls and vegetation, which would be retained in the proposed development. I am satisfied that this will adequately protect from any overlooking impacts at ground floor level.

7.4.2 At first floor level, high level windows are proposed on both side elevations of the proposed extension. According to the section B-B and elevation drawings submitted, the lowest point of these windows would be c. 1.8m above the 1st floor level. I am satisfied that this significant height will appropriately mitigate against any reasonable prospect of overlooking adjoining properties. Accordingly, I have no objection in relation to the impacts of the development on the privacy of adjoining properties.

7.4.3 I acknowledge that developments can have an overbearing impact on the outlook from adjoining properties. Similar to daylight/sunlight assessment, the impact is largely dictated by the height/scale of the proposed development and its proximity to the adjoining property. In this case, the 2-storey element of the proposed development would extend c. 7.5 metres from the original rear building line. The separation distance from the west site boundary would be c. 1.5m, while the distance to the east boundary increases from c. 2m to c. 3.75m. The eaves level would be c. 5.75m above the ground floor level of Glenlough, while it would be c. 4.65m above the ground floor level of Glenmore.

7.4.4 The windows to the rear of Glenlough do not face towards the proposed extension and the main opening (patio door) is distanced further west, away from the proposed works. Regarding Glenmore, the daylight/sunlight assessment has established that the angle of obstruction between west-facing windows and the proposed extension

marginally exceeds 25°, but this angle would decrease where separation distances significantly increase to the rear of the proposed 2-storey element.

7.4.5 The context of the site must also be considered, and I note that the relevant properties are all built on large, elevated sites and benefit from an absence of any significant obstruction to the rear. I acknowledge that practically any development will have some impact on the outlook from adjoining properties and there will be such impacts in this case. However, having regard to the height and scale of the proposed extension and its separation distance from adjoining properties, together with its limited scale in the context of the overall plot sizes at this location and the absence of significant development to the rear, I consider that that the proposal is reasonable in this inner suburban location and would not have any unacceptable overbearing impacts for adjoining properties.

7.4.6 Having regard to the above, I do not consider that the proposed development would seriously detract from the residential amenity of adjoining properties by reason of overlooking, overbearing, or any other impacts.

8.0 Appropriate Assessment

Having regard to the minor scale of the proposed development, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that permission should be **granted**, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the pattern and character of development in the area, the design and scale of the proposed development, and the provisions of the Cork City Council Development Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the 'ZO 4' zoning objective for the site, would not seriously injure the visual amenities of the area or the built heritage value of the Blackrock Road Architectural Conservation Area, and would not seriously injure the residential amenity of surrounding properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 6th day of August 2021, 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 proposed development shall be amended through a redesign of the proposed porch to correspond with those of adjoining properties. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of clarity and to protect the visual amenity and built heritage of the area.

3. 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.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. Water supply and drainage requirements, including surface water collection and disposal, 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

6. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

8. 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 the 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.

9. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Stephen Ward
Senior Planning Inspector

20th April 2022