



An
Bord
Pleanála

Inspector's Report

ABP-313075-22

Development

Permission and permission for retention and completion of development comprising alterations to existing house, new single storey extension to existing rear extension. Extend existing driveway at front. Permission for retention and completion for detached granny flat.

Location

Englewood No.30 Byefield Park, Mayfield, Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2140773

Applicant(s)

Nicholas and Linda Fahy.

Type of Application

Permission and Retention.

Planning Authority Decision

Split Decision

Type of Appeal

First Party

Appellant(s)

Nicholas and Linda Fahy

Observer(s)

None.

Date of Site Inspection

15/10/2022

Inspector

Fiona Fair

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1.0 Site Location and Description

1.1. The subject site comprises an existing detached bungalow with vehicular driveway and garage. The site is located in Byefield Park, Mayfield Cork City. Bayfield Park is an established housing development comprising a mix of detached and semi-detached properties. The surrounding area is characterised by established residential development. There are some commercial uses in the wider area with a number of shops / services to the north on the Old Youghal Road. Mayfield Shopping Centre is located to the north - east of the site.

2.0 Proposed Development

2.1. Permission and permission for retention and completion of development is sought as follows:

- **Permission for** first floor development to provide bedroom accommodation, including removal of existing roof and building new raised roof with new gables at either side with raised ridge,
- New dormer roofs at front south east facing and rear north west facing with new velux roof window to front,
- New balcony area over existing flat roof extension at north east facing side with new double doors access at gable from first floor.
- New porch and access steps at front south east facing elevation.
- New single storey extension to existing rear extension.
- Extend existing driveway at front garden and general alterations including new window at west facing elevation at ground floor.
- **Permission for retention and completion** is sought for detached granny flat at north - eastern side of site. (Existing foundations and site work to be retained)

3.0 Planning Authority Decision

3.1. Decision

Split Decision:

Grant Permission for first floor development to provide bedroom accommodation, including removal of existing roof and building new raised roof with new gables at either side with raised ridge, new dormer roofs at front south - east facing and rear north - west facing with new velux roof window to front, new balcony area over existing flat roof extension at north - east facing side with new double doors access at gable from first floor. New porch and access steps at front south – east facing elevation. New single storey extension to existing rear extension. Extend existing driveway at front garden and general alterations including new window at west facing elevation at ground floor.

Refuse Permission for retention and completion for detached granny flat at north - eastern side of site. (Existing foundations and site works to be retained).

Conditions of note include:

C2. The extension and the existing house combined shall be confined solely to residential use as a single private dwelling unit.

Reason: In the interest of residential amenity.

C3. The dormer windows on the front elevation shall be omitted and replaced with rooflights. Prior to the commencement of development, a revised front elevation drawing detailing this change shall be submitted for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

C4. The balcony area with glazed balustrade and timber screen shall be omitted. The double doors opening onto the balcony area shall also be omitted. Prior to the commencement of development, revised elevation drawings detailing this change shall be submitted for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

Reason for Refusal

“Paragraph 16.74 of the Cork City Development Plan 2015 - 2021 states that family flat/ granny flat extensions shall be located at ground floor level, shall be subject to bona fide need for such a unit, shall be able to revert back to being part of the original house, and shall not impact adversely on the residential amenities of the area. The development to be retained and completed comprises a detached single storey self-contained residential unit. The unit would be difficult to reintegrate with the original house and no bona fide need has been provided. The proposed development would therefore represent an additional dwelling unit and would as such constitute overdevelopment of this site, would injure the residential amenities of the occupiers of adjoining residential properties and would contravene the development objective relating to family flat/ granny flat extensions. The proposed development would therefore seriously injure the amenities and depreciate the value of the property in the vicinity and would be contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports: The planning report is summarised as follows:

- No objection to the raising of the roof to provide habitable accommodation at first floor level. The increase in ridge height is less than 1m.
- There are no other front dormers in the vicinity of the site. A number of properties within Byefield Park have installed roof lights. It is considered that roof lights would be more appropriate on the front elevation in this instance. This can be dealt with by way of planning condition. There is no objection to the dormer to the rear.
- The proposed balcony, with glazed balustrade and timber screen is visually inappropriate and is not in keeping with the character with the area and should be omitted.
- No objection to the design of the proposed porch.
- No objection to the extension of the proposed driveway.

- The detached nature of the granny flat is contrary to development plan policy for ancillary accommodation. Paragraph 16.74 of the City Development Plan and should be refused permission.

3.2.2. Other Technical Reports

- Drainage: No objection subject to condition
- Environment: No objection subject to condition
- Urban Roads and Street Design: No objection subject to condition

3.3. Prescribed Bodies

- None on File.

3.4. Third Party Observations

- None Relevant

4.0 Planning History

- None relevant to the subject site.

Nearby Properties

17/37407 – (18 Byefield Park) – Permission granted for retention of 3 no. velux windows on the front elevation.

16/36999 (19 Byefield Park) – Permission granted for the construction of a front natural stone porch extension, side walls with steps and a planted and all ancillary site development works.

15/36473 (2/3 Springfield Road and Byefield Park) – Permission granted for site clearance to include the removal of 2 no. existing ruinous dwellings and the construction of 3 no. dwellings and all ancillary works.

5.0 Policy Context

5.1. Development Plan

The Cork City Development Plan 2022 – 2028 is the statutory Plan. Cognisance is had that the PA assessed the proposal under the previous Cork City Development Plan 2015 – 2021

The site is now zoned ZO 01 Sustainable Residential Neighbourhoods. The objective of which is “To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses”.

I consider the following sections of the new Development Plan are of relevance.

Adaptation of Existing Homes

11.140 Cork City has a housing stock that is varied in type and size to meet the needs of a range of different household sizes in different locations. As part of the Core Strategy it is essential that existing homes are utilised and the vacancy rate in Cork is kept at very low levels (see Chapter 3: Delivering Homes and Communities) in order to ensure that a full range of homes is available for occupation.

11.141 In order to ensure that existing homes are utilised by occupation Cork City Council supports the retention and adaptation of the existing housing stock to suit the evolving needs of society. Traditionally house adaptation comprises a significant proportion of all planning applications and Cork City Council may introduce planning guidelines to assist applicants in putting development proposals together.

11.142 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.

11.143 Extensions should:

1. Follow the pattern of the existing building as much as possible;
2. Be constructed with similar finishes and similar windows to the existing building so that they would integrate with it;
3. 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;
4. 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 usually be permitted where visible from a public area;
5. Traditional style dormers should provide the design basis for new dormers;
6. 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;
7. Care should be taken to ensure that the extension does not overshadow windows, yards or gardens or have windows in flank walls which would reduce the privacy of adjoining properties.

5.2. Natural Heritage Designations

- 5.2.1. The closest European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).
- 5.2.2. The PA's report states: "Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not require".

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development comprising of extension and alteration of an existing residential structure in an established urban area, 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. First Party appeal by Barrett & Associates on behalf of the applicant's Mr. and Mrs Nicolas and Linda Fahy

- Appeal against Condition 3, 'only', which omits dormer windows to the front of their dwelling.
- The reason, 'in the interest of visual amenity', is without merit.
- This type of development for dormer windows exists in neighbouring close by dwelling houses e.g. in Sli Gartan and Springfield Estate and by no means negatively impacts on the surrounding environment / visual amenity of the area.
- A diverse mix of house styles / designs exist in Byefield Park and Byefield Court
- Appendices attached of photographic evidence to support their appeal.

6.2. Applicant Response

- None Relevant

6.3. Planning Authority Response

- None Relevant

6.4. Observations

- None Relevant

6.5. Further Responses

- None relevant

7.0 Assessment

- 7.1.1. I have read through the file documentation, the relevant provisions of the Cork City Development Plan and have carried out a site inspection. I highlight that the subject appeal is a first party appeal, solely, against the attachment of a condition. Given the foregoing and having regard to section 139 (1) of the Planning and Development Act, 2000, as amended, I consider that a 'de novo' consideration of the development is not warranted in this instance.
- 7.1.2. In my judgement the principle factors for consideration in this appeal relates to evaluation of Condition 3, attached to Reg. Ref. 2140773 which states:
- “The dormer windows on the front elevation shall be omitted and replaced with rooflights. Prior to the commencement of development, a revised front elevation drawing detailing this change shall be submitted for the written agreement of the planning authority”.
- “**Reason:** In the interest of visual amenity”.
- 7.1.3. I note that the PA in their assessment of the proposal have indicated no objection to the raising of the roof to provide habitable accommodate at first floor level. The increase in ridge height is less than 1m.
- 7.1.4. The PA consider that roof lights would be more appropriate on the front elevation in this instance. There is no objection to the dormer to the rear.
- 7.1.5. I have visited the site and have reviewed the plans and drawings submitted, I have considered the newly adopted Cork City Development Plan 2022 – 2028, wherein the subject site is zoned “ZO 01”, ‘Sustainable Residential Neighbourhoods’. Also I have had regard to section 11.140 of the County Development Plan ‘Adaptation of Existing Homes’, and to Section 11.140, Section 11.141, Section 11.142 and Section

11.143 in relation to extensions. The existing detached bungalow with hipped roof profile is non-descript, it is located on a sizeable corner site well screened from the public road given high hedge planting, high boundary walls and ground level changes. In my opinion the dormer windows proposed to the front elevation would not in any way detract from the overall visual amenity of the area. The dwelling subject to planning permission is not a protected structure, is not located within a architectural or residential conservation area and there is broad range of house styles in the vicinity. The dwelling is not highly visible from the public road, I consider it is unreasonable to omit the front dormers in this instance.

7.1.6. Section 11.141 supports the retention and adaptation of the existing housing stock to suit evolving needs. The design and layout of extension has regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building is in my opinion respected, the front dormer windows are acceptable and do not detract from the visual amenity of the surrounding area.

7.1.7. I am of the opinion that the proposal put forward by the applicant is acceptable. I recommend that C.3 be omitted in its entirety.

8.0 Recommendation

8.1. Having read the appeal and documentation on file, had due regard to the provisions of the Cork City Development Plan 2022 - 2028, carried out a site visit and all other matters arising. I recommend that the planning authority be directed under section 139 (1) of the Planning and Development Act, 2000, as amended, to omit Condition 3 in its entirety.

9.0 Reasons and Considerations

Having regard to –

(a) Cork City Development Plan 2022 - 2028

(b) The Zoning “ZO 01”, ‘Sustainable Residential Neighbourhoods’

(c) The mixed styles present in the area and given the City Development Plan supports the retention and adaptation of the existing housing stock to suit

evolving needs. The modest scale of the overall extension and design of the front dormer interventions, it is considered that the proposed development would contribute positively to the character and distinctiveness and would not detract from the character and appearance of the area and its setting and would otherwise accord with the provisions of the current City Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1. Condition 3 be omitted in its entirety.

Fiona Fair
Planning Inspector

18.10.2022