



An
Bord
Pleanála

Inspector's Report

ABP-313457-22

Development	Removal and replacement of existing front canopy, and material change to entrance area. Construction of new two-storey extension to gable side of existing dwelling-house.
Location	7 The Heathers, Ovens, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	22/40808
Applicant(s)	Sara Meloni
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party vs. Condition
Appellant(s)	Sara Meloni
Observer(s)	None
Date of Site Inspection	16 th November 2022
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The appeal site is located within a large residential area known as 'Classes Lake', approximately 2km west of Ballincollig town centre. It is at the northern extremity of this residential development, within a cul-de-sac known as 'The Heathers'. Further north is an open space area, a wooded area along 'Wood Road', and the River Lee.
- 1.2. The site has a stated area of 506m² and comprises a large corner site which widens to the rear. It contains one of a pair of two-storey semi-detached houses. The houses are of relatively recent construction and have a red-brick front façade and tiled roofs. Adjoining houses are of a generally consistent design, but some have a red-brick finish at ground level and a dash finish at first-floor level.
- 1.3. There is a vehicular access and parking area to the front of the property. To the rear is a large garden which adjoins similar residential properties to the east, west, and south.

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 front canopy
 - Construction of new replacement front canopy and material change to entrance area
 - Construction of new 2-storey extension to gable side of existing dwelling
 - Modifications to front, side, and rear elevations
 - All associated site works.
- 2.2. It is stated that the existing building has a floor area of 78.28m² and the proposed extensions would be 71.9m², resulting in a gross floor area of 150m². The design proposes a contrasting contemporary insertion involving a black-brick finish to the front and rear (ground level), smooth plaster (first floor level), flat roof forms, and a varied pattern of fenestration.

3.0 Planning Authority Decision

3.1. Decision

By order dated 19th April 2022, Cork City Council (DCC) issued notification of the decision to grant permission subject to 9 conditions. Condition no. 4 stated as follows:

Prior to commencement of development, applicant shall submit, for written agreement with the planning authority, revised drawings (including elevations and floor plans) showing the front elevation of the existing dwelling maintained as existing, including maintaining the front door and canopy in its current position, to ensure uniformity to the existing and permitted development along this road and within The Heathers.

Reason: In the interest of visual amenity and residential amenity.

3.2. Planning Authority Reports

Further Information

3.2.1. Following initial CCC reports, a request for further information was issued on 14th of March 2022. In order to address potential visual amenity, overshadowing and outlook impacts on adjoining properties, the planning authority requested the following:

- Proposals for front elevation finishes to correspond to the existing and to ensure that the existing front canopy is retained.
- Proposals to reduce the scale of the rear 2-storey extension (if necessary) to reduce impacts on the adjacent dwelling to the north/northwest.
- A shadow study to consider impacts on adjoining properties.

Planner's Report

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

- There is no objection in principle to the development or its scale.

- The side extension would be subordinate to the existing dwelling and there is no objection to the contemporary design approach.
- The applicant has refused to alter the front elevation in accordance with the further information request. There are concerns that proposed finishes would have adverse impacts on the uniformity and visual amenities of the area and a condition should be attached to maintain the front elevation as existing.
- The applicant's shadow study has demonstrated that any overshadowing impacts on the property to the north will be acceptable in this suburban context.
- Regarding references to adjacent approved permissions, each application must be dealt with on its merits. The permitted development on the adjacent site (P.A. Reg. Ref. 21/40498) did not permit any alterations to the front elevation. The applicant's reference to Class 7 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) is a moot point.
- It is recommended to grant permission subject to conditions, which forms the basis of the CCC decision.

Technical Reports

3.2.3. Contributions: General Development Contribution shall apply.

Area Engineer: No objections subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

P.A. Reg. Ref. 08/10297: Permission granted (2009) at the appeal site for construction of two storey extension to dwellinghouse.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Cork City Development Plan 2022-2028. Chapter 12 deals with 'Land Use Zoning Objectives'. The appeal site is located within the 'ZO 1 Sustainable Residential Neighbourhoods' zone, where the objective is '*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*'. The provision and protection of residential uses and residential amenity is a central objective of this zoning. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

5.1.2. Chapter 3 of the Plan deals with 'Delivering Homes and Communities'. Section 3.45 recognises the importance of adapting existing homes while protecting the amenities of adjoining properties. This is also supported by Objective 3.9.

5.1.3. Chapter 11 outlines guidance and standards in relation to 'Placemaking and Managing Development'. The Strategic Objective aims to create attractive urban places. Objective 11.1 aims to create sustainable residential development with an attractive sense of place and a suitable quality of life for residents. It also promotes accommodation for a diverse range of household types. This is followed by sections outlining a range of quantitative and qualitative standards for housing, including issues such as daylight/sunlight, private open space, and privacy.

5.1.4. Sections 11.140 to 11.143 outline more detailed guidance in relation to the adaption of existing homes. 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.

5.2. Natural Heritage Designations

The nearest designated Natura 2000 site is the Cork Harbour SPA, located c. 13km to the east. The Lee Valley Proposed Natural Heritage Area is located c. 1km to the east.

5.3 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. This first party appeal relates only to condition no. 4 of the CCC decision to grant permission. It requests the omission of the condition, and the grounds of appeal can be summarised as follows:

- The brief of the project was to maximise space with an extension of bold architectural character.
- The design approach involved a side extension to minimise massing and any potential overshadowing of adjoining properties.
- The approach involves a new circulation route on the opposite side of the existing stairs and enables an enlarging of the existing small sitting room.
- Condition no. 4 is unnecessarily punitive and does not allow the applicant to realise the potential usable space in the property.
- The permitted development on the adjoining property (P.A. Reg. Ref. 21/40498 for No. 8 The Heathers) shows the omission of the canopy and sets a precedent.
- The insistence that the pastiche canopy should remain shows poor judgement in an urban context devoid of any noteworthy character.
- There is no valid reason to keep the front door and canopy and its retention would create a strange conflicting narrative to the front elevation.

- A contrasting brick colour is proposed to show a clear and clean integration with the existing house, as is prevalent in other extension projects throughout the city.
- The decision to permit the remainder of the development is contradictory to the council's requirement to retain the front door and canopy.
- The further information request did not raise any objection to the proposed location of the front door. It is concerning that it has now been raised without giving the applicant an opportunity to respond appropriately.
- The retention of the canopy would have a significant detrimental impact on the integrity of the extension and will detract from a well-considered entrance and floor plan.

6.2. **Planning Authority Response**

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

6.3. **Observations**

None.

6.4. **Prescribed Bodies**

None.

7.0 **Assessment**

- 7.1. This appeal relates only to condition no. 4 of the CCC decision. I am satisfied that the development is otherwise in accordance with the proper planning and sustainable development of the area, and that the determination by the Board of the application as if it had been made to it in the first instance would not be warranted. My assessment will therefore be limited to the matters raised in relation to the terms of the condition, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended).

- 7.2. Having reviewed the CCC planner's reports and decision, it is clear that there were concerns that the proposed finishes would have adverse impacts on the uniformity and visual amenities of the area. Accordingly, the condition was attached in the interests of the visual and residential amenities of the area.
- 7.3. It is acknowledged that the houses in this cul-de-sac area are generally of consistent design, albeit that there are varying extents of brick finishes to the front of the houses. However, it is still a modern residential estate which is of no built heritage significance. And while it is certainly an attractive residential environment, the houses are not of a particular architectural style that would be worthy of preserving.
- 7.4. I acknowledge that the proposed alterations to the front façade would be of a significantly different contemporary character, including a distinctive black brick finish. However, I consider that this approach is consistent with good design practice for extensions/alterations, which should clearly distinguish between the original and new development. This is preferable to any attempt at pastiche, particularly when the existing building is of no heritage or architectural significance.
- 7.5. The proposed design is of a simple, contemporary appearance and is not of excessive scale. I consider that it should read as a separate architectural element, and I would concur with the appellant's concerns that condition no. 4 would create a strange conflicting narrative to the front elevation.
- 7.6. Having regard to the foregoing, I can see no reasonable basis to insist on maintaining the front elevation of the house as it exists. Therefore, I do not consider that condition no. 4 is warranted in this case.

8.0 Appropriate Assessment - Screening

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 the determination by the Board of the application as if it had been made to it in the first instance would not be warranted and that assessment should be limited to the matters raised in relation to the terms of condition no. 4, pursuant to the provisions of section 139 of the Planning and Development Act 2000 (as amended). For the reasons and considerations set out below, I recommend that the Planning Authority should be directed to REMOVE Condition number 4.

10.0 Reasons and Considerations

Having regard to the modern suburban pattern and character of development in the area, it is considered that the proposed contemporary design would not detract from the character of the existing dwelling or surrounding dwellings and would not detract from the visual or residential amenities of the area. Therefore, the planning authority's Condition No. 4, requiring the front elevation of the existing dwelling maintained as existing, is not warranted.

Stephen Ward
Senior Planning Inspector

9th December 2022