



An  
Bord  
Pleanála

## Inspector's Report ABP 313902-22

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<b>Development</b>	Completion of House Improvements
<b>Location</b>	4 Mount Pleasant Road, Turner's Cross, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	22/40998
<b>Applicant</b>	Stephen Marsh
<b>Type of Application</b>	Permission & Retention Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant</b>	Roy Hegarty
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	01/11/22
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

No. 4 Mount Pleasant Road is a recently extended single storey semi-detached dwelling in the mature inner suburban area of Turner's Cross to the south of Cork City Centre. It is attached to No.3 Mount Pleasant Road to the north with No. 5, a detached two storey dwelling, to the south. The site backs onto the rear of No. 66 Father Matthew Road. A timber fence delineates the rear boundary.

The dwelling on the appeal site has been renovated and extended to the rear.

Vehicular access with off street parking has been provided for.

There is a bus stop outside the site and, save for the area in the immediate vicinity of same, on-street parking is precluded by way of double yellow lines.

## 2.0 Proposed Development

Retention permission and permission is sought for:

- 33 sq.m. single storey, flat roof extension to the rear
- Roof lights to the rear elevation including 1 no. with a balcony type opening.
- Roof light to the side elevation (south)
- Elevational changes to the front elevation
- Alterations to front boundary wall to provide for 4.01 metre wide vehicular access

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission and retention permission for the above described development subject to 7 conditions. Of note:

Condition 3: The flat roof extension not to be used as a balcony or outdoor amenity area.

Condition 4: All balcony type windows on the eastern elevation to be replaced by standard roof lights. Revised drawings to be submitted within 2 months of decision and replacements to be installed within 6 months of decision.

Condition 5: Vehicular entrance to be no wider than 3 metres.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The Planner's report notes:

- The entrance exceeds the 3 metre limit as set out in the Cork City Development Plan.
- The flat roof extension is substantially above the eaves of the main dwelling. A hedge currently obscures views of the extension from Fr. Matthew Road.
- There is potential for the flat roof to be used as a balcony which would cause significant overlooking of the amenity area of the dwelling to the east.
- There is no objection to the standard roof lights. The balcony type roof light will cause significant loss of privacy to the dwelling to the east and could function as access to the flat roof creating a balcony.

A grant of permission subject to conditions recommended.

The recommendation was endorsed by the Senior Executive Planner.

#### 3.2.2. Other Technical Reports

Drainage Division has no objection subject to conditions.

Contributions Report details the financial contribution required should permission be granted.

Urban Roads and Street Design (Planning) Report has no objection subject to the driveway entrance being no wider than 3 metres.

### 3.3. **Prescribed Bodies**

Irish Water has no objection subject to conditions.

### 3.4. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 6 below.

### 4.0 **Planning History**

ABP 303866-19 – permission granted to retain vehicular entrance and front boundary wall alterations to No.3 Mount Pleasant Road (attached to appeal site).

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

Since the planning authority's assessment of the application the new Cork City Development 2022 came into effect.

The site is within an area zoned ZO 1 the objective for which is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Section 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.

Section 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;

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.

Section 11.145 - The cumulative effect of the removal of front garden walls and railings damages the character and appearance of suburban streets and roads. Consequently, proposals for off-street parking need to be balanced against loss of amenity. The removal of front garden walls and railings will not generally be permitted where they have a negative impact on the character of streetscapes (e.g. in Architectural Conservation Areas and other areas of architectural and historic character) or on the building itself (e.g. a Protected Structure). Consideration will be given to the effect of parking on traffic flows, pedestrian and cyclist safety, and traffic generation. Where permitted, “drive-ins” should:

1. Not have outward opening gates;
2. In general, have a vehicle entrance not wider than 3 metres, or where context and pattern of development in the area allows not wider than 50 per cent of the width of the front boundary;
3. Have an area of hard-standing equivalent parking space of (2.5 m x 5m) with the balance of the space suitably landscaped.

## 5.2. **Natural Heritage Designations**

None in the vicinity

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The 3<sup>rd</sup> Party appeal, which is accompanied by copies of photographs, can be summarised as follows:

- The extension does not comply with the city development requirements for extensions.

- The design and layout has no regard to the amenities of adjoining property.
- The extension overshadows his garden in the early evening/evening.
- The conditions attached to the planning authority's decision are contradictory and do not safeguard against the use of the flat roof as a recreational area. The height of the parapet wall encourages such a use. Whilst condition 3 precludes its use for such purposes the planning authority has no way of monitoring, policing or controlling same.
- Condition 4 is unclear as to what revised drawings are to be submitted for approval and the associated impacts, including loss of privacy of adjoining properties. This is relevant to the number of roof lights proposed.
- The hedge which screened the extension from Fr. Matthew Road has been removed.

## 6.2. Applicant Response

The submission from DL Group Consulting Engineers can be summarised as follows:

- The height of the flat roof extension is so as to comply with floor to ceiling height requirements. The height and design of the parapet was also to offer the neighbouring dwellings privacy as it is not possible to look into the adjacent gardens from the attic space.
- The flat roof is not constructed to act as an amenity space. It is not structurally designed to bear any additional live loads.
- The attic space is not a habitable space as it does not comply with the Building Regulations.
- The standard and balcony type roof lights cannot be used as a means for fire escape.
- The balcony roof light will be replaced by a standard roof light to meet the requirements of condition 3.

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

None

## 7.0 **Assessment**

The site is within an area zoned Z01 the objective for which is to protect, provide and improve residential amenities. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicants with the requirement that such works should maintain the visual amenities and character of the parent building and wider area, whilst not compromising the residential amenities of adjoining properties.

No.3 comprises a semi-detached single storey dwelling which has been renovated and extended with a gated vehicular access provided. It is attached to No.4 which has also been renovated and extended.

I submit that the substantive issue arising pertains to the impact of the single storey rear extension and the roof lights to the rear on the residential amenities of adjoining property with particular regard had to No.66 Father Matthew Road to the south-east of the site (the appellant's property). No.66 has been extended to the rear.

The extension as constructed on the appeal site has a floor area of 33 sq.m. and is c.1.5 metres from the shared boundary with the appellant's property at its closest point. Although extending above the eaves of the original dwelling its height is modest at 3.620 metres and is required so as to meet internal floor to ceiling height requirements. Whilst there is a differential in site levels of approx. 2 metres between the appeal site and the appellant's property I do not consider that the extension gives rise to material concerns in terms of overbearance or overshadowing as to warrant a refusal of permission. As noted on day of inspection the extension, whilst visible when viewed from immediately outside No. 66 on Fr. Matthew's Road, is largely screened from the east and west.

Concerns are expressed as to the potential use of the flat roof as a balcony/amenity space. Such an arrangement within an area with a relatively tight urban grain would inevitably give rise to issues of overlooking and loss of privacy. Whilst flat roof extensions are ubiquitous in urban areas without triggering such concerns in this regard the reservations appear to stem from the installation of a balcony type roof window and potential access via same. As evidenced on day of inspection such a type of opening does not allow for access to the roof. I also noted that in view of the intervening flat roof extension overlooking does not arise. However the purpose of such an elaborate window opening in a roof space that is proposed for a reading area/storage purposes, only, is queried. I would concur with the planning authority's decision to require the removal of the said opening and its replacement with roof lights comparable to those installed elsewhere. The agent for the applicant in response to the grounds of appeal confirms that the necessary alterations would be carried out. A condition stipulating the time frame in which the works are to be completed is recommended in the interests of clarity. I also recommend a condition be attached precluding the use of the flat roof for amenity purposes, again in the interests of clarity.

There is no objection to the elevational changes made to the dwelling.

The gated vehicular entrance is 4.01 metres wide. Whilst this exceeds the City Council recommended maximum of 3 metres I have no objection on aesthetic or traffic safety grounds and note that it does not exceed 50% of the overall site frontage, which is calculated to be c.11.4 metres. A comparable vehicular entrance width (3.985 metres) to No.4 immediately adjoining was considered acceptable by the Board under ref. ABP 303866-19. Whilst the latter appeal was assessed under the previous city development plan I note that the policy provisions in terms of vehicular entrances remain largely the same. On this basis I consider that the works to be retained would generally accord with the current City Development requirements for vehicular entrances and parking in front gardens as set out in section 11.145, would have not have a negative visual impact on the established character or visual amenities of the area, and would not give rise to concerns in terms of traffic safety.



### *Appropriate Assessment*

Having regard to the location of the site and the nature and scale of the proposed development no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

Having regard to the foregoing I recommend that permission and retention permission for the above described development be granted for the following reasons and considerations subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the pattern of development in the area and to the scale, nature and design of the works to be retained and completed, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and completion would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the further plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The roof of the single storey rear extension shall not be used as a balcony or terrace.

**Reason:** To protect the amenities of adjoining property.

3. The balcony type roof light on the east elevation shall be replaced with standard opening roof lights within 6 months from the date of this order.

**Reason:** To protect the amenities of adjoining property.

4. The roof space of the dwelling shall be used for storage purposes, only, and shall not be used for habitable purposes.

**Reason:** In the interest of clarity

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety

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

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

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**November, 2022**