



An  
Bord  
Pleanála

## Inspector's Report ABP-314863-22

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<b>Development</b>	Permission for retention of amendments to existing dwelling
<b>Location</b>	Hawthorn, Dublin Pike, Co. Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2241294
<b>Applicant(s)</b>	Thomas Kiely
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Thomas Kiely
<b>Observer</b>	Cunnane Stratton Reynolds
<b>Date of Site Inspection</b>	06/04/2023
<b>Inspector</b>	Gillian Kane

## **1.0 Site Location and Description**

- 1.1.1. The site is located in a residential area in the suburb of Ballincollig, located approx. 3km to the north of Cork City.
- 1.1.2. The subject site is an existing two storey dwelling, which has been the subject of a number of changes, internally and externally. The detached dwelling fronts on to the Dublin Pike (also known as Dublin Hill Upper), with a gated area of open space to the side and rear. The house was unoccupied on the date of my site visit.
- 1.1.3. To the north of the dwelling is an area of informal car parking, to serve the adjoining public house. South of the site is a two-storey detached dwelling. Further south is a residential cul-de-sac which swings around to bound the rear of the subject site.

## **2.0 Proposed Development**

- 2.1.1. On the 27<sup>th</sup> July 2022 Cork City Council received an application for permission to retain the following changes to an existing dwelling: hipped roof, extension to the front elevation at ground level and first floor, extensions to the side and rear at first floor, elevational changes to the original dwelling comprising stone cladding, alteration to original roadside boundary wall and permission to construct new guarding at first floor on the front elevation and a detached domestic garage, all on a site of an existing dwelling at Hawthorn, Dublin Pike.
- 2.1.2. The application form states that the gross floor space of the existing dwelling is 219.27sq.m., with a proposed garage of 54sq.m. and 95.13sq.m. of development to be retained.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 20<sup>th</sup> September 2022, the Planning Authority issued a notification of their intention to refuse permission for the following reasons:
  - 1 The provisions of the Cork City Development plan 2022-2028, specifically Zoning Objective 1, section ZO 1.2 and section 11.143, set out criteria for the assessment of development within a neighbourhood and adaption of existing homes. Having regard to the bulk, scale and massing of the extended and altered house, the boundary walls and garage, the development the subject of

this application, is contrary to these objectives, provisions and the protection of the character and scale of the neighbourhood in which it is situated. The development would be contrary to the Cork City Development Plan 2022-2028, which seeks to ensure development which respects the character and scale of the neighbourhood. The development is seriously injurious to the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the layout of the local road network and position and height of front boundary walls / piers / railings, it has not been satisfactorily demonstrated that adequate visibility splays are achieved from the entrance. On the basis of the information submitted the Planning Authority is not satisfied that adequate visibility splays can be achieved and therefore the development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

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

3.2.1. **Community Culture & Placemaking:** No objection

3.2.2. **Planning Report:** Bulk, scale and massing of the extended and altered dwelling is excessive in relation to the site and the wider area. External finishes and front boundary are inappropriate. Development is not in compliance with development plan policy, is seriously injurious to the visual amenities of the area and should be refused. Proposed guarding is not appropriate. Planning Authority concerned about overall height and external finishes of proposed garage. Visibility splays not identified and proposed development would endanger public safety by reason of traffic hazard. Insufficient detail regarding treatment of waste water provided. Recommendation to refuse permission.

### 3.3. **Third Party Observations**

3.3.1. **Residents Group of Whites Cross, Dublin Pike:** Grounds of objection to the proposed development can be summarised as: existing court order to remove unauthorised structures, inappropriate scale and design, adverse impact on residential amenities, insufficient detail and creation of an undesirable precedent.

## 4.0 Relevant Planning History

- 4.1.1. No relevant planning history on the subject site.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The relevant development plan is the Cork City Development Plan 2022-2028, which was adopted on 27th June 2022 and came into effect on 8th August 2022.
- 5.1.2. The site is zoned ZO 01 Sustainable Residential Neighbourhoods which has the objective to “protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses”.
- 5.1.3. Section 11.140 of the development plan refers to adaption 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 (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.

**11.143** 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 monopitch 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 designated site is the Cork Harbour SPA (004030), which is located approximately 5.4km from the subject site.

## 5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development and the urban location of the site 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. An agent for the applicant has appealed the decision of Cork City Council to refuse permission. The grounds of the appeal can be summarised as follows:
- The refusal of permission has resulted in the owner of the property not being able to live in the house and requiring temporary accommodation.
  - The building was subject of extensive enforcement undertaken by the City Council. Development ceased and retention permission was sought.
  - The applicant was not given the opportunity to address the concerns of the Planning Authority by way of further information.

### Reason no. 1

- The subject dwelling is in compliance with the residential zoning of the area.
- Not permitting the house to be used by the applicant, is in direct opposition to the primary zoning objective.

- Lands to the rear will become the subject of anti-social behaviour, without passive supervision from the house.
- The character and scale of the development is entirely in keeping with the local architectural context. Photo submitted which show the surrounding bulk, scale, form and massing.
- Regarding section 11.143 of the development plan and the need to 'follow the pattern of the existing building as much as possible', the development sought to change the entire elevation:
  - There are a significant number of hipped roofs in the area. The mass of the original dwelling is diminished by the new hipped structure.
  - No dormers or box dormers are proposed.
  - The development does not overshadow windows, yards or gardens nearby due to the separation distances.
- Assessing the building solely as an extension does not provide the correct context. The elevational amendments which were sought to homogenise the existing building and new extension could have been addressed by way of further information.
- The development works constitute a significant visual improvement on the unoccupied and becoming derelict structure on site. Images submitted.
- Map submitted showing the receiving environment and the type of development in the area by reference to storeys, dormers and floor plate.

## **Reason no. 2**

- The Planning Authority's second reason of refusal should have formed the basis of a request for further information.
- The development can easily achieve 50m sightlines to the nearside of each oncoming carriageway in both directions, set back 2.4m from the road.
- The applicant will amend the boundary wall to meet the Councils required layout or reinstate the previous entrance.

- The building was in use as a B&B and therefore generated more traffic movements than the proposed use as a dwelling.
- There is no engineering report on the file.
- The applicant and his 4 no. children are living in a mobile home 2 miles from the site. Work on the house has ceased since 2019. The applicant seeks to move in to the dwelling by winter 2023.
- The house will remain empty during a time when there is a housing need.

### **Planners Report**

- The planning report raises concerns about landscaping, guard rails, the garage, drainage, the septic system and the road boundary but they did not form the basis of a reason for refusal.
- The applicant is willing to submit a landscaping plan for approval, to install a fixed window in place of the Juliet balcony, to install an Aco-drain and associated soakaway at the gate. The existing treatment system served a dwelling with eight bedrooms and toilets. It can accommodate the proposed dwelling.
- Submitted drawing no. 22018-CEA-AB-A-L0003RevAB shows 50m sightlines possible from the gate of the dwelling.
- There is no intention to run a business from the dwelling.
- The Board is requested to grant permission to retain.

## **6.2. Planning Authority Response**

- 6.2.1. None on file.

## **6.3. Observations**

### **6.3.1. Cunnane Stratton Reynolds:**

- Strongly oppose the development.
- Adequate assessment of the proposal is not possible due to the lack of detail in the drawings and application. Drawings do not accurately reflect the previously existing dwelling.

- Existing court order to have the unauthorised structures removed dated October 2017 should outweigh the current application / appeal for retention. Compliance with this court order merits a refusal of retention permission.
- Development plan policy for ZO1.2 areas is to respect the character and scale of the neighbourhood. The proposed development should not diminish the prospects for the lands in the area are zoned Long Term Strategic Development Lands.
- Proposal is over scaled in terms of the surrounding context, could encourage noise and traffic impacts from the number of people that could be accommodated within the enlarged structure. Scale of the house dominates the site.
- Dramatic change from house that was on site. Google images provided.
- Highly visible site, with adverse impact on residential amenities. Area is a transition zone between urban and rural. A design statement should have been submitted. Landscaping would soften the visual impact.
- Proposed development will have an adverse visual impact, noise and disturbance and additional traffic generated. Second storey windows have direct sight into adjoining properties.
- Permission was refused for a granny flat to the rear of the adjoining property on grounds over overdevelopment, injury to residential amenity and out of keeping with established character of the area.
- Concern over the number of people that may be accommodated in the enlarged structure. Could generate significant traffic movements. Question if a business will be run from the premises.
- Once the Court Order is complied with the family will be entitled to enjoy and use their home. This would mitigate any potential anti-social behaviour. That the house has lain empty is not justification to grant retention permission. Nor is the current housing crisis.
- The separation distances are insufficient to prevent overlooking.

- The scale height and siting of the roadside boundary is unsatisfactory and not in accordance with the area or design guides.
- The Board is requested to refuse permission.

## 7.0 **Assessment**

7.1.1. I have examined the file, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Extent of Development
- Roadside Entrance
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The subject site is located in an area zoned to protect and provide for neighbourhood residential uses. The principle of extending and altering an existing dwelling is acceptable, subject to other planning considerations.

7.2.2. I note the policies of the Cork City Development plan to utilise existing vacant homes / adaptation of existing housing stock to address housing needs in the Planning Authority area. Section 11.140 of the 2022 development plan refers.

### 7.3. **Extent of Development**

7.3.1. The Planning Authority's first reason for refusal refers to the bulk, scale and massing of the extended and altered house, the boundary walls and garage. The reason states that the development is contrary to the zoning objectives of the area and to criteria for adaptation of existing homes.

7.3.2. As a starting point, it reasonable to state that the subject dwelling to be retained bears little resemblance to the previous dwelling on site, bar the fact that both dwellings were / are detached and both were / are two storey. Without recourse to detailed plans and drawings it would be hard for anyone to discern what was part of the original house and what is 'new'. The dwelling on site appears as an entirely new

dwelling. There is almost nothing of the original dwelling for the altered dwelling to 'match'. Splitting the subject development into individual works such as 'extension', 'stone cladding' 'proposed guarding' etc., ignores the fact that the sum of the parts is greater than the constituent parts.

- 7.3.3. The subject site is located in an area zoned ZO1.2, which as noted above has the stated objective "To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses." Objective ZO 1.2 states that development in the ZO1 zone should "generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted". The proposed development is a single-family home on lands zoned for residential development. The use of the dwelling as a single-family home is not contrary to the zoning objective regardless of the size, scale or extent of the dwelling. No evidence has been presented to the Board that a commercial operation is proposed.
- 7.3.4. With regard to the requirement that development should respect the character and scale of the neighbourhood, the detached dwelling, whilst finished in a material not found on the two immediately adjoining premises, is not unlike many a dwelling in a suburban area. The wider area has developed in a piecemeal fashion over a considerable length of time, with the result that there is no vernacular architecture or uniformity in style, finishes or design. The detached nature of the sites along this road results in a pattern of individualistic character. There is no character of the area to which the subject dwelling must slavishly adhere.
- 7.3.5. Likewise, the scale of the wider area is largely large two storey dwellings on the large plots. The dwelling to be retained is a large two storey dwelling on a large plot.
- 7.3.6. Section 11.143 of the development plan, as referenced in the Planning Authority's first reason for refusal, refers to the adaptation of existing homes. Section 11.140 of the development plan notes that the housing stock of Cork City is varied in type and size and that it is essential that existing dwellings are utilised.
- 7.3.7. Section 11.142 of the plan requires that extensions to houses should have regard to the amenities of adjoining properties regarding sunlight daylight and privacy. That the character and form of the existing building should be respected and that external finishes and window types should match the existing. As noted above, there is little

of the original house left to 'match'. With regard to the protection of sunlight daylight and privacy of adjoining properties, I am satisfied that the separation distances between the subject dwelling and the surrounding dwellings is sufficient to prevent any injury to their residential amenity.

7.3.8. Section 11.143 of the development plan provides seven criteria against which extensions should be assessed. These largely relate to the protection of residential and visual amenities of the existing and surrounding development. Notwithstanding that the development to be retained is not a traditional extension in the ordinary sense of the word and that the overall development is more than an extension, I am satisfied that the development complies with each of the criteria.

7.3.9. The subject dwelling to be retained is an acceptable form of residential development on lands zoned for residential development, with the appropriate protection of the residential and visual amenities of the wider area. Should the development have come before the Board as a new dwelling rather than an alteration and extension of an existing dwelling, I am satisfied that the finding would be the same.

#### **7.4. Roadside Entrance**

7.4.1. The Planning Authority's second reason for refusal refers to the 'layout of the local road network and position and height of front boundary walls / piers / railings' and that it had "not been satisfactorily demonstrated that adequate visibility splays are achieved from the entrance".

7.4.2. The applicant has submitted drawing no. 22018-CEA-PL-A-L003 A showing 50m sightlines to both sides of a point 2.4 set back from the road. I am satisfied that the proposed development does not represent a traffic hazard, nor a danger to public safety.

#### **7.5. Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

8.1. I recommend permission to retain be GRANTED for the following reasons and considerations and subject to the following conditions.

## 9.0 Reasons and Considerations

9.1. Having regard to the policies and objectives as set out in the Cork City Development Plan 2022-2028, to the scale and nature of the development to be retained and completed and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Gillian Kane  
Senior Planning Inspector

12 May 2023