



An  
Bord  
Pleanála

## Inspector's Report ABP-314999-22

<b>Development</b>	The construction of a new roof construction, alterations to elevations to an existing single storey dwelling and associated site works.
<b>Location</b>	Graball Bay, Crosshaven Hill, Crosshaven, Co Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	225868
<b>Applicant(s)</b>	Paul Coffey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant(s)</b>	Paul Coffey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> April 2023
<b>Inspector</b>	Eoin Kelliher

## **1.0 Site Location and Description**

- 1.1. The subject site is located within a cluster of dwellings situated circa 600m east of Crosshaven Village, County Cork. The site is accessed from a local road via a shared private lane serving four residential properties in total.
- 1.2. The site has a stated area of 0.018ha and comprises a single storey two-bedroom detached house surrounded by narrow areas of private open space to the front, side (west) and rear and a driveway to the east. The house has a low-pitched roof with gable ends and a ridge height of circa 4.6m. The front boundary of the site is defined by a high concrete block wall. A timber panel fence and a dense line of Leylandii trees define the eastern boundary of the site. A mature hedge defines the western boundary of the site. There is a septic tank in the northeast corner of the site and a garden shed in the northwest corner of the site.
- 1.3. There is a single storey dwelling ('Derryville') to the west of the site which faces the public road. To the east there is a single storey gable fronted dwelling ('Shalom') facing the access lane. The rear garden of a dormer dwelling ('The Swallows') backs onto the northern boundary of the site. On the opposite side and backing onto the access lane is a single storey dwelling ('Marville') which has been extended to the rear.

## **2.0 Proposed Development**

- 2.1. Permission is sought to replace the existing roof of the house with a more pronounced pitched roof (34°) having an overall ridge height of circa 6.1m. The roof would be finished in a blue-black tile. Storage space would be provided in the newly formed attic. The proposed alterations to existing elevations relate to the increased height of the gables of the house.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By Order dated 5<sup>th</sup> October 2022 Cork County Council decided to refuse permission for the proposed development due to potential overshadowing impacts on adjoining properties to the east, west and south, and its visually overbearing appearance.

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

##### **3.2.1. Planning Reports**

The Planning Officer's report states the applicant has not provided a justification for the proposed attic storage or the height of the attic space and raises concerns that the attic may be converted to habitable accommodation by way of exempted development. The report also notes that overshadowing and visual impact assessments and contextual site sections were not submitted with the application and that the ridge height of the proposed roof is not materially lower than that previously refused permission. The Planning Officer states that her main concerns relate to overbearing and overshadowing impacts on adjoining properties; concerns that the roof profile of the house has the potential to be visually dominant over the dwelling to the west are also cited. The recommendation of the Planning Officer to refuse permission is reflected in the decision of the Planning Authority.

##### **3.2.2. Other Technical Reports**

Area Engineer: No comments on the application.

#### **3.3. Prescribed Bodies**

None.

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

Two third-party submissions were made in respect of the application. The main issues raised are summarised as follows:

- The wastewater issue on the site has not been addressed in the application; concerns raised that waste is soaking into the adjoining property ('The Swallows') and the adjoining access lane.
- The height of the attic storage is excessive; it is evident the applicant intends to convert the attic to living space.
- The height of the proposed roof would impede southerly sunlight enjoyed by 'The Swallows' and impact future solar photovoltaic panels to be installed on this property.
- The applicant has not addressed the reasons for refusing 2 no. previous planning applications on the site.
- The access lane is not capable of accommodating delivery or emergency vehicles.

## 4.0 Planning History

Subject Site:

**P.A. reg. ref. 20/6607:** Permission refused on 25<sup>th</sup> January 2021 for the construction of a first-floor extension to the house. The proposed first floor extension comprised 2 no. bedrooms and involved raising the eaves and roof of the house by circa 3.3m and 1.75m respectively.

The reasons for refusal related to (1) overlooking, overshadowing and overbearing impacts on adjoining properties, and (2) concerns the on-site wastewater treatment system cannot accommodate the additional loading associated with the proposed development.

**P.A. reg. ref. 21/5170:** Permission refused on 9<sup>th</sup> September 2021 for the construction of ground (front and rear) and first floor extensions to the house. The proposed first floor extension comprised 2 no. bedrooms and involved raising the eaves and roof of the house by circa 1m and 1.7m respectively.

The reasons for refusal related to (1) overshadowing and overbearing impacts on adjoining properties, and (2) concerns the on-site wastewater treatment system

cannot accommodate the additional loading associated with the proposed development.

Relevant Applications:

**P.A. reg. ref. 09/7820:** Permission granted 4<sup>th</sup> February 2010 for the retention of a raised pitched roof over existing dwelling ('Hoddersville') located circa 15m to the east of the appeal site.

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2022-2028**

- 5.1.1. The subject site is located within the development boundary of Crosshaven and Bays in an area zoned 'Existing Residential / Mixed Residential and Other Uses'. Section 18.3.3 of the County Development Plan states, *inter alia*, that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.
- 5.1.2. The site is also located within an area designated a High Value Landscape. Objective GI14-10 of the Plan states, *inter alia*, that higher development standards (layout, design, landscaping, materials used) will be required in areas designated as High Value Landscapes.

### **5.2. Natural Heritage Designations**

None of relevance.

## **6.0 The Appeal**

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

This is a first party appeal against the decision of Cork County Council to refuse permission. The grounds of appeal can be summarised as follows:

- The height and design of the proposal was modified to address the previous concerns of the Planning Authority.
- The proposed attic space would address storage issues within the existing dwelling which is currently occupied by two persons.
- The existing attic is not suitable for storage owing to its restricted height.
- The existing roof is presently in poor condition and leaking, thereby endangering the health of the occupants.
- The existing shed on the site is used for garden equipment; installing a large shed, as suggested by the Planning Officer, would be as costly as constructing the proposed attic storage.
- The access lane serving the site is frequently used by delivery trucks demonstrating that there are no access issues.
- The proposed ridge height is not excessive relative to surrounding properties (photographs of relevant examples provided).

## 6.2. Planning Authority Response

Notes no new material information has been submitted to warrant a reversal of the Planning Authority's original assessment. The Planning Authority has no objection to the replacement of the existing roof with a new roof of similar size and dimension; the central issue is the height and design of the proposed development.

## 6.3. Observations

None.

## 7.0 Assessment

7.1. I consider the main issues to be addressed in this appeal are as follows:

- Overshadowing Impacts
- Visual Impacts
- Other Matters

- Appropriate Assessment

#### 7.1.1. **Overshadowing Impacts**

7.1.2. Whilst the ridge height of the existing roof would be increased by circa 1.6m, I note the eaves of the roof would remain unchanged at 2.56m. Notwithstanding the proximity of the subject dwelling to the site boundaries, the resultant increase in the bulk of the roof would not be so significant as to give rise to a noticeable loss of sunlight within the adjoining properties to the east, west and south, or their associated amenity spaces. In this regard I note the following:

- There are no windows in the western gable of the dwelling to the east ('Shalom'); the proposed new roof would not obstruct sunlight access to north and south facing windows of the dwelling. The amenity space to the rear of 'Shalom' comprises a small yard which would experience a negligible amount of additional overshadowing, if any, in the evening, particularly given the height of the Leylandii tress along the eastern boundary of the appeal site.
- The dwelling to the west ('Derryville') has windows on its north and south facing gables serving the habitable rooms to the rear (east) of the house; the proposed new roof would not obstruct sunlight access to same. The amenity space to the rear of 'Derryville' comprises a shallow garden which would experience a negligible amount of overshadowing, if any, in the morning. The more substantial and usable areas of private open space to the front and sides of the house would continue to enjoy good levels of sunlight throughout the day.
- The dwelling to the south ('Marville') has windows on the north facing elevation of its recently constructed rear extension. The proposed development would not, owing to its location to the north of 'Marville', give rise to overshadowing impacts or diminish internal sunlight levels within this property.

7.1.3. Having regard to the generous length of the rear garden of the dwelling ('The Swallows') to the north of the appeal site, I am also satisfied that the proposed new roof would not give rise to adverse overshadowing impacts on the rear garden of this property or a noticeable reduction in internal sunlight levels.

- 7.1.4. In summary, having regard to the modest scale of the proposed new roof and the characteristics of the surrounding residential properties, I am satisfied that adverse overshadowing impacts on the adjoining properties would not arise.

## **7.2. Visual Impacts**

- 7.2.1. Whilst contiguous elevation / section drawings were not submitted with the application, I note that roof pitches vary within this residential cluster with some of the more recently constructed dwellings having roof pitches greater than 45°. A 34° pitch, as proposed, is by no means excessive in an Irish context. The proposed black/blue tile finish can also be found in the immediate area. Accordingly, I am satisfied that the proposed new roof would not appear visually incongruous or out of character with the pattern of development in the area.
- 7.2.2. Furthermore, the appeal site is not visually prominent on the streetscape owing to its backland location. The gables of the proposed new roof would be no more visually obtrusive or overbearing than the gables of the adjoining dwelling to the north, 'The Swallows', and would be screened to a large extent by existing hedges and trees along the boundaries of the site.
- 7.2.3. I also note that the profile of the proposed new roof is materially different to the roofs proposed under refused planning applications reg. ref. 20/6607 and 21/5170, both of which involved raising the eaves of the roof, and that the profile of the proposed new roof is similar to the raised roof of the property ('Hoddersville') located further east on the lane, the retention of which was granted permission under P.A. reg. ref. 09/7820.
- 7.2.4. Having regard to the foregoing, I am satisfied that the proposed development would not detract from the visual amenity of adjoining properties or the general pattern and character of the area.

## **7.3. Other Matters**

- 7.3.1. I note the concerns of the Planning Authority regarding the potential use of the proposed attic space as habitable accommodation, which would result in additional loading on the on-site septic tank.



- 7.3.2. Notwithstanding, there is no evidence before me to suggest that the applicant intends to use the proposed attic space for anything other than storage. The existing roof of the house is in a poor state of repair and in need of replacement and it is reasonable that the applicant would take the opportunity to provide additional ancillary storage space when replacing the roof.
- 7.3.3. As per the submitted floor plan drawings, a 'Stira' folding attic stairs would provide access to the attic; this form of access would not be conducive to habitable accommodation at attic level. Any concerns the Planning Authority may have in this respect can be addressed by way of a condition that the attic shall not be used for habitable accommodation.

#### **7.4. Appropriate Assessment**

Having regard to the nature and scale of the development, which comprises works to the roof of an existing dwelling and the provision of attic storage, and the distance to the nearest European sites and the absence of known pathways to European sites, 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. Accordingly, Appropriate Assessment is not required.

### **8.0 Recommendation**

I recommend permission be GRANTED for the following reasons and considerations subject to the conditions set out below.

### **9.0 Reasons and Considerations**

Having regard to the policies and objectives of the Cork County Development Plan 2022-2028, and the nature and scale of the proposed development and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity. 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 carried out 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>
2.	<p>The attic space shall be solely used for storage purposes ancillary to the dwelling and shall not be used for habitable purposes.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

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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Eoin Kelliher  
Planning Inspector

12<sup>th</sup> April 2023