



An
Bord
Pleanála

Inspector's Report

ABP-316039-23

Development	Alterations and extension to existing dwelling, including first-floor extension to front and side and alterations to existing roof configuration.
Location	No. 5 Chestnut Grove, Bishopstown, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241690
Applicant(s)	Tom McGrath and Marta Szubert
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Tom McGrath and Marta Szubert
Observer(s)	Mary Hurley
Date of Site Inspection	10 th June 2023
Inspector	Sarah Moran

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1.0 Site Location and Description

- 1.1. The site (stated area 0.04 ha) is a detached, two storey house with a stated floor area of 143 sq.m., located in an established residential area. The existing house has a single storey projecting element to the side.

2.0 Proposed Development

- 2.1. Permission is sought for alterations and extension to the existing house comprising an extension over the single storey element to the side of the house, to create a two storey structure, also alterations to the rear elevation including new doors at ground floor level. The proposed works have a total stated floor area of 29 sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a Notification of a Decision to Refuse Permission on 27th February 2023, for the following stated reason:

Having regard to the established pattern of development, the established character of the area, as well as to the planning guidance in relation to the extension and alteration of dwellings as outlined in Paragraphs 11.142 and 11.143 of the Cork City Development Plan 2022-2028, the proposed development would, by reason of its inappropriate scale, design, and relationship to adjacent dwellings to the site, constitute an inappropriate form of development and be visually obtrusive and overbearing in relation to existing dwellings. The proposed development would, therefore, seriously injure the residential amenities and depreciate the value of these properties, contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Acting Senior Executive Planner report dated 27th February 2023. Recommends refusal for reasons relating to visual impact. Comment of Acting Senior Planner dated 27th February 2023 also recommends refusal on the basis that the

development would be out of character with the residential area, overbearing and visually obtrusive when viewed from the public roadway.

3.2.2. Other Technical Reports

Drainage report dated 17th February 2023. No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. Submission of Irish Water dated 30th December 2022. No objection, recommends conditions.

3.4. **Third Party Observations**

3.4.1. Third party observations on the application were submitted by the residents of nos. 2, 4, 6, 9, 11, 12, 13 and 14 Chestnut Grove. The main points made may be summarised as follows:

- The scale, form and height of the development are not in keeping with the established pattern of development at surrounding houses and would detract from the architectural integrity of the Chestnut Grove estate which dates back over 33 years. The front elevation of the proposed structure will project from the existing front elevation at first floor level and the development includes a second apex roof. These features will change the façade of the house such that it is out of keeping with the surrounding properties at Chestnut Grove. The other houses in the estate are all the same. Other houses in the estate have been extended to the rear without changes to the front elevation.
- The proposed structure will be c. 1.2m from the adjoining side wall of no. 4 Chestnut Grove as there is little distance between the two houses. Concerns about overshadowing of no. 4 Chestnut Grove, with consequent adverse impacts on sunlight and daylight levels at the windows of no. 4 Chestnut Avenue.
- The development would contravene development plan policy on residential extensions and alterations to existing dwellings, ref. development plan section 11.142 and 11.143 and would contravene the residential zoning objective of the area.

- The development would set an undesirable precedent for other similar developments in the area and would have an adverse impact on the value of other properties at Chestnut Grove.
- Concerns about potential adverse impacts on residential amenities during construction.

3.4.2. The applicants responded to the third party submissions, making similar comments to those made in the grounds of appeal.

4.0 Planning History

4.1. Reg. Ref. 21/39039

4.1.1. Permission refused for an extension to the existing dwelling for the following stated reason:

Having regard to the established pattern of development, the established character of the area, as well as to the planning guidance in relation to the extension and alteration of dwellings as outlined in Paragraph 16.72 of the Cork City Development Plan 2015, the proposed development would, by reason of its inappropriate scale, design, height and relationship to dwellings immediately adjoining the site, constitute an inappropriate form of development, be visually obtrusive and overbearing in relation to existing dwellings and result in overlooking of private amenity space. The proposed development would, therefore, seriously injure the residential amenities and depreciate the value of these properties, contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

5.1.1. The site is located in an area zoned ZO1 Sustainable Residential Neighbourhoods, subject to Zoning Objective 1: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. The following development plan objectives are noted in particular:

5.1.2. 11.12

All new development should enrich the urban qualities of the city and its towns, villages and suburbs. A high standard of design is essential to this process, as well as the fostering socially and economically viable communities. Creating a distinctive sense of place which takes into account context, character and setting is essential. Development proposals will be assessed on the visual characteristics of the built form and related elements such as aspect and orientation, proportion, the balance of solid to void, the shapes and details of roofs, chimneys, windows and doors and the materials used. Details of walls, gates, street furniture, paving and planting will also be noted. Roof forms should harmonise with and not clash with the city's traditional pitched roof forms. Layouts of buildings and spaces must be designed to ensure that areas are permeable, pleasant, legible and safe.

5.1.3. 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.

5.1.4. 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.

5.1.5. 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. Not relevant.

5.3. EIA Screening

- 5.3.1. Having regard to the modest scale and nature of this proposed domestic extension I consider that the requirement for submission of an EIAR and carrying out of an EIA may be discounted at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The main points made in the first party appeal may be summarised as follows:
 - Permission is sought for the proposed extension in order to accommodate the appellants' growing young family. The proposed development seeks to modernise the property and to create additional bedroom space, while preserving the existing garden space given that there is no safe public open space within immediate reach.

- The development has been reduced in scale from that refused permission at the site under Reg. Ref. 21/39839, and now retains the existing ridge height of the house. The new roof has a traditional ridge design. It uses similar materials to the existing roof and enhances its character.
- It is submitted that many similar extensions have been permitted at various locations throughout Cork City, with photographs of same included with the grounds of appeal, including at Rossbrook estate in Model Farm Road, c. 1km from the proposed development.
- The development is consistent with development plan policies to create sustainable housing that meets housing needs and which supports the retention and adaptation of existing housing stock to suit the evolving needs of society.
- The development will not increase the footprint of the existing house and will not result in any significant additional overshadowing of adjacent residential properties.
- The relevant planning report on file comments that the development is not considered to impact on current levels of daylight, sunlight, outlook or privacy to the surrounding residents. It also accepts that the proposed materials, external finishes and window types comply with the existing properties.

6.2. **Applicant Response**

- 6.2.1. Not relevant.

6.3. **Planning Authority Response**

- 6.3.1. None on file.

6.4. **Observations**

- 6.4.1. There is one observation on file from the resident of no. 9 Chestnut Grove. The following points are noted:

- The proposed second apex roof and the structure stepping forward of the building line will seriously alter the original structure of the house, making it significantly different from all of the other houses in the estate.
- This will have a detrimental effect on the established character of the Chestnut Grove estate, which was designed to have a uniform line of identical houses. The 23 houses in the estate are currently identical in design, proportion and height.
- The houses in Chestnut Grove only have one side entrance and are very close to each other. The proposed extension will create a bunched appearance to the line of identical houses.
- The proposed projection forward of the building line will radically change the front view of the property and make it out of proportion with the rest of the houses in the estate.
- It is submitted that the development involves substantial changes to the existing house and amounts to a redesign of the house rather than an extension with reference to development plan paragraph 11.143.
- The development will have severe impacts on residential amenities.
- The development will have a detrimental impact on the value of adjacent properties as they will appear reduced in size, shape and height as a result.
- The original builders refused to construct a similar proposal when the estate was built in 1990.
- There is scope at the site to construct a rear extension.

6.5. Further Responses

6.5.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation, the relevant provisions of the City Development Plan and have carried out a site inspection. The main issues are those raised in the planning reports on file and in the grounds of appeal. I consider that the only issues that arise are in relation to potential impacts on visual and residential

amenities at adjacent properties. I note in this regard that the technical reports on file do not raise any other issues and that the refusal reason issued by the planning authority refers to these issues only.

7.2. I note at the outset that, as per paragraph 11.141, the development plan supports the retention and adaptation of existing housing stock to suit the evolving needs of society. Paragraph 11.142 of the plan further states that 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. I am satisfied that the proposed extension is generally in accordance with these policy objectives.

7.3. The development may be considered with regard to the detailed policy guidance provided in development plan paragraph 11.143 (in italics) as follows:

Extensions should:

Follow the pattern of the existing building as much as possible;

The proposed structure matches the footprint of the existing building. While it projects slightly (c. 1m) forward of the existing building line, this is in keeping with the footprint of the existing house.

Be constructed with similar finishes and similar windows to the existing building so that they would integrate with it;

The finishes and windows of the proposed structure match those of the existing house. A condition requiring materials and finishes to the satisfaction of the planning authority may be imposed if permission is granted.

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;

The proposed roof form has been raised in several submissions on file. It is submitted that the proposed extension will create an additional apex roof, which is

out of keeping with the established pattern of development in the area. The applicants submit that the proposed structure is necessary to create additional residential accommodation at first floor level. I consider that the proposed roof design is similar to that of the existing house and of surrounding properties. The pitched roof is in accordance with the above development plan recommendation. While the structure does provide a second pitched roof apex to the front and rear elevations, this is at a lower level than the ridge height of the existing house and therefore appears subsidiary to the main structure. I consider that the complex roof structure of the existing house does not lend itself easily to an extension at first floor level and that the proposed roof design represents a reasonable architectural solution to this issue.

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;

Traditional style dormers should provide the design basis for new dormers;

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;

Not relevant.

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.

With regard to the orientation and layout of the site and of the proposed development and noting in particular that the extension does not increase the footprint of the existing house and does not have any windows to the side elevation, I consider that it will not result in any significant additional overlooking or overshadowing of adjacent residential properties.

I therefore consider that the development is in accordance with development plan policy on residential extensions. While I note third party comments that the development will be out of keeping with the established pattern of development in the surrounding area, I consider that the proposed structure represents an acceptable response to the design of the existing house, as stated above. In

addition, the site is not a protected structure, nor is it located in an area where any special architectural designations apply. Chestnut Gove itself is an infill development and the surrounding residential area is mixed in character. While there is currently a certain uniformity to the houses at Chestnut Grove, they do not, as a group, form part of any architectural composition and it is considered reasonable that facades should change over time as houses are renovated to meet modern living standards, in accordance with development plan policies. I therefore consider that the development would not have any significant undue impact on the visual or residential amenities of the area such as would warrant a refusal of permission.

I note third party concerns about potential impacts on residential amenities during construction. These may be addressed by the implementation of a Construction Management Plan, which may be required by condition.

8.0 Recommendation

- 8.1. Having read the appeal and submissions 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 permission is granted subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Cork City Development Plan 2022-2028, to the residential use on site, the nature of the proposed development and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. 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>Reason: In the interest of clarity.</p>
2.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
3.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
7.	<p>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.</p> <p>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.</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.

Sarah Moran

Senior Planning Inspector
10th June 2023