



An  
Bord  
Pleanála

## Inspector's Report ABP-318541-23

### Development

Permission is sought to convert the existing garage to domestic use, with 1st floor extension over & ground floor extension to the rear with covered roof area. Permission is also sought for elevation alterations; the widening of an existing vehicular entrance, extension of the driveway; & all associated site development works.

### Location

No. 26 Ravenscourt Avenue,  
Donnybrook, Cork.

### Planning Authority

Cork City Council.

### Planning Authority Reg. Ref.

2342239.

### Applicant(s)

James McGing & Helen Clancy.

### Type of Application

Planning Permission.

### Planning Authority Decision

Refused.

### Type of Appeal

First Party.

### Appellant(s)

James McGing & Helen Clancy.

### Observer(s)

None.

### Date of Site Inspection

22<sup>nd</sup> & 23<sup>rd</sup> day of May, 2024.

### Inspector

Patricia-Marie Young.

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## **1.0 Site Location and Description**

- 1.1. No. 26 Ravenscourt Avenue, the appeal site, is a rectangular suburban plot with a given 0.0297ha area. It is situated on the eastern side of Ravenscourt Avenue, c14m to the northeast of its junction with Montpellier Road, c240m to Montpellier's junction with Donnybrook Hill and c1.4km to the south as the bird would fly from Junction 7 of N40 in the suburb of Donnybrook in Cork City.
- 1.2. The site contains a 2-storey semi-detached dwelling with attached single storey garage that is setback from the public domain by a low stepped in height solid painted and capped wall that contains a vehicle entrance on its southernmost side. On either side of the vehicle entrance are slightly higher brick finished and concrete capped pillars from which is a painted metal set of entrance gates. A modest in width concrete surfaced driveway runs in an easterly direction from this entrance to where it terminates at the single storey attached garage structure. This driveway links to a dropped pedestrian footpath. There is a planted verge between this driveway and the southern boundary. The remainder of the setback area to the front of the dwelling house consists primarily of lawn. A modest concrete path runs from the driveway to the front door of the dwelling and also links to a passageway that runs between the southern elevation of the said garage structure and a tall concrete block retaining wall that defines the boundary with the adjoining property of No. 27 Ravenscourt Avenue. To the rear of the subject dwelling house there is a mature garden with this accessed from both the dwelling house and the attached garage structure. The rear garden bounds No.s 19, 25 and 27 Ravenscourt Avenue. A mixture of tall hedges and tall solid walls, including a tall retaining wall on the southern side, demarcate the side and rear boundaries of the subject property.
- 1.3. No. 26 Ravenscourt Avenue forms part of a residential cul-de-sac of once highly coherent in their built form appearance through to building to space relationship of circa 25 dwellings. This residential scheme forms part of a mature residential suburb located to the southeast of Cork's city centre.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for:

- Conversion of the existing garage to domestic use, with first floor extension over, and ground floor extension to the rear with covered roof area. The accompanying documentation indicate that the existing ground floor area, including the garage is 70.94-sq.m. and the existing first floor area is 51-sq.m. Thus, the existing total floor area is 122-sq.m. The documentation also indicate that demolition is sought for the existing garage which has a given floor area of 19.1-sq.m.; the proposed ground floor with extension is 103-sq.m. and the proposed first floor with extension is 76-sq.m. Thus, giving rise to a total floor area of 179-sq.m.
- Widening of existing vehicular entrance to 3.64m and extend the driveway into the soft landscaped area so that the setback area to the front of the dwelling house and the public domain of Ravenscourt Avenue can accommodate two off-street car parking spaces.
- Proposed elevation alterations.
- All associated site development works.

2.1.1. The First Partys further information response received by the Planning Authority on the 24<sup>th</sup> day of October, 2023. This response omits the additional hardstanding proposed and provides further drainage details. It provides no changes to the alterations and extensions sought to the host dwelling of No. 26 Ravenscourt Avenue.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 20<sup>th</sup> day of November, 2023, the Planning Authority issued a notification of their decision to REFUSE to permission for the following single stated reason:

*“Having regard to the existing pattern of development, the established character of the area and to 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, constitute an inappropriate form of development and be visually obtrusive and out of character. The proposed development would therefore seriously injure the residential amenities and depreciate*

*the value of adjoining property, contrary to the proper planning and sustainable development of the area”.*

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

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

The final Planning Officer’s report (17.11.2023) is the basis of the Planning Authority’s decision. This report considers that the applicant has failed to address Item No. 1 of the further information (FI) response to their satisfaction. The main comments of this report can be summarised as follows:

- The proposed front gable and balcony features are out of character with its receiving environment.
- The proposed development would give rise to undue residential amenity impacts to the adjoining property to the south.
- The side landing/stairwell window to be excessive in its size and scale.
- The proposed development fails to accord with the Development Plan requirements for alterations and extensions to an existing dwelling house due to the adverse visual and residential amenity impacts it would give rise to.
- The applicant’s further information response to their drainage concerns is acceptable.
- Concludes with a recommendation to refuse permission.

The initial Planning Officers report concluded with the following FI request:

- “1. *It is considered that there is not enough information submitted with the planning application to allow the Planning Authority adequately to assess the proposal. It is considered that the proposed development may result in detrimental impacts on the visual and residential amenity of the location. In this regard, the applicant is requested to submit scaled and dimensioned drawings reflecting the following:*
- a. Revised drawings showing the proposed side extension so that the proposed extension is either flush with the front building line, or stepped slightly back from*

same, with the removal of the gable from the front elevation and ensuring that the eaves line is maintained across the front to correspond with the existing.

b. Revised drawings showing a revision in the proposed ridge height of the mono - pitch roof to the single storey rear element to be no more than 4m in height.

c. Revised drawings showing an alteration to the proposed first floor bedroom window/balcony to the front elevation to ensure that it corresponds with the existing windows on the front elevation, in particular with regards to ensuring that cill heights and head heights correspond, and to remove the balcony/railing element.

d. It is considered that the proposed side landing/stairwell window is excessive in size and scale given its location directly adjacent to the front driveway/garden area of the adjacent dwelling to the South. The applicant is requested to submit scaled and dimensioned revised drawings showing this side elevation stairwell window as a high-level window only, of no more than 1m in height while retaining the head-height. This window should accord and correspond more to the existing landing windows which are prevalent in this location.

2. Insufficient information was provided in relation to drainage. In this regard the applicant is requested to submit the following:

a. Full details of the existing and proposed drainage system including discharge location.

b. The proposed extension will be a significant increase in hardstanding on the site. The applicant is requested to submit full details of the proposed storm water drainage system, including drawings and discharge location. Please detail how storm water will be retained and managed on site to limit discharge to the existing greenfield rate. This shall include drawings and calculations.”

### 3.2.2. Other Technical Reports

**Drainage:** Final Report (06.11.2023) raises no objection subject to safeguards.

I note to the Board that the initial report (20.09.2023) raises concerns in relation to the adequacy of the drainage details and significant increase in hardstanding proposed.

**Contributions:** Report (02.10.2023) concludes that S48 contributions are applicable.

**Area Engineer:** Report (11.09.2023) raises no concerns subject to safeguards.

### **3.3. Prescribed Bodies**

3.3.1. None.

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

3.4.1. None.

## **4.0 Planning History**

4.1. The Planning Authority's Planning Officer set out planning history in the immediate context of the site, however, the planning applications referred to were not recently determined. Further, there are no Board precedents relating to the site or its setting.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The Cork City Development Plan, 2022-2028, is applicable. The site forms part of a larger area of suburban land zoned 'ZO-01 Sustainable Residential Neighbourhoods'. The stated objective for such lands is: *"to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses"*. The stated vision for this land use zone is *"one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents."*
- 5.1.2. Section 11.12 of the Development Plan states: *"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. Section 11.140 of the Development Plan sets out that: *"as part of the Core Strategy it is essential that existing homes are utilised"*.
- 5.1.4. Section 11.141 of the Development Plan states: *"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"*.
- 5.1.5. Section 11.142 of the Development Plan 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"*.
- 5.1.6. Section 11.143 of the Development Plan sets out the following requirements for extensions to existing dwellings:
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.



- 5.1.7. Section 11.145 of the Development Plan sets out that 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.

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.
4. Hard surfaces must be permeable.
5. Inward-opening gates should be provided. (Where space is restricted, the gates could slide behind a wall. Gates should not open outwards over public footpath or roadway).
6. Other walls, gates, railing to be made good.

## **5.2. Natural Heritage Designations**

- 5.2.1. The site is located c1.6km to the south of Cork Harbour SPA (Site Code: 004030) and c7.7km to the west of Great Island Channel SAC (Site Code: 001058) as the bird would fly.

## **5.3. EIA Screening**

- 5.3.1. See completed EIA Pre-Screening attached.

## **6.0 The Appeal**

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

6.1.1. The First Party grounds of appeal can be summarised as follows:

- The adjoining house have constructed a 2m wall which due to the stepped nature of the ground levels result in a 4m high retaining/garden wall between their property and the adjoining property to the south. This results in little sunlight in the winter.
- Their property is one of the last properties in this estate to convert the garage.
- No objections have been received from neighbouring properties.
- The proposed development will not give rise in any sunlight, daylight, overshadowing, or privacy impacts to the property to the south. Nor would it give rise to any undue impact on any other adjoining or neighbouring property.
- The alterations and extensions have been designed to have regard to their setting and the pattern of extensions that have been granted locally.
- The south hip of the roof allows for the provision of photovoltaic panels.
- The front projection is modest in comparison to the pattern of development in this area.
- It is sought that the decision of the Planning Authority is overturned.

### **6.2. Planning Authority Response**

6.2.1. None.

### **6.3. Observations**

6.3.1. None.

## **7.0 Assessment**

### **7.1. Preliminary Comment**

- 7.1.1. I have carried out an inspection of the site and its setting. Alongside I have examined the file, the planning history of the site and its immediate context together with I have considered all relevant local through to national planning policy provisions and guidance. I have examined all submissions on file, and I have assessed the proposed development. In light of the same I am satisfied that the issues raised in this appeal case are confined to the Planning Authority's given reason for refusal which I have set out under Section 3.1.1 of this report above.
- 7.1.2. I am also satisfied that the applicants further information response received by the Planning Authority on the 24<sup>th</sup> day of October, 2023, adequately addressed Item No. 2 of the Planning Authority's further information request which related to the matter of drainage and the significant area of hardstanding proposed to the front of the host dwelling.
- 7.1.3. In this regard I note that the amendment put forward omits the additional non-permeable hard stand from the proposed development sought and in place introduces paved surfacing. The planting to the front is limited to a limited in width linear planter along the northern side front boundary wall and a raised planter located in the south westernmost corner with bin storage indicated to the east of it alongside the front side southern boundary wall.
- 7.1.4. I therefore propose to assess the proposed development as revised under the following broad headings:
- Principle of Proposed Development
  - Amenity Impact & Compliance with Planning Provisions
  - Other Matters Arising
- 7.1.5. The matter of 'Appropriate Assessment' also requires examination.

### **7.2. Principle of the Proposed Development**

- 7.2.1. Planning permission is sought for the conversion of an existing garage structure to the side of No. 26 Ravenscourt Avenue, an existing two-storey semi-detached dwelling, for domestic use with this including the demolition of this structure to facilitate a two-

storey side extension in its place. Additionally, permission is sought for a single storey rear extension that would include a covered roof area; alterations to the external elevations of the existing dwelling; the widening of an existing vehicle entrance with this including amendments so that the front garden area effectively can as shown in the accompanying plans accommodate two off-street car parking spaces and all associated site works.

- 7.2.2. No. 26 Ravenscourt forms part of an established cul-de-sac of once highly coherent and laid out groups of two storey semi-detached dwellings with single storey side attached garages that form part of a larger once highly coherent in design and layout residential scheme that form part of the mature mainly residential in function suburb of Donnybrook.
- 7.2.3. I note to the Board that Objective 3.9 of the Development Plan supports and encourages the adaptation of existing homes which it sets out is consistent with NPO 35 of the National Planning Framework in principle.
- 7.2.4. At a more micro level I note that the site and its immediate setting are zoned 'Z01' under the Development Plan. With the given objective for such lands given as the protection, provision through to improvement of residential amenities. Whilst extensions and alterations to an existing dwelling are deemed to be acceptable in principle on such zoned lands. Notwithstanding, this is subject to safeguards of demonstrating compliance with relevant local planning policy provisions through to ensuring a high-quality standard of residential development would be achieved.
- 7.2.5. In this regard on residentially zoned land the Development Plan primarily seeks to reconcile and balance proposals to improve residential amenities for example of the host dwellings against ensuring that such developments do not result in undue diminishment of the residential and visual amenities of their setting. With the latter including the requirement that such works should maintain the visual amenities and character of the parent building and the residential scheme they form part of, whilst not compromising the existing residential amenities of adjoining properties by way of overlooking, overshadowing and/or visual overbearance.
- 7.2.6. Conclusion: I am satisfied that the general principle of the proposed development as set out under Section 2.1 above and as revised by the applicant's further information response on the 24<sup>th</sup> day of October, 2023, is acceptable.

### **7.3. Amenity Impact & Compliance with Development Plan Provisions**

- 7.3.1. As set out under Section 3.1.1 of this report the Planning Authority concluded their determination of this application with a decision to refuse permission for the proposed development. Their given reason for refusal considered that having regard to the existing pattern of development, the established character of the area through to having regard to the provisions of the Development Plan, in particular Sections 11.142 and Sections 11.143 ,that the proposed development would result in an inappropriate intervention that would be out of character with its amenities and would also have the potential to seriously injure residential amenities through to depreciate the value of adjoining properties in a manner that would be contrary to the proper planning and sustainable development of the area.
- 7.3.2. Having regard to the comments set out in their Planning Officer's report it would appear that these concerns relate to the alterations and extensions to the host dwelling and not to the modifications to its setback area to allow for an additional area of off-street car parking to accommodate the parking needs of occupants of this dwelling which appears to give rise to no substantive concerns subject to safeguards.
- 7.3.3. However, it is clear from the initial and final Planning Officer's Reports that the design of the proposed alterations and extensions to the host dwelling, if permitted in the form proposed, would in their view give rise to undue visual and residential amenity impacts. With particular concerns raised by the Planning Officer in relation to the forward stepping gable fronted side two storey extension, the shape of the roof over it and its projecting single storey extension to the rear through to the large window in the southern elevation as well as the balcony type window at first floor level of front first floor elevation of the side extension.
- 7.3.4. It is of note that these concerns were raised to the applicant by way of further information request with the applicant's response opting to make no changes to overcome these concerns.
- 7.3.5. The Planning Authority in the absence of any satisfactory response from the applicant to address their further information concerns considered that the visual and residential amenity impacts were such that if permitted they would be contrary to proper planning and sustainable development of the area as provided for under the Development Plan for this type of development.

- 7.3.6. In relation to these particular sections of the Development Plan referred to in the Planning Authority's decision notification, I note that Paragraph 11.142 requires the design and layout of extensions to have regard to the amenities of adjoining properties with regards to sunlight, daylight, and privacy. It also requires such developments to ensure that the character and form of the existing building be respected through to the external finishes and window types should match the existing. I am satisfied that such requirements are reasonable having regard to the objectives for this residentially zoned site and setting which I have previously examined under Section 7.2.
- 7.3.7. Against this context I note that Paragraph 11.143 of the Development Plan sets out the criteria against which extensions to existing dwellings will be considered and as such it could be considered that both paragraphs are inextricably linked in the consideration of extensions to existing dwellings. The criteria include but are not limited to that extensions should:
- Follow the pattern of the existing building as much as possible.
  - Be constructed with similar finishes and similar windows to the existing building so that they would integrate with it.
  - 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.
  - 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.
- 7.3.8. The demolition of the existing garage structure which appears to be in a poor state of condition and its replacement with habitable two storey side extension gives rise to no substantive concern and is a type of development that is consistent with the pattern of development that has occurred to the once highly uniform semi-detached dwellings within the Ravenscourt residential scheme. With this including the loss of the side attached garage structure to provide for additional habitable space. On this point I

also note that the host dwelling, its semi-detached pair, and the streetscape scene it forms part of, are not provided for any specific protection under the Development Plan.

- 7.3.9. In relation to the design concept put forward it seeks to employ a more contemporary of its time response to address the applicants needs for additional habitable space. With this including a modest projecting gable fronted two storey front and side extension with its eave's height corresponding with that of the original front elevation and with the sloping southerly profile of the roof structure whilst varying from gable ended roofs that characterise the original built form of semi-detached pairs in Ravenscourt it provides a suitable position and orientation to place pv panels which are shown on the drawing through to it reduces the level of overshadowing that would arise from the two storey extension element proposed.
- 7.3.10. I also note that the integration between the existing built structure of No. 26 Ravenscourt and the proposed partially projecting front and side two storey addition includes the repositioning of the front door onto its front ground floor level and at first floor level a painted steel railing balconette modestly projects from the façade in front of a tall vertical window that appears to have the capacity to open onto it.
- 7.3.11. I concur with the Planning Authority that this balconette feature when taken together with the large vertical window it is related to is visually incongruous with its setting and its palette of materials is not contemporary in terms of its treatment with the metal railings being a heavy bulky external treatment solution that is at odds and fails to be respectful or harmonious with the palette of materials that characterises its setting.
- 7.3.12. Notwithstanding, this concern could in my view be satisfactorily addressed by way of condition requiring a more contemporary in finish visually light weight in appearance glazed balcony in place of the steel railings. The glazing could include opaque glazed screening panels which would provide a level of privacy to occupants of the dwelling and to reduce the visual perception of overlooking arising from this feature, albeit it overlooks onto the semi-private and public domain of No. 26 Ravenscourt Avenue's streetscape scene.
- 7.3.13. In relation to the side elevation of the proposed two storey extension element and having examined the setting of this appeal site, I concur with the Planning Authority that the large vertical two floor level side window is excessive in its c3.1m height by c1.5m width together with its placement just below the side eaves and raised 1.89m

above the ground level through to its finish in translucent glazing. This window in my view is not only out of character with the pattern of side elevation windows in this residential scheme but also as viewed from Montpellier Road through to the neighbouring scheme of Glenavon Crescent that it would be visible from.

- 7.3.14. Additionally, if permitted, albeit I acknowledge it would overlook the front garden areas/semi-private domains of No.s 27 and 28 Ravenscourt Avenue to the south which would diminish the residential amenity of these spaces for occupants of these properties. It would despite the additional passive surveillance it would give rise to over the public domain be a visually incongruous and overtly dominant within its streetscape scene and setting. This streetscape scene is one that already benefits from a high degree of passive surveillance and this outcome in itself is not sufficient to overcome the visual diminishment of this window.
- 7.3.15. Moreover, the dimensions of this window are out of character with the solid to void treatment of the host dwelling and semi-detached pairs within its setting. This is similarly the case in my view when consideration is given to the opening treatment of the proposed front and side extension treatment, in particular the resulting principal elevation, that would be visible from the public domain.
- 7.3.16. Should the Board be minded to grant permission I consider that this concern can be addressed by way of a suitably condition requiring significant reduction to the size of this window. Through to consideration for opaque glazing should that be deemed appropriate to reduce its visual to residential amenity impacts on its setting. In this regard, I note that the Planning Authority's Planning Officer considered that this feature be amended to a high-level window of no more than 1m in height while retaining head-height and that it should accord with existing landing windows in this setting. I consider that this type of amendment to be reasonable on the basis that it would negate the perception of undue overlooking of the semi-private amenity of the adjoining semi-detached pair to the south. As well as it would give rise to a side elevation window that is respectful of the pattern of development in its setting through to the design concept of the proposed extension sought under this application when viewed from the public domain.
- 7.3.17. In relation to the single storey rear extension. Whilst I accept the Planning Authority's concerns that the applicant likely misrepresented this element in the drawings



provided, I am not satisfied given its overall built form, including mono-pitched roof with a maximum height of 4.64m that slopes in a northerly direction as does the adjoining canopy structure, the significant changes in ground levels between it and the property to the south, together with its lateral separation distance from this property which occupies much higher ground levels and has been extended to the rear would give rise to any undue residential and/or visual amenity diminishment of this property.

7.3.18. Similarly, I am satisfied that the built form of this proposed rear extension, its lateral separation distance from the properties to the north and east of it would not give rise to any undue visual and/or residential amenity impacts to properties adjoining or neighbouring these boundaries.

7.3.19. In relation to the changes to the setback area to the front of the host dwelling to accommodate additional space off-street for the parking of a car the submitted drawings show that the revised entrance would exceed the maximum of 3m generally required under Paragraph 11.145 of the Development Plan. Subject to a reduction in width of the entrance to a maximum of 3m. Alongside imposing requirements that achieved all hard surfaces being permeable, inward opening gates and an increased area for soft planting along the side and front boundaries. I am satisfied that the proposed modifications to the existing front boundaries and setback area to the front of No. 26 Ravenscourt sought under this application would be consistent with the pattern of development in the surrounding area and accord with Development Plan requirements.

7.3.20. Conclusion:

Subject to the concerns raised above being addressed by suitably worded conditions I am satisfied that the proposed development would not be contrary to the provisions of the Development Plan.

In particular I am satisfied that the concerns raised by the Planning Authority that the proposed development, if permitted, would be contrary to the requirements of Paragraph 11.142 and 11.143 of the Development Plan, are overcome by the requirements of these conditions.

This is on the basis that I am satisfied that they appropriately address the Planning Authority's residential and visual amenity concerns in a manner in that achieves

consistency with these paragraphs of the Development as well as all relevant provisions of the said Plan.

I am also of the view subject to the suggested amendments by way of suitably worded conditions that the modifications to the front boundary as well as setback area would be consistent with the criteria set out under Paragraph 11.145 of the Development Plan.

I am therefore satisfied that subject to the recommended changes set out in my assessment above that a grant of permission would not be contrary to the proper planning and sustainable development of the area, in particular it would not give rise to any undue visual or residential amenity adverse impacts that would be exceptional in their suburban setting.

#### **7.4. Other Matters Arising**

- 7.4.1. **Civil Matters:** The documentation included with this application does not demonstrate that the applicants have the necessary consent to make any changes to the public domain. Yet their proposed development includes repositioning the existing entrance serving No. 26 Ravenscourt Avenue northwards. Therefore, should the Board be minded to grant permission I recommend that it include a condition that deals with any modifications to the public domain alongside as a precaution an advisory note setting out the requirements of Section 34(13) of the Planning and Development Act, 2000, (as amended). This states that: *'a person shall not be entitled solely by reason of a permission under section 37(g) to carry out any development'*. As such this subsection of the PDA makes it clear that the grant of permission does not relieve the applicant of the necessity of obtaining other permits or licences which statutes or regulations or common law may necessitate.
- 7.4.2. **Daylight, Sunlight and Overshadowing:** For clarity I note to the Board that having had regard to the nature of the development sought, the site setting which includes significant changes in ground level, the positioning of the part two-storey and part single storey extensions to the southern side and southern rear portion of the site, the lateral separation distance between the existing and proposed development to properties in its immediate setting, the reduction recommended to the side southern elevation window of the proposed two storey extension, it is my considered view that the standard of the proposed development in terms of impacts on the availability of

sunlight and daylight to the host dwelling as well as to existing properties in the immediate vicinity would not result in any unacceptable impacts, including in terms of overshadowing of properties in the vicinity of the proposed development.

7.4.3. **Depreciation of Property Values:** I note the Planning Authority's given reasons for refusal include that the proposed development if permitted would have the potential to devalue neighbouring property. The proposal is for a residential extensions and alterations to an existing dwelling within a well-established mature residential estate and neighbourhood where it is reasonable to expect that developments of this nature would normally be located. The extension, subject to amendments sought in the conditions I recommend above, would not in my view be a type of development that could be reasonably considered to be a bad neighbour in this context and there is no expert-based evidence that would support this would be the case. I therefore do not consider that to permit this development would lead to devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance though as said is included by the Planning Authority in their given reason for refusal of the proposed development sought under this application.

7.4.4. **Precedence:** I note the concerns raised by the Planning Authority and the First Party on the matter of precedence in relation to alterations and extensions to similar properties, including in the surrounding area. As mentioned above this is an established residential scheme where over the decades there has been a variety of different architectural responses to the provision of additional habitation alongside changes that have diluted the visual integrity of these semi-detached pairs as appreciated from the public domain, particular that which No. 26 Ravenscourt Avenue forms part of. Further as discussed there is a reasonable expectation for changes to occur to properties by way of similar developments of this nature. In relation to similar front, side, and rear extensions of similar scale such developments would be subject to planning applications where the full rigours of the development management process applicable at that time and they would be considered from first principles. I do not therefore consider this matter to be material to the consideration this appeal.

7.4.5. **Services:** I am satisfied that subject to standard safeguards and best practices the proposed development gives rise to no substantive water, foul drainage, and surface water drainage concerns.

- 7.4.6. **Development Contributions:** I refer to the Cork City Development Contribution Scheme. The development is not exempt from the requirement to pay a development contribution due to the floor area of the extension sought. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

## 8.0 **Appropriate Assessment Screening**

- 8.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

- 8.2. This conclusion is based on:

- The serviced suburban location of this brownfield site. With this essentially consisting ofalts and adds to an existing connected to public drainage and water supply dwelling.
- The lateral separation distance between the subject site and the nearest European site, which is Cork Harbour SPA (Site Code: 004030) and the nature of the urbanscape in between.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- The absence of meaningful pathway to any European site.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Impacts predicted would not affect the conservation objectives.

## 9.0 Recommendation

- 9.1. I recommend that permission be **GRANTED** for the following reasons and considerations.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the location of the site, the design 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 residential or visual amenities, established character or appearance of the area and would, it would not give rise to any undue road safety or inconvenience issue for existing road users in its vicinity. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of October, 2023, 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. a) Revised cross sections showing correct topographical levels of the existing and proposed additions. The cross sections should show existing and proposed relationship relative to existing residential properties adjoining the site.

b) The balconette on the first-floor level of the principal elevation of the side elevation shall omit and replace the metal railings with front and side opaque glazed screen panels.

c) The southern side elevation window shall be replaced with a high-level window of no more than 1m in height and 1.5m in width. The positioning of this window should align with cill height of the existing first floor level side elevation window of the existing dwelling.

d) The modified entrance serving the host property shall not exceed 3m with the existing roadside boundary made good, including the provision of replacement matching pillars, and shall be fitted with inwardly opening gates.

e) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site or as otherwise agreed with the Planning Authority. In this regard, no surface water from paved front setback area, roofs or otherwise shall discharge onto the public road or adjoining properties.

f) The setback area shall include additional planting of side and front boundaries.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of orderly development as well as the visual and residential amenity of the area.

3. The existing dwelling and extension shall be jointly occupied as a single housing unit. The extension shall not be subdivided from the remainder of the dwelling and sold nor let as a separate dwelling unit. The overall dwelling shall be used for domestic related purposes only and not for any trade, workshop, or other non-domestic use.

**Reason:** In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

4. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. 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.

**Reason:** In the interest of public health.

6. The developer shall comply with all requirements of the planning authority in relation to any modifications of the adjoining public domain, including any amendments to the adjoining pedestrian footpath.

**Reason:** In the interest of pedestrian and traffic safety and the proper planning and development of the area.

7. All necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0700 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.

**Reason:** In order to safeguard the amenities of property in the vicinity.

9. 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.

**Advisory Note 1:**

Section 34(13) of the Planning and Development Act 2000 (as amended) states that 'a person shall not be entitled solely by reason of a permission under section 37(g) to carry out any development'.

*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.*

---

Patricia-Marie Young  
Planning Inspector  
31<sup>st</sup> day of May, 2024.



# Appendix 1 - Form 1

## EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-318541-23</b>			
<b>Proposed Development Summary</b>	Permission is sought to convert the existing garage to domestic use, with 1st floor extension over & ground floor extension to the rear with covered roof area. Permission is also sought for elevation alterations; the widening of an existing vehicular entrance, extension of the driveway; & all associated site development works.			
<b>Development Address</b>	26 Ravenscourt Avenue, Donnybrook, Cork City.			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<input checked="" type="checkbox"/>	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>	<input type="checkbox"/>	Class.....	EIA Mandatory EIAR required	
<b>No</b>	<input checked="" type="checkbox"/>		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>	<input checked="" type="checkbox"/>		<i>This application relates to alts and adds to an existing dwelling &amp; is therefore not a class specified under Part 2,</i>	No EIAR or Preliminary Examination required

			<i>Schedule 5, PDR (as amended).</i>	
<b>Yes</b>				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_