



An
Bord
Pleanála

Inspector's Report ABP320538-24

Development

Conversion of the second floor attic to include 1 no. dormer window to the side with a projecting roof to the rear and 1 no. dormer window to the back of the existing two-storey semi-detached dwelling house and all ancillary works.

Location

Cooranig, 44 Ardfallen Estate,
Douglas Road, Cork.

Planning Authority

Cork City Council.

Planning Authority Reg. Ref.

2442859.

Applicants

Mide Kearney and Adam O'Rahilly.

Type of Application

Permission

Planning Authority Decision

Refusal of permission.

Type of Appeal

First Party

Appellants

Mide Kearney and Adam O'Rahilly

Observers

Edward and Marion Hutchinson.

Date of Site Inspection

13th November 2024.

Inspector

Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site Cooranig, 44 Ardfallen Estate, Douglas Road, Cork is located in an established residential estate in the suburb of Douglas of Cork City.
- 1.2. On the site is an existing two storey semi-detached dwelling and there are similar semi-detached dwellings located to the north of the site and on the opposite (eastern) side of the estate road. The site is irregular and roughly triangular in configuration with the residential road defining the site's eastern boundary and residential properties on the other adjoining boundaries. To the south is a detached two storied dwelling referred to on O.S. maps as 44A Ardfallen Estate. The site has a stated area of 0.0328 hectares.
- 1.3. Within the site itself there is an existing area of open space to the rear in the form of a private rear garden/patio area and an area of open space and car parking area to the front of the dwelling. There is an existing single storey flat roof side projection that is used as a domestic garage attached to the southern elevation of the existing dwelling with a small lean to single storey projection in place to the rear of the dwelling also.

2.0 Proposed Development

- 2.1. The proposal as initially submitted on the 15th April 2024 provided for the conversion of the second floor attic to include the following;
 - A projecting roof area to the side (southern) elevation with 1 no. dormer window within this projection largely incorporating a stairwell and landing area to the attic area. The roof projection extends out of the hipped roof and is lower in height than the existing ridge of the dwelling. Zinc cladding is proposed for the projection in addition to the glazed area for the window.
 - 1 no. dormer window in the rear existing roof to provide lighting to an area described as an attic room and
 - all ancillary works.
- 2.2. The gross floor space of the proposed works is stated as 22m².

2.3. Further information was submitted by way of a response to a request from the planning authority on the 21st June 2024, in which it was indicated that the placement of a dormer is integral to the layout of the attic conversion, any alternative would impact on existing rooms at first floor level, the visual impact of the roof line of the dormer is low, it maintains the profile of the existing hipped roof and a visual impact assessment is provided in support of this. It is also indicated that the dormer window is etched to prevent overlooking. Examples of other permitted dormer developments are referred to. It is also indicated that the room in the attic is an attic room and not a habitable room and incidental to the residential use and to comply with building regulations a significant box dormer would be required.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse planning permission.

One reason was stated which refers to;

Having regard to the pattern of development in the area, it is considered that the proposed development design given its location would result in a significant detrimental impact on visual amenity, would constitute a disorderly form of development which would be inconsistent with the character of the principle dwelling and surrounding area and may result in detrimental impacts in terms of negative impact on the residential amenity of neighbouring dwellings. The proposed development is not considered to respect, reflect or contribute to the character of the neighbourhood in the vicinity and would set an undesirable precedent for similar future developments in the area. It is considered that the proposed development, if granted would be contrary to 11.142 and 11.143 of the Cork City Development Plan 2022 - 2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 5th June 2024 refers to planning history, to the provisions of the City Development Plan (CDP) and the provisions as they relate to dormer roof extensions and also to submissions received. The proposed development is considered acceptable in principle subject to site-specific issues being addressed. Concern is raised in relation to the triangular dormer style rooflight window, potential overlooking and internal height of the habitable attic space. Further information was requested in relation to submitting a revised proposal to address these concerns.

The planning report dated the 15th July 2024 considered the response by the applicant and matters of concern raised are not addressed and refusal of permission was recommended.

4.0 Planning History

4.1.1. None relevant to the appeal site.

4.1.2. Adjoining Properties:

08/33378

43 Ardfallen Estate, Douglas Road, Cork. Retention permission granted for a single storey sunroom to the rear of the dwelling

09/33696

43 Ardfallen Estate, Douglas Road, Cork. Retention permission granted on the 11th May 2009 for an attic conversion, velux rooflight and widening of entrance.

4.1.3. Other developments referred to in submissions.

TP16/36856 which relates to a development with a dormer window at 33 Kilbrack Lawn, Cork.

TP21/40026 / ABP. Ref. No. PL.28.310493 which relates to a development with a dormer window at 6 Highfield Lawn, Cork.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The relevant statutory development plan is the Cork City Development Plan 2022-2028.
- 5.1.2. The site is situated in an area zoned as ZO 01 Sustainable Residential Neighbourhoods with the objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.
- 5.1.3. The plan refers to high quality design in relation to developments and that privacy and overlooking are important for quality of life.
- 5.1.4. Sections 11.142 and 11.143 refer to extensions to houses.
- 5.1.5. Section 11.142 refer to 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 in relation to extensions indicates that they 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

Not relevant

5.3. EIA Screening

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage

6.0 The Appeal

6.1. Grounds of Appeal

The appellants who are also the applicants in summary refer to;

- The proposal is a very modest intervention to a typical 3-bed semi-detached hipped roof house and designed to achieve a viable layout with minimal impact to the floor plan of the existing house and surrounding context.
- Reference is made to the initial planning authority concern and the response to the concern.
- Reference is made to section 11.142 of the current Cork City Development Plan and that the triangular dormer has the lowest impact of all dormer types on visual and residential amenity referring to its slim bulk, southern orientation and etched glass window, the quality of the finish proposed and of necessary the zinc material finish can be altered to match the existing finish.
- Reference is made to the provisions of section 11.143 and that the dormer extension does not obscure the main features of the existing roof, does not

break the ridge or eaves of the roof, the dormer is of a contemporary design and partially visible from the public area and consistent with the provisions of the development plan.

7.0 Observer submission

7.1. Edward and Marion Hutchinson in a submission in summary indicate;

- The submission refers to submissions and observations made in the course of the assessment of the planning application details of which are attached the observers' submission.
- The observers believe that the triangular shaped dormer window would negatively impact on their dwelling and the Ardfallen Estate.
- Given the orientation of their dwelling and the dwelling on the appeal site their property is very exposed to the to the south facing wall and hip roof of the dwelling on the appeal site.
- The observers' property is currently overlooked and this overlooking will be exacerbated by the proposed development and would face directly in the most used areas of their property.
- The additional dormer window would add to the impact on their property.
- This triangular dormer window will be very visible to many people from the public road and change the face of the entire road.
- The proposal is not a modest intervention as indicated by the appellants.
- The observers are fully in agreement with the Planning Authority's stated concerns.
- The observers are of the opinion that no dormer window is appropriate, the impact on them is not low and impacts on the surrounding area.
- The dormer extensions referred to by the appellants are not comparable.
- Extensions in the immediate area are single storied or where two storied extensions are in place of a similar design to the original design.

- The observers do not agree or accept the appropriateness of the proposed development and the proposal should be refused.

8.0 **Assessment**

8.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The reason for refusal and the issues stated in the reason for refusal which refers to the proposed development design; significant detrimental impact on visual amenity; would constitute a disorderly form of development which would be inconsistent with the character of the principle dwelling and surrounding area and may result in detrimental impacts in terms of negative impact on the residential amenity of neighbouring dwellings, is not considered to respect, reflect or contribute to the character of the neighbourhood in the vicinity and would set an undesirable precedent for similar future developments in the area.
- Design and impact on visual amenities of the area.
- Impact on residential amenities.
- Other matters
- Appropriate Assessment

8.2. Principle of the development

8.2.1. The site is located within a residential area with a residential zoning. The proposed development is for a domestic extension on site consistent with the existing use of the site and zoning and therefore is acceptable in principle subject to addressing site-specific matters, guidance as stated in the development plan and its relationship to the area.

8.3. Reason for refusal.

8.3.1. One reason for refusal is stated which refers to issues relating to design which would be inconsistent with the character of the principle dwelling and surrounding area and impact on visual and residential amenity impact is referred to which is considered and assessed in relation to design and impact on residential amenities.

8.4. Design and impact on visual amenities.

8.4.1. The issue of design is also related to the issue of detrimental impact on visual amenity; whether it is considered to constitute a disorderly form of development which would be inconsistent with the character of the principle dwelling and surrounding area, and whether the proposed development is not considered to respect, reflect or contribute to the character of the neighbourhood in the vicinity as referred to in the reason for refusal.

8.4.2. Dwellings with a hip type roof do present design issues when extensions in the roof area are proposed in particular in altering the profile of the roof. I would also note that the other sites referred to in submissions are not significantly comparable to the current site in relation to scale and design and it is necessary to consider this development on its individual merits and immediate context of the site and surrounding area.

8.4.3. The appellants in their grounds of appeal contend that the proposal is a very modest intervention to a typical 3-bed semi-detached hipped roof house and designed to achieve a viable layout with minimal impact to the floor plan of the existing house and surrounding context. It is also contended that in relation to section 11.142 of the current Cork City Development Plan the triangular dormer has the lowest impact of all dormer types on visual and residential amenity specifically referring to its slim bulk, southern orientation and etched glass window, the quality of the finish proposed and of necessity the zinc material finish can be altered to match the existing finish. It is also contended that in relation to section 11.143 that the dormer extension does not obscure the main features of the existing roof, does not break the ridge or eaves of the roof, the dormer is of a contemporary design and partially visible from the public area and consistent with the provisions of the development plan.

8.4.4. The observers' submission while referring to issues of impacting on their residential also refer to the design considering that triangular dormer window will be very visible

to many people from the public road and change the face of the entire road; is not a modest intervention; are of the opinion that no dormer window is appropriate and the impact on them is not low and impacts on the surrounding area.

- 8.4.5. The planning authority in assessing the proposal considered that the proposed south facing triangular window is at odds with the character of the dwelling and dwellings in the neighbouring vicinity and wished to have the triangular window omitted.
- 8.4.6. In considering the proposal I would agree that relocating the window on the southern elevation would involve a major recasting of the existing internal layout in particular at first floor level. The primary purpose is to provide an access to the roof area rather than additional floor space in the roof attic area.

The proposal for a window on the southern section of the roof will result in a projection of the hip roof but it is noted that the projection remains below the existing roof ridge level. It also does not extend or project further than the existing gable wall elevation as it set back from the eaves of the existing dwelling. The provision of a triangular design does minimise visual impact from the public road by providing for a sloping/ angled profile on the eastern (front) elevation.

It will be visible when viewed from the public road and will represent a variation to the established design and pattern of the area but it will I consider represent a relatively modest intervention and impact on the character of the immediate and wider area and is relatively modest in scale compared to many dormer type developments. It will still retain the hip roof profile.

While accepting the planning authority's concerns in relation to precedent and that in considering Section 11.143 of the development plan it will represent a level of departure from the pattern of the existing building, it does provide for a pitch roof; does not obscure the main features of the existing roof by not breaking the ridge or eaves lines of the roof, would be less visible and obtrusive than a conventional box type dormer, is relatively imperceptible and does not impact adversely on the overall streetscape. If constructed with similar finishes and similar windows to the existing building and clad in a material matching the existing roof rather than the zinc finish proposed the proposed development, would I consider be visually acceptable.

- 8.4.7. Impact on residential amenities.

In relation to impact on adjoining properties and in particular the property to the south the proposed development incorporates a window facing towards this property. The window in question is a landing window and not part of a habitable room. It is proposed to incorporate etched glazing rather than clear glazing and such a provision would I consider address the concerns in relation to the privacy of the adjoining property and a condition stating this requirement should be included in any decision to grant planning permission.

8.5. Other matters

- 8.5.1. It is noted that in the request of further information the planning authority noted that the accommodation in the attic space does not meet building regulations as the head height appears to be less than 2.4m. The applicants in a response indicated the roof area was not to be considered a habitable room. The planning authority did not refer to this matter in its decision to refuse planning permission. The issue of building regulations is addressed under separate statutory and it is not function of the Board to address this matter.

8.6. **Appropriate Assessment Screening**

- 8.6.1. I have considered the proposal for extensions to a dwelling house in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area and the subject site is not located within nor within close proximity to a designated European site. The proposed development comprises a roof extension to a dwelling house as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the small scale and nature of the development and the absence of a pathway to the European site
- 8.6.2. I conclude that on the basis of objective information, 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that permission be granted.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the matters raised in the grounds of appeal it is considered subject to the amended conditions as set out that the proposed development accords with the proper planning and sustainable development of the area and would not adversely impact or detract from the visual and residential amenities of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of April, 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 proposed development shall be amended as follows</p> <p>(a) The external finishes of the proposed dormer window shall harmonise in colour or texture the existing dwelling. The use of zinc external cladding is not permitted.</p> <p>(b) The glazing on the dormer window shall incorporate frosted/etched glazing.</p> <p>Reason: In the interest of the protection and safeguarding of the residential amenities of the adjoining property and to protect the amenities of the area.</p>

3.	<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. The contribution shall be paid prior to the 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 the Board 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 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>
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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.

Derek Daly
Planning Inspector

5th December 2024