



An
Bord
Pleanála

Inspector's Report

ABP-321256-24

Development	Construction of two-storey extension to the rear of existing house and all associated site works.
Location	17 Lower Middleton Street, Kilgarvan, Cobh, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	244223
Applicant(s)	Marcelino Twomey.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Marcelino Twomey.
Observer(s)	None.
Date of Site Inspection	16 th January 2025.
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (0.01 hectares) is located in the centre of Cobh town, Co. Cork, on an elevated area at the top of Lower Midleton Street. There is an existing two storey end of terrace dwelling on site that runs parallel to Cannon O’Leary Place.
- 1.2. The site is directly adjacent to Cobh Architectural Conservation Area and Protected Structure West View Houses (Deck of Cards) is located to the west.

2.0 Proposed Development

- 2.1. The proposed development consists of a two-storey extension to the rear.
- 2.2. The design proposal was altered at further information stage to a single storey rear extension and this is the subject of this appeal.

3.0 Planning Authority Decision

3.1. Decision

Refused for 1 reason:

The proposal is for a rear extension to an existing dwelling at No. 17 Lower Midleton Street, Cobh, which is adjacent to Cobh Architectural Conservation Area and the Protected Structures on West View (aka: Deck of Cards). County Development Plan Objective HE 16-18 seeks to ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA. The proposed extension and subsequent revision would have a detrimental impact on the architectural heritage of this setting by way of its scale, height and fenestration. The proposed development contravenes County Development Plan Policy Objective HE 16-18 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 noted the following:

- The principle of constructing a domestic extension to this existing dwelling is considered acceptable.
- The roof design for the proposed extension is bulky and out of character with the surrounding dwellings, all other dwelling on Lower Middleton Street have been extended but with single storey extension that are subordinate to the main dwelling. The design is contrary to zoning objective ZU18-9.
- The proposed windows at first floor level would give rise to overlooking. The window at ground floor level would overlook no. 16 due the steep slope of the street.
- Conservation Officer has concerns regarding the impact of the extension on the historic and architecturally significant part of Cobh and does not align with the Objective HE16-18.
- Further information sought in relation to design and impact on neighbourhood, and ACA and protected structures.
- The design has been altered to single storey; however, the Conservation Officer requires further changes, and this cannot be dealt with through conditions or CFI request.
- The proposal does not comply with objective HE16-18, and refusal is recommended.

3.2.2. Other Technical Reports

- Area Engineer: No objection subject to conditions.
- Liaison Officer: No comments.
- Conservations Officer: The information submitted is insufficient, further information requested in order for the design to align with Policy Objective HE16-18.

Further information received: the Character Assessment submitted is substantially short of what was required. Concerns the flat roof extends over the wall at Cannon O'Leary Place, the oversized Velux rooflights and the dormer window and the horizontal window on the northern elevation. Refusal

recommended as the further information submitted is inadequate for a visually sensitive location adjacent to an Architectural Conservation Area and in close proximity to buildings on the Record of Protected Structures.

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

One observation was submitted. The main concerns raised were:

- Impact on the views from Cannon O’Leary Place to West View Houses (Deck of Cards) and the view down to Cobh/sea.
- Impact on the amenities of the town and tourists.

4.0 **Planning History**

No previous planning history.

Adjacent sites:

235327: Permission granted for demolition of a sunroom and timber sheds and construction of single storey extension.

177080: Permission granted for change of use from ground floor commercial unit to one bedroom apartment, first floor dental surgery to one bedroom apartment and the second-floor storage area to a one-bedroom apartment.

5.0 **Policy Context**

5.1. **Development Plan**

Cork County Development Plan 2022-2028

ZU18-9 Existing Residential/Mixed Residential and Other Uses. The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the

surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area.

GI14-12 General Views and Prospects - Preserve the character of all important views and prospects, particularly sea views, rivers or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

HE16-14 Record of Protected Structures (c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume Two Heritage and Amenity, Chapter 1 Record of Protected Structures.

HE16-18 Architectural Conservation Areas – Conserve and enhance the special character of the Architectural Conservation Areas included in this Plan. The special character of an area includes its traditional building stock, material finishes, spaces, streetscape, shopfronts, landscape and setting. This will be achieved by:

- (a) Protecting all buildings, structures, groups of structures, sites, landscapes and all other features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations.
- (b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.
- (c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- (d) Protect structures from demolition and non-sympathetic alterations.
- (e) Promoting high quality architectural design within ACAs.
- (f) Seek the repair and re-use of traditional shopfronts and where appropriate, encourage new shopfronts of a high-quality architectural design.

- (g) Ensure all new signage, lighting advertising and utilities to buildings within ACAs are designed, constructed and located in such a manner they do not detract from the character of the ACA.
- (h) Protect and enhance the character and quality of the public realm within ACAs. All projects which involve works within the public realm of an ACA shall undertake a character assessment of the said area which will inform a sensitive and appropriate approach to any proposed project in terms of design and material specifications. All projects shall provide for the use of suitably qualified conservation architects/ designers.
- (i) Protect and enhance the character of the ACA and the open spaces contained therein. This shall be achieved through the careful and considered strategic management of all signage, lighting, utilities, art works/pieces/paintings, facilities etc to protect the integrity and quality of the structures and spaces within each ACA.
- (j) Ensure the protection and reuse of historic street finishes, furniture and features which contribute to the character of the ACA.

The subject is located adjacent to Cobh Architectural Conservation Area and West View Houses (Deck of Cards), Protected Structures.

5.2. Natural Heritage Designations

The subject site is not located within a designated site. The nearest designated site is:

- Cuskinny Marsh pNHA (site code: 001987) is located approximately 2km northeast of the subject site.
- Cork Harbour SPA (site code: 004030) located approximately 3km southwest of the subject site.
- Great Island Channel SAC & pNHA (site code: 001058) is located approximately 3km north of the subject site.
- Lough Beg (Cork) pNHA (site code: 00106) is located approximately 3km south of the subject site.

- Whitegate Bay pNHA (site code: 001084) is located approximately 3.5km southeast of the subject site.
- Rostellan Lough, Aghada Shore and Poul nabible Inlet NHA (site code: 001076) is located approximately 6km east of the subject site.

5.3. EIA Screening

- 5.3.1. The proposal relates to a proposed residential extension to an existing dwelling within the development boundary of Cobh town. The site is located on zoned lands and not within a designated area. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Please refer to Form 1 as per Appendix 1 below.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from the applicant. The following comments were made:

- The extension is required to bring the dwelling up to modern standards.
- The design was altered to address the concerns of Cork County Council with the loss of the third bedroom.
- The design is single storey extension with flat roof parapet. The height of the roof is the minimum it can be from the ground floor level and adjacent footpath, the internal floor to ceiling is 2.4m.
- The proposed windows and doors are functional and simple and to introduce period style windows and doors would be incorrect. The south facing window was altered to a higher level and splayed to limit the field of vision.
- The neighbouring property has no objection to the proposed two storey design and provided a letter stating same.

- The horizontal window to the north is high level and frosted.
- Section 5 declaration of exemption is not possible as documented by Cork County Council which states:

Article 9(1)(a)(vii) of the Planning and Development Regulations 2001-2023 is applicable to the subject site. Policy Objective HE16-18 in the Cork County Development Plan 2022 seeks “Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

- An Bord Pleanála can apply conditions to omit elements on the design if required.
- Preplanning meeting was facilitated but an on-site meeting would have been beneficial to discuss an appropriate design.
- No submissions were made by residents on Lower Middleton Street or the Deck of Cards.
- The proposal as amended is of a reasonable scale and would not negatively impact on the existing view as the de facto viewing platform on Canon O’Leary Place is of a sufficiently elevated nature to provide the view to the rear of the Deck of Cards and beyond.

6.2. Applicant Response

- As above

6.3. Planning Authority Response

- The Planning Authority are of the opinion that all the relevant issues have been covered in the technical reports.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design, Architectural Conservation Area & Protected Structures
- Appropriate Assessment

7.2. Design, Architectural Conservation Area & Protected Structures.

7.3. The subject site is zoned as “existing residential/mixed residential and other uses”, and there is an existing end of terrace two storey dwelling on site.

7.4. The site lies directly adjacent Cobh ACA and to the rear of a row of houses on West View (Deck of Cards) Protected Structures. Objective HE 16-18 of the CDP seeks to ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

7.5. The grounds of appeal have been submitted from the applicant and the issues raised are that the design is single storey extension with flat roof parapet. The height of the roof is the minimum it can be from the ground floor level and adjacent footpath, the internal floor to ceiling is 2.4m. The proposed windows and doors are functional and simple and to introduce period style windows and doors would be incorrect. The south facing window was altered to a higher level and splayed to limit the field of vision. The neighbouring property has no objection to the proposed two storey design and provided a letter stating same.

7.6. I note the Planning Authority refused permission for the proposed development as the proposed extension would have a detrimental impact on the architectural

heritage of this setting by way of its scale, height and fenestration. The proposed development contravenes Policy Objective HE 16-18 of the CDP.

- 7.7. I will assess the proposed development having regard to the location of the subject site adjacent to a Cobh ACA and to the rear of Protected Structures 1-23 West View (Deck of Cards). No. 1 West View (RPS No. 01920 – corner sited end of terrace gable front single bay three storey house-built c.1850) is located directly to the rear of the subject site. The distance between the two properties is c. 11 metres. The proposed extension at ground level will extend to 7.59 metres with an overall height of 3.1 metres. The property to the rear has one rear window at second floor level, the line of sight from this window is obscured by an existing rear two storey extension. The rear wall of this dwelling marks the boundary of the two sites. The applicant has proposed to install an additional rooflight and replace the existing first floor window with a dormer type window, given the location of the rooflights and the existing windows, I do not consider overlooking to be an issue. The ground floor rear extension with a floor area of 26.8sqm has proposed a horizontal window (frosted) on the northern elevation and a window is proposed on the southern elevation with double doors to the rear. In my opinion, given the location of the side elevation windows, I do not consider any undue overlooking will occur.
- 7.8. I recognise the subject site is confined and the subject dwelling is small at 52.6sqm, however, the dwelling needs to be modernised and brought up to a modern standard of living and I accept the principle of an extension at this location. Although, given the sensitive nature of the site in close proximity to protected structures where the view of the rear of these structures is prominent from Cannon O'Leary Place overlooking the subject site and Cobh ACA, the design of the extension needs to take this into consideration. In this respect, I have concerns regarding the height of the rear extension, discussed further below.
- 7.9. I note the concerns raised by Cork County Council (CCC) Conservation Officer in relation to the flat roof extension projecting over the wall at Cannon O'Leary Place. I also have these concerns as the proposed extension will block the view from Cannon O' Leary Place southwards and negatively impact on the view of the rear of the protected structures along West View (Deck of Cards). The applicant has not provided any information on whether the ground levels can be reduced in order to allow for the minimum ceiling height of 2.4 metres. During my site visit, I noted the

varying changes in ground level due to the nature and slope of the site and it may be possible for the applicant to lower the finished floor level of the extension in order to avoid the roof level projecting above the wall on Cannon O' Leary Place. However, in the absence of this information, I recommend a refusal as the overall height of the proposed extension will negatively impact on the ACA setting and the visual amenity of the adjacent protected structures (Deck of Cards).

- 7.10. CCC Conservation Officer also raised concerns in relation to the windows proposed and noted as a refusal reason. In my opinion, the windows proposed at ground level will not negatively impact the views or settings on the adjacent ACA or adjacent protected structures. However, I have concerns relating to the proposed replacement of the first-floor level rear windows with a dormer window. The dormer window is a modern feature but, in my opinion, the proposed dormer window will be out of character with the adjacent properties and negatively impact the visual setting of adjacent protected structures (Deck of Cards). Therefore, the dormer window shall be omitted, and the existing window retained.
- 7.11. Having regard to the proposed scale and height of the proposed extension which would have a detrimental impact on setting of the adjacent ACA and protected structures along West View by way of projecting above the boundary wall along Cannon O'Leary Place and blocks views south and west from the subject site. I consider that the proposed development contravenes Policy Objective HE 16-18 of the CDP which ensures that any new development within or adjacent to an ACA should respect the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

8.0 AA Screening

- 8.1. Having regard to the proposed development of an extension to an existing dwelling with existing connection to public sewer and public water and discharge of surface water to public sewer and within the development boundary for Cobh Town. The nearest European site is Cork Harbour SPA (site code: 004030) located c. 3km south west of the subject site. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1. The proposed development, by reason of its scale and height, would materially affect the character of the Cobh Architectural Conservation Area and the Protected Structures on West View (Deck of Cards) and would thereby seriously injure the visual amenities of the area and contravene Objective HE 16-18 of the Cork County Development Plan 2022-2028 which seeks to ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA. Therefore, the proposed development would contravene Cork County Development Plan 2022-2028 Policy Objective HE 16-18 and would, be contrary to the proper planning and sustainable development of the area.

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.

Jennifer McQuaid
Planning Inspector

11th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321256-24		
Proposed Development Summary	Construction of two storey extension to rear of dwelling reduced to single storey at further information stage.		
Development Address	17 Lower Midleton Street, Kilgarvan, Cobh, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes			
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5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____