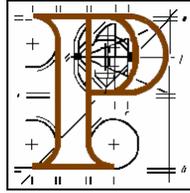


An Bord Pleanála



Inspector's Report

Appeal Ref. No: PL04.235585

Proposed Development: Erect two houses

Location: Curragh Beag Cottage, Ballycurreen Road, Ballycurreen, Kinsale, County Cork.

Applicants: Dave Harley, Nicola Swanton & Philip Swanton

Planning Authority Reg. Ref: 09/4723

Planning Authority: Cork County Council

P.A. Decision: Grant with Conditions

Appeal Type: Third Party

Appellants: Ann Daly

Observers: Curraghconway Management Co.
Maura Daly

Date of Site Inspection: 26th April 2010

Inspector: Hugh Mannion

1. SITE AND LOCATION

The site has a stated area of 0.1305ha and is located south of the Ballycurreen Road in the southern suburbs of Cork City but in the administrative area of the County Council. Ballycurreen Road functions as a distributor road and provides a link south of the N28 between the Kinsale Road and development around Douglas. The area to the west and the site is generally industrial/commercial/warehouse uses while to the east the land use is residential.

The application site contains a modest occupied bungalow which faces north onto the Ballycurreen Road. To the east of the site and sheltered by a hedge is a bungalow on its own site. The western boundary onto which access is proposed is a short roadway which serves commercial uses on its western side and gives access at its southern end to a gated, recently constructed residential development called Curraghconway Court.

2. PROPOSED DEVELOPMENT

The proposed development comprises the erection of two dormer houses with connections to the public sewer and water supply. Each house has two car parking spaces and access is proposed onto an existing access lane to Curraghconway Court.

3. HISTORY

Under planning register reference 01/2993 outline permission was granted for a single house.

An application under register reference number 06/6558 for two houses was withdrawn.

4. PLANNING AUTHORITY DECISION

The planning authority granted permission subject to 21 conditions.

Initially the planning authority sought further information in relation to overshadowing of adjoining property, a retaining wall between the site and property to the east, sight distance at the proposed entrance, widened footpath, recessed entrance, details of private sewers serving the proposed development, location of septic tanks relative to the site and proposed connection to the public water supply.

Following on the response to the request for further information the planning authority sought clarification in relation to the proposed retaining wall and overshadowing of the adjoining site.

The permitted proposal (drawings submitted to the planning authority on the 23rd October 2009) omitted the retaining wall in preference for moving the houses more to the centre of the site and dropping the site levels.

The area engineer reported (15th April 2009) raising issues which were subject to a request for further information.

5. THIRD PARTY APPEAL

The grounds of appeal may be summarised as follows:

- The site is accessed over a private laneway. The parking provision for the houses is inadequate and difficult to access off this laneway and cars will reverse into the lane. The limited parking will encourage on-lane parking giving rise to traffic hazard.
- The laneway serves 21 houses and 6 commercial units.
- Previously permission was refused for two houses on grounds of traffic hazard. The recommendation in the current case that the applicant be required to show evidence of safe access/parking was not followed up.

6. APPLICANT'S RESPONSE

The applicant responded to the appeal as follows;

- The previous refusal was based on absence of sewerage facilities the site is now served by public water supply and sewerage.
- There is adequate parking and manoeuvring space on site and no need to reverse into the roadway. A turntable can be provided if necessary to facilitate car turning movements.
- Improvements to the junction of the access road/Ballycurreen Road have been proposed which will benefit all users of the access road.
- The boundary wall at 800mm will ensure adequate sightlines.
- The proposal will give rise to negligible additional traffic.
- The applicants have sufficient legal right to use the access road.
- There are no first floor windows proposed in the houses and an existing fence will prevent overlooking of adjoining houses.
- The appellant's house is located 30m distant from the proposed site.

- The applicants are aware of the noise from the adjoining business park.
- Disposal of surface water is to a SUDS.
- The application is being made by family members of the landowner.

7. PLANNING AUTHORITY RESPONSE

The planning authority did not respond to the appeal.

8. OBSERVERS

Maura Daly lives at 1 Curraghconway Court and made an observation along the following lines;

- The removal of trees on the southern and eastern boundaries will lead to overlooking of the rear garden of 1 Curraghconway Court.
- The soak away is likely to lead to ingress of water into the site of 1 Curragh Conway Court.
- A single house is more appropriate for this site.

The Curraghconway Management Company Limited made an observation stating that the location of the proposed soakaway at the entrance to the site is dangerous.

9. FURTHER RESPONSES

The applicant responded to the observations lodged as follows;

- It is not clear what danger the proposed soakway presents. All works are within the boundaries of the applicant's site.
- The retention of trees and lower than first proposed house levels will prevent overlooking of adjoining houses.

10. Planning Framework.

The site is located within the area of the Carrigaline Electoral Area LAP 2005 and is zoned 'primarily residential'.

11. ASSESSMENT

The issues to be considered in this case are compliance with development plan zoning, access and parking and impacts on residential amenity.

Development Plan

The site is zoned 'primarily residential' in the Carrigaline Electoral Area Plan and therefore there is a presumption in favour of the proposed development.

Access and Parking

The lane over which access is proposed provides access to Curraghconway Business Park on the opposite side of the road from the site. There is a lawnmower supplier; a garden shed store and other businesses here. While small this is a busy business park giving rise to both delivery and customer traffic. At the end of the lane is a housing development. The lane has a carriageway 6m with a footpath along the site boundary and double yellow lines on both sides.

The planning authority requested the provision of two car parking spaces per house. In either site it would be difficult to drive out of the site especially if a second car was already parked on site. I consider that this would give rise to significant conflict between existing commercial and residential traffic and traffic arising from the proposed development. No visitor parking is available and the access lane is not suitable for on street parking. The vertical alignment of the Ballycurreen Road in the vicinity of its junction with the access lane is poor, there is a continuous white median line and road markings requiring slow speeds. I do not consider it a suitable area for parking.

I consider therefore that the proposed access and parking arrangements would give rise to traffic hazard.

In relation to legal rights of way on the lane I do not consider that this is a matter which may be determined in the context of a planning appeal.

Residential Amenity

There are four residential receptors to be considered here; future residents of the proposed development, the occupants of the existing house fronting onto Ballycurreen Road, the adjoining house on the adjoining site to the east and the houses in Curraghconway Court.

The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities emphasise that all houses should have private open space behind the building line (7.8). While the County Development Plan and LAP are not specific in relation to garden depths the proposed depth of 4.8 is inadequate to meet the needs of four bed houses. While the overall provision of rear garden (about 90sqm for the more northerly house and over 100sqm for the southern one) is adequate the configuration is unacceptably poor.

The site currently provides private open space and car parking for the existing house facing the Ballycurreen Road and is used as such. The loss of the majority of this space will negatively impact on the existing house and the final site layout for the existing house provides a lawn area of about 90sqm and two parking spaces for this existing bungalow.

The adjoining house to the east is about 5m from the shared boundary at its closest and therefore is within 10m of the more northerly of the proposed houses. The proximity of the proposed houses to this boundary will negatively impact on the amenity value of the rear garden of the adjoining house notwithstanding the limited overlooking arising from the careful rear window arrangement.

The submitted application drawings could have better illustrated the relationship of the proposed houses, especially the southern most house, to the adjoining Curraghconway Court development. There is a terrace of duplex units within Curraghconway Court which adjoin the south-western corner of the proposed site and because of the drop in site levels the yard/open space associated with these duplex units will be significantly below the ground level of the southernmost garden.

The applicant makes the point that the site levels will be dropped and that in combination with the retention of boundary trees this will mitigate the impact on adjoining property. The best boundary screening is along the roadside boundary which will be largely removed to accommodate the new accesses and the remaining boundary hedging is relatively porous. In any case the proximity of the proposed houses to the boundaries will generate a level of noise and general activity which will negatively impact on adjoining property.

While any of these impacts on their own might not be fatal for the application in combination they point to over-development of a restricted site in a manner which will give rise to an inadequate standards of accommodation on site and serious injury to the amenity of adjoining property.

The application is not detailed in relation to the disposal of surface water and given the proportion of hard landscaping and roofs proposed compared to the overall site the surface water run off would be substantial.

12. RECOMMENDATION

Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be refused for the reasons and considerations set out hereunder:

REASONS AND CONDITIONS

1. The proposed development will generate additional traffic turning movements on a narrow laneway on which parking is restricted and which already provides access to a mix of commercial and residential uses. The proposed development proposes a car parking arrangement which is likely to give rise to reverse exiting of vehicles from the sites and lead to demands for visitor parking where none exists or may be provided. The proposed development would, therefore, endanger public safety by reason of traffic hazard.
2. The proposed development because of its proximity to the site boundaries and poor private open space layout would seriously injure the residential amenity of future occupants of the houses and seriously injure the amenity and depreciate the value of property in the vicinity.

Hugh Mannion
Planning Inspector.

18th May 2010.