



An  
Bord  
Pleanála

## Board Order ABP-315722-23

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 22/41529**

**Appeal** by Eugene Foley care of McCarthy Engineering of 138 South Douglas Road, Cork against the decision made on the 9<sup>th</sup> day of January, 2023 by Cork City Council to refuse permission.

**Proposed Development:** Construction of a new bungalow dwellinghouse in the rear garden of existing dwelling and all associated site works, all at Dunavon, 10 Saint Clare's Avenue, College Road, Cork.

### **Decision**

**REFUSE** permission for the above proposed development for the reasons and considerations set out below.

## Reasons and Considerations

1. Having regard to the location of the proposed house in the rear garden of an existing house, the shared access arrangements associated with the site and the existing house, which has recently been extended to include a large car parking area in the rear garden, which would benefit the existing house and the proposed house, it is considered that the proposed development represents inappropriate backland development, would seriously injure the amenities of adjoining residential property by reason of traffic movements, would constitute a traffic hazard by reason of conflicting traffic movements on the landholding due to the narrow nature of the access lane that runs along the side of the existing house and on traffic and pedestrian movements at the site access by reason of the narrow nature of the footpath and public road and restricted sightlines at the entrance from Saint Clare's Avenue. The proposed development constitutes uncoordinated piecemeal development and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proximity of the proposed house to the northern and southern site boundaries, and to the level of excavation required to facilitate the proposed finished floor level, part of the proposed house would be located below the ground levels of the adjacent properties to the north and south, taking into account existing boundary treatments. The subterranean floor level and proximity to boundaries would have a serious and detrimental impact on the ability of the house to benefit from access to sufficient levels of daylight/sunlight/solar energy, requiring an excessive reliance on artificial forms of light and heating, which would be unsustainable and would be contrary to Objectives 11.3 and 11.4 of the Cork City Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the elevated nature of the proposed house and front terrace relative to adjacent houses, and the absence of details of any boundary treatment along the upper front boundary, it is considered that the proposed development would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual obtrusion and overlooking of their internal and external spaces. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
4. Having regard to the limited size of the site and the scale of development proposed, including the creation of a car parking area in the rear garden of the existing house from which this site is taken, it is considered that the proposed development would result in overdevelopment of the site by reason of inadequate provision of good quality open space for both houses contrary to the provisions of Objective 11.5 of the Cork City Development Plan 2022-2028, notwithstanding the provisions of the 2024 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5. Having regard to the proposal to excavate part of the site to facilitate the proposed finished floor level, and in the absence of information regarding existing ground conditions and details of how the integrity of the northern and southern boundaries that are shared with adjoining properties would be maintained during excavation and following the construction of the house, the Board is not satisfied that the proposed development would not pose a threat to the integrity to the rear gardens and boundaries of the adjacent properties and would seriously injure the amenities and depreciate the value of adjoining residential property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

  
\_\_\_\_\_  
**Stephen Brophy**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this <sup>6<sup>th</sup></sup> 29 day of *February* 2024.