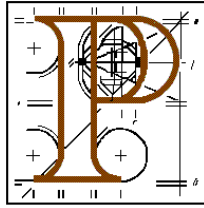


An Bord Pleanála Ref. No.: PL 04.245802

An Bord Pleanála



Inspector's Report

Proposed Development: Permission for the demolition of an existing semi-detached cottage and the construction of 3 no. dwellings, a new shared entrance and all ancillary site development works, all at Poulacurry North, Glanmire, Co. Cork

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 15/5485

Applicant: Pramukh Gogineni

Type of application: Permission

Planning Authority Decision: Grant permission subject to conditions

Planning Appeal

Appellants: Maurice Thornhill

Observers: None

Type of appeal: Third Party against permission

Date of Site Inspection: 1st February, 2016

Inspector: A. Considine

1.0 THE SITE

- 1.1 The site, the subject of this appeal, is located to the east of Cork City in the area of North Glanmire. The site is located on the R615 at a point in the road where it turns in a 90° angle towards the north and as such, the site is bound on two sides by the regional road. The site is elevated above the level of the road on both sides, with a substantial difference between the road to the east of the site, and the proposed location of the access to the site. The road side boundary of the site comprises a stone wall and overgrown vegetation with low stone wall comprising the northern boundary.
- 1.2 The site is currently occupied by an existing small cottage which is a semi-detached property, and other out buildings associated with the house. The site covers as stated area of 0.224ha and the existing house is unoccupied and in a poor state of repair. The attached cottage to the west of the subject house is also unoccupied and in a similar state of repair. Access to the site is currently via a small access off the R615 to the south of the site, immediately adjacent to the house. The road on both sides of the site has a solid white line along the length of the site. The site levels as advised are higher than the adjoining roads. To the north of the subject site, there is a small complex of 4 single storey houses all of which are accessed off a single access road.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the demolition of an existing semi-detached cottage and the construction of 3 no. dwellings, a new shared entrance and all ancillary site development works, all at Poulacurry North, Glanmire, Co. Cork. The planning application was accompanied by the relevant planning, architectural and engineering drawings.
- 2.2 The proposed development will result in the removal of all structures on the site and the construction of three houses in its place. The attached house is also to be secured on the sites side. The development proposes two houses to be located towards the south of the site, with a larger detached house located to the north. All three houses will be accessed via a shared new entrance which will be off the eastern boundary of the site.
- House type A proposes a two storey house with an A roof which is to be finished in a black slate to the roof, and a combination of render and

external composite cladding – two types - while the chimney is to be finished in brick. The windows are to be aluminium. The house is provide a large kitchen / dinning room, living room, bedroom, bathroom and utility at ground floor level with three further double bedrooms, including a master suite, and bathroom at first floor level. The house has a stated floor area of 147.97m² and will rise to a height of approximately 7.5m.

- House type B is the same as house type A above.
- House type C is to be located to the north of the site, and on a larger site. House type C proposes a two storey house with a flat roof, and a combination of render and external composite cladding – two types - while the chimney is to be finished in brick. The windows are to be aluminium. The house is provide a kitchen, separate dining room, living room, bedroom, bathroom, office and utility at ground floor level. The ground floor also incorporates a garage. Four further double bedrooms, including a master suite and two bedrooms with a 'Jack & Jill' ensuite, and bathroom at first floor level. The house design also provides for a first floor balcony which will face east, in the north eastern corner of the house. The house has a stated floor area of 271.07m² and will rise to a height of approximately 7m.

2.3 During the course of the PAs assessment of the proposed development, further information was sought with regard to a number of issues to which the applicant responded. The response resulted in an amendment to the house type C in terms of the balcony. The amended proposal provides for a solid wall along the northern elevation of the balcony to protect residential amenity of the adjacent property.

3.0 REPORTS ON PLANNING AUTHORITY FILE

3.1 The planning application was lodged with Cork County Council on 7th July, 2015 and it is indicated that a pre planning consultation was undertaken. The consultation concluded that the principle of developing the site was open to consideration, impacts on adjoining properties would need to be considered. No issues raised in principle to contemporary units but views from any balconies would need to be considered.

3.2 In terms of the Planning Authority's assessment, 3 no third party submissions were noted on the planning file from the adjacent property owners. The issues raised are summarised as follows:

➤ Maurice & Winifred Thornhill:

- Impact on residential amenity given the location of house type C within 3m of the boundary, which will impact on the south facing rear of their property.
- Scale of house does not reflect or respect the form and materials of adjacent houses.
- Access to the site a concern, being 25m from the Barnavara Hill Junction, will be unsafe and may lead to traffic collisions. No sight lines have been shown and the level differences give rise for concern in terms of traffic hazard.
- It is considered that the proposal is overdevelopment and will have a serious impact on existing residential amenities.

➤ Tom Tobin raised concerns in relation to traffic.

➤ Daniel & Helen Thornhill:

- Impact of house C on the existing amenities of adjacent property including impact on natural light, privacy and overlooking.
- Traffic issues

3.3 There is 1 no external report noted on the planning file.

Irish Water: No objection to the proposed development.

3.4 There is 1 no report noted from internal departments within Cork County Council as follows:

- Area Engineer: Raises no objection in terms of water services and acknowledges that there is no stormwater sewer in the area. Details of proposed storm sewer to be provided. Concerns is also raised regarding access to the site and it is requested that the entrance to the development be redesigned to be located further north, away from the junction with the R615. 80m sight lines in both directions at a point 3m from the road edge to be provided.

- 3.5 The First Party submitted an unsolicited response to the third party concerns as follows:
- The two storey element of House C is 6.5m from the northern boundary. The single storey element is within 3m. There is 15.2m between the two storey element and the existing house.
 - The scale of house C is consistent with two storey accommodation due to clients requirements. The flat roof provides a contemporary character and has been approved in principle by Cork County Council.
 - An alternative access was considered from the Old Youghal Road but was discounted as a worse solution due to increased traffic levels.
 - The plot ratio is kept within surrounding factors and is lower than the adjacent dwellings to the north.
- 3.6 The Planning report on file address issues relating to the proposed development, policy context, planning history, third party submission and consultations. Issues of AA and flooding are also considered as is the impact of the demolition on the semi-detached cottage to remain on the adjacent site. The report, in its assessment, deals with the principle of the development and concludes that while the site falls within the Glanmire development boundary, further information is required before a full assessment can be concluded. The SEP concurred with the Area Planners assessment and conclusion. Seven points of further information are identified and this request for further information issued on the 28th August, 2015.
- 3.7 The applicant submitted a response to the FI request responding to all issues raised.
- 3.8 Following receipt of the response to the further information request, the Area Engineer advised no objection to the proposed development subject to compliance with cited conditions.
- 3.9 The Planning Officers final report considered the information submitted in response to the further information request and concludes that the development as amended is acceptable. Development contributions are also calculated. A recommendation to grant planning permission is presented for consideration. The SEP agrees and endorses the Area Planners conclusion.

4.0 DECISION OF THE PLANNING AUTHORITY

4.1 The Planning Authority decided to grant planning permission for the proposed development subject to 21 conditions, standard in the main.

5.0 RELEVANT PLANNING HISTORY

5.1 There is no relevant planning history associated with the subject site.

5.2 The following is the relevant planning history associated with the adjacent sites:

PA ref 06/5296: Permission refused for the development of 20 apartments, refuse storage bay, ESB sub-station, underground surface water storage tank and ancillary works, on site immediately to the west of the current proposed development site.

PA ref 06/10546: Permission granted for the development of 4 no. single storey dwellings, refuse storage bay, ESB sub-station, underground surface water storage tank and ancillary works, on site immediately to the west of the current proposed development site. Development not constructed.

PA ref 11/6202: Permission granted for an extension to house to the north of the subject site.

6.0 DEVELOPMENT PLAN & STATUTORY GUIDELINES

LOCAL POLICY

Cork County Development Plan 2009-2015

6.1 Glanmire is identified as a Metropolitan Town in the Cork County Development Plan 2014 and is identified as a main settlement in the Blarney LAP, 2011. The Core Strategy, Appendix B, of the County Development Plan identifies that 1,320 new units are required in the period 2011-2022. The strategic aim of the Plan is as follows:

‘Critical population growth, service and employment centres within the Cork “Gateway”, providing high levels of community facilities and amenities with infrastructure capacity high quality and integrated public transport connections should be the location of choice for most people especially those with an urban employment focus.’

6.2 Chapter 4 of the Plan, while relating to rural areas primarily, deals with general planning considerations and seeks to provide guidance on the general planning and sustainable development criteria in the assessment of planning applications. Section 4.6.2 of the Plan provides an indication of the criteria against which planning applications are assessed.

6.3 Chapter 14 of the Plan deals with zoning and land use, and the subject site is zoned as an ‘existing built up area’ which provides that proposals for development will be considered in relation to the following:

- The objectives of this plan;
- Any general or other relevant objectives of the relevant local area plan;
- The character of the surrounding area; and
- Other planning and sustainable development considerations considered relevant to the proposal or its surroundings.

Section 14.3.6 of the Plan provides that ‘the inclusion of this land within an existing built up area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.’

Blarney Local Area Plan, 2011

6.4 The subject site is located within the main settlement of Glanmire as identified in the Blarney Local Area Plan. The site is located to the western edge of the settlement and is zoned as an ‘existing built up area’.

7.0 GROUNDS OF APPEAL

This is a third party appeal against the decision of Cork County Council to grant permission for the proposed development. The grounds of appeal are

similar to those raised during the Planning Authority's assessment of the proposed development and are summarised as follows:

- The development of a two storey house will block sunlight into adjacent property and will affect privacy, sunlight and enjoyment.
- Entrance as proposed is a safety issue as it is to be positioned just after a crossroads where many bad accidents have occurred.
- Impact on the cottage left standing on the site – the proposed cottage to be demolished is semi-detached.

8.0 RESPONSES

8.1 Planning Authority:

The Planning Authority has not responded to this appeal.

8.2 First Party Response to Third Party Appeal:

The applicants in this case have submitted a response to the third party appeal, the detail of which is summarised as follows:

Access to site:

- The location of the site entrance has an 80m sight line to the north and south.
- The entrance was moved a further 7m from the junction at the request of the Planning Authority and is to the satisfaction of the area engineer.
- The access road has a 50km/ph speed limit and is the quieter section of the R615.
- The choice of a safe site access point will require a steep road gradient and it is considered that this is the safest way to access the site.

Residential amenity:

- The sun path analysis shows that the private side garden to the south¹ of the development will have no shadow cast upon it during spring, summer and autumn. There will be limited shadows cast across the private garden

¹ I suggest that this should read private side garden to the north of the development.

to a maximum depth of c2m during the winter solstice – due to 1.8m high boundary wall. It is considered that there will be no loss of amenity for the neighbouring property.

- In terms of privacy, all windows on both floors that could overlook the private garden area will have obscured glass.
- The PA was satisfied with the proposed development.

Scale & materials:

- The choice of materials is an aesthetic choice, and while modern materials and flat roofs may not be to everyone's taste, there is no prohibition to same. The development does not detract from the amenity of neighbouring property.

Overdevelopment:

- The residential density of the proposed development is 13.4 dwellings per ha, considerably lower than that recommended and is in keeping with residential densities in the vicinity.

Enclosures with the response include a drawing showing sight lines and levels across the site, full set of planning drawings for house type C and sun path analysis drawings including sections.

8.3 Third Party (appellant) response to First Party Response to Third Party Appeal:

The appellant has responded to the response of the First Party as follows:

Access to site:

- Moving the site entrance as proposed will not significantly improve the safety of the entrance.
- The area engineer does not specifically outline that he is 'satisfied' with the sightlines. The junction is 35m from the entrance and a large number of cars do not slow down along this road.
- The preference to access the site on a quieter road, does not necessarily provide the safest access point to the site.
- The position chosen is not safe and will not provide safe access as a result of steep gradients and restrictive / sub-standard sightlines.

Residential amenity:

- The accuracy of the sunlight studies is questioned. No supporting documentation has been provided.
- In terms of privacy, a development of the scale proposed, so close to the modest dwelling will have a detrimental effect on privacy and residential amenity. General guidelines require a separation distance of 22m. The proposed distance is between 8-9m and is inadequate.

Scale & materials:

- The industrial material and the scale of the building in a semi-rural location does not respect or respond to the adjacent dwellings or residential amenity spaces.

Overdevelopment:

- The residential density of the proposed development remains a concern.

9.0 OBSERVERS TO APPEAL

There are no observers noted in relation to this appeal.

10.0 ASSESSMENT

10.1 Having considered all of the information submitted with the planning application, together with the appeal documentation and responses, and having undertaken a site visit, I consider it appropriate to assess the proposed development application under the following headings:

1. The principle of the development and compliance with current County Development and Local Area Plans.
2. Roads & Traffic issues
3. Residential Amenity Issues
4. Design Issues
5. Other Issues
6. Appropriate Assessment

Principle of development

Compliance with the Cork County Development Plan 2015 & Blarney LAP, 2011:

10.2 The subject site is located within the established development boundaries of Glanmire, on lands which are serviceable from public water and waste water mains. The subject site is a corner site bound by two stretches of regional road where the speed limit is 50 km/ph. The site is a large residential site which currently accommodates a semi-detached cottage and its associated out buildings. It is proposed to demolish this semi-detached cottage and construct three two storey detached houses, with a change to the access to the site from the south to the eastern boundary. The Board will note that there is a small residential development comprising 4 single storey house, to the north of the site and that planning permission was granted for the development of 4 single storey houses on lands immediately to the west of the current proposed site. I am satisfied that, in principle the proposed development can be considered acceptable. There are however, additional policy objectives which are required to be consider in the assessment of this proposed development.

10.3 Chapter 14 of the Plan deals with zoning and land use, and the subject site is zoned as an 'existing built up area' which provides that proposals for development will be considered in relation to the following:

- The objectives of this plan;
- Any general or other relevant objectives of the relevant local area plan;
- The character of the surrounding area; and
- Other planning and sustainable development considerations considered relevant to the proposal or its surroundings.

Section 14.3.6 of the Plan provides that 'the inclusion of this land within an existing built up area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.

10.4 Overall, it is clear that national policy today would generally support higher densities of housing being promoted in areas which are zoned for development and which can be connected to public services. I note that there is no objection to the proposed development from the Area Engineer with regard to connection to services and the site is zoned 'Existing Built Up Area'

in the Blarney Local Area Plan, 2011. Such a zoning would facilitate the development of houses, subject to site suitability issues. As such, in principle, I consider that the proposed development can be considered as being in general compliance with local and national policy. That said however, and while the principle of the proposed development may be considered acceptable, the specific site suitability issues must also be considered as part of an overall assessment of a proposed development, these matters are further discussed below.

- 10.5 It is a general requirement of planning to seek to maintain and enhance overall standards of amenity and character within established residential areas. The primary issues raised by the third party appellants relate to matters affecting residential amenity and traffic safety and these issues are discussed further below as part of this assessment. In principle, I would consider that the proposal to demolish an existing unoccupied semi-detached cottage and construct 3 houses on zoned lands within a residential area, as described is acceptable in terms of the County Development Plan and Local Area Plan requirements.

Roads & Traffic Issues

- 10.6 The Board will note the location of the subject site on a corner site which is bound by the R615 and the Barnavara Hill Junction. The current access to the site, which accommodates a single dwelling, is located off the Old Youghal Road to the south of the site. It is proposed to access the site from the east, also off the R615, at a distance of approximately 25m from the junction. Following a request for further information, where the PA sought 80m of sight distance in both directions from the proposed entrance, the applicant relocated the proposed access to a distance of 30m from the same junction. The applicant advises that 80m sight distance is available but having regard to the configuration of the site, the maximum sight distance to the south is in the region of 35m to the opposite side of the road to the south, and across the junction. The primary concern in terms of traffic will be the traffic travelling from west (city) to east and around the corner of the site towards the north. This traffic does not have to stop at the junction. Traffic travelling from north to south along the eastern boundary of the site has to stop at the junction. In this regard, I share the concerns of the appellants in terms of the potential for the development to create a traffic hazard should permission be granted as proposed.

- 10.7 While the existing vehicular access to the site, along the southern boundary, is very narrow, and there is a solid white line in the middle of the road, approximately 60m sight distance is available towards the west. There is no issue with sight distance towards the east. I have concerns that either access will have the capacity to accommodate traffic from three houses at this location given the horizontal and vertical alignment of the regional road. I also acknowledge the concerns raised by the Area Engineer in this regard, and while no objection was raised following the submission of the response to the further information request, I am not satisfied that the issues raised have been adequately addressed to accommodate three large detached houses.

Design Issues

- 10.8 In terms of the proposed design of the house, the appellant has submitted that if permitted, it will have a significant impact on the existing amenities of their home, in particular with regard to house C. The proposed houses present contemporary designs and use modern finishes. House types A and B are to be located to the south of the site and back onto the Old Youghal Road with a rear garden depth proposed in the order of approximately 6m. The general design of these two proposed houses while contemporary, is acceptable and I have no real objection to same. The fact that the houses are a storey and half might be argued given that the general houses in the immediate adjacent lands are all single storey houses and that planning permission on the adjacent site to the west provided for single storey houses, but I have no objection in principle to same.
- 10.9 In terms of house C, the larger of the houses, the overall design provides for a two storey flat roofed house, with a single storey attached garage to the north of the building, to be located at approximately 3m from the northern boundary. The existing house on the site north of the current proposed development site is located within 6m of this shared boundary and this area comprises the primary private south facing amenity space associated with the house. The appellants, the owner/occupier of this adjacent house, considers that the proposed development is unacceptable as proposed and if permitted, will have a significant impact on the existing residential amenity of their property. I have considered this issue very carefully. In general, I have no objection in principle to the proposed house design and consider that the modern design has sought to address the specific site conditions into which it is proposed to build the house. That said, I consider that no real effort has been made in the proposed design and layout of the site, which seeks to consider the residential amenity of adjacent properties. These issues are addressed further below.

Residential Amenity Issues:

10.10 The third party appellants raise a number of concerns in terms of residential amenity associated with the proposed development. In particular, concern is raised regarding the potential for the proposed house C to impact on the availability of light to, and overshadowing of, the southern rear area of the adjacent property. In addition, concerns are raised regarding the potential for overlooking onto the adjacent property. The subject site is located to the south of the appellants property, which comprises the rear private amenity area of the existing house. The proposed house will front towards the east and proposes approximately 3m between the existing boundary and the proposed House C. The third party has submitted that the development, if permitted will result in loss of light and overshadowing of their property. In order to address this issue, it is proposed to construct a boundary wall of approximately 2m in height along this shared boundary. Given the site level differences, this will have a significant impact on the existing residential amenities of the existing house and would not be appropriate in my opinion.

10.11 While a landowner has no automatic right to light from across neighbouring land, the recommendations of "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (B.R.E. 1991) and / or B.S. 8206 "Lighting for Buildings, Part 2 1992: Code of Practice for Daylighting" should be followed. In relation to the issue of natural light being affected by the proposed development, and in particular, house C, the Board will note that there is currently no issue of overshadowing occurring along the southern elevation of the appellants house from the existing low rise boundary wall. The Guidelines note that

'If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if a point at the centre of the window;

- receives less than 25% of annual probable sunlight hours , or less than 5% of annual probable sunlight hours between 21 September and 21 March;
- receives less than 0.8 times its former sunlight hours during either period; and
- has a reduction in sunlight received over the whole year greater than 4% annual probable sunlight hours.

10.12 The proposed house C, given its proposed orientation, lies in very close proximity to the adjacent house and the proposed balcony, notwithstanding the proposed omission of the window in the northern elevation², I am not satisfied that the existing amenities of the adjacent property can be adequately protected. Further to the above, having regard to the site levels on the site, together with the finished floor levels proposed, the proposed House C is to be located at a level +1m above the ffl of the existing house to the north, and +0.5m above the ffl of the proposed house A and B. In addition to the increased ffl, the applicant proposes the erection of a 2m high boundary wall. In terms of the potential impacts on the south facing private amenity space associated with the existing house, I have real concerns. While I accept the zoning afforded to the subject site and that the proposed development is acceptable in principle, there is an onus on me and the applicant to ensure the protection of existing residents and their associated residential amenities. A grant of planning permission in its current form would, in my opinion, represent a significant impact on the existing residential amenities of the adjacent property and would be contrary to the proper planning and sustainable development of the area.

10.13 In light of my concerns, as raised above, and should the Board be minded to grant planning permission for the proposed development, I would consider that a number of alterations to house C would be required as follows:

- The finished floor level of the house should be reduced by +1m
- The house should be relocated on its site by 4m in a southerly direction
- Northern boundary treatment to be agreed
- Proposed balcony to be omitted
- Windows on the northern elevation to be obscured glass.

Other Issues:

10.14 In terms of connections to foul and surface water drainage systems, the Board will note the initial concerns raised by the Area Engineer. The matter was addressed following a response to the further information request and in this regard and am satisfied that the development is acceptable given the information provided.

² The Board will note that the drawings submitted in response to the Third Party Appeal still includes a window on the northern elevation of the balcony.

10.15 In terms of the layout of the proposed development, I have raised concerns regarding the traffic implications of three houses on the site. Given the location of the site on the Regional Road, I consider that the proposed development seeks to over develop the site and I do not consider that three houses can be appropriately accommodated. The proposed site layout provides for rear private open spaces of the proposed houses A and B to front onto the regional road with a depth of approximately 6m. Although these spaces are south facing, I consider that the residential amenities of future residents is compromised in this regard. As such, and while I accept the principle of the development, I consider the development as proposed, if permitted would constitute overdevelopment and would provide for inadequate amenities for future residents, by reason of the restricted site configuration.

Appropriate Assessment:

10.16 Although the subject site is located within a semi-rural area, it can be considered as a residential brownfield site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code 004030) and the Great Island Channel SAC (Site Code 001058) at a distance of approximately 4.3km. There is no watercourse within or abounding the site which would provide connectivity to the Natura site. Given the location of the subject site together with the nature of the proposed development, being a development comprising three houses on an existing residential brownfield site, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

11.0 CONCLUSION & RECOMMENDATION

Conclusion:

- 11.1 Having regard to the location of the site within an existing built up area, I consider that the principle of the proposed development comprising the demolition of an existing semi-detached cottage and the construction of three houses might reasonably be considered as being acceptable. It is further considered that the development generally accords with the policy requirements of the relevant County Development Plan and Local Area Plan affecting the site. However, I am not satisfied that the development is acceptable in terms of layout, design and scale and consider that, if permitted, the development, of house C in particular, would adversely impact the residential amenities of existing adjacent properties, and overall, would result in a significant traffic hazard by reason of the proximity of the proposed entrance to a busy junction, where adequate sight distances are not achievable due to the alignment of the road.

Recommendation:

- 11.2 I recommend that planning permission be REFUSED for the proposed development for the following stated reasons:

REASONS & CONSIDERATIONS

1. Notwithstanding the zoning afforded to the subject site, having regard to the location and context of the site, which is bound on two sides by a busy regional road and at a busy junction on this regional road, the Board is satisfied that the development, if permitted, will represent a significant traffic hazard by reason of inadequate sight distances being available, particularly towards the south, and busy junction of the R615. In addition, it is considered that, due to the somewhat restricted site configuration as proposed, the development would result in overdevelopment of the site and would result in houses backing onto the Regional Road with restricted, albeit south facing, rear private open spaces. The development would therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature, scale and layout of proposed house C, together with existing and proposed site levels, finished floor levels, and the proximity of the development to existing adjacent properties, particularly to the north of the site, it is considered that the development, if permitted, would result in a significant negative impact on the existing residential amenities of adjacent properties by reason of overlooking, overshadowing of private open space and overbearing. The development therefore, if permitted, would be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

7th March, 2016