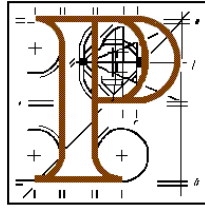


An Bord Pleanála



Inspector's Report

PL04.245858

DEVELOPMENT:- House, Main Street, Castletownshend,
County Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council
Planning Authority Reg. No: 15/435
Applicant: Peter and Kerri Cullen
Application Type: Permission
Planning Authority Decision: To grant permission subject to conditions

APPEAL

Appellant: (i) Jim Doyle and Marian Mullins
(ii) John Collins
Type of Appeal: 3rd Party v. Grant
Observers: None
DATE OF SITE INSPECTION: 26 February 2016
Inspector: **Brendan Wyse**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1** The site is located approximately midway along the northern side of Main Street in Castletownshend. It has a stated area of 0.048 hectares and is currently in a state of disuse. There is a small part derelict garage/shed to the street frontage. Otherwise it is undeveloped and overgrown. Reflecting its location on the steeply inclined Main Street ground levels fall steeply west to east across the narrow axis of the site and also to a less extent from north to south (rear to front). Apart from the street front site boundaries are not well defined and generally comprise a mix of stone walls of varying height and condition and vegetation. The rear site boundary is entirely open being defined, in effect, by a steep bank to higher ground levels to the rear.
- 1.2** Adjacent properties comprise, to the west, the former Garda Station (now closed) that includes substantial communications structures to the rear, and to the east, the first appellant's house, Virginia Cottage. There is a public tennis court/amenity area to the rear (north).
- 1.3** 'Main Street' is in fact primarily residential, as indeed is Castletownshend as a whole. The town has a unique, strong and attractive urban character which is recognised in the designation of the central area as an Architectural Conservation Area (ACA) (see section 5.1 below).
- 1.4** Maps and photographs are included in the file pouch.

2.0 PROPOSED DEVELOPMENT

2.1 Application as lodged to the Planning Authority on 28 July 2015

2.1.1 Proposed development provided for:

- Demolition of derelict structure and front boundary wall.
- Construction of 3 bed, 2 storey house.
- Construction of shed to rear.
- New stone front boundary wall and gate.
- Associated works.

2.1.2 The proposed house is of contemporary design. A notable feature is the placement of bedroom accommodation at the lower level and the main living accommodation at the upper level, including a conservatory feature to the front at this level. External finishes include; painted acrylic render to main walls; powder coated aluminium/timber composite windows to selected colour; powder coated insulated panelling to front/side of conservatory to match the window system; zinc parapet finish to flat roof element and rainwater gear; natural slate to pitched roof element.

2.1.3 Responding to the sloping ground levels the house would be 'dug-in' along its western side up to almost 3 metres and access from the rear of the house to the garden will be possible from both levels to 2 no. terraces and the small shed to the rear of the garden. Piling is proposed along the western site boundary to secure the excavated area and the adjacent property. Proposed rear garden site boundaries are indicated as comprising some 1.8 metre high timber fencing along the western boundary with what appears to be retention of existing stone walls and vegetation along this boundary. No specific proposals are indicated for the eastern boundary apart from what appears to be retention of stone walls where they exist. No specific proposals are indicated for the rear site boundary.

2.1.4 Foul drainage and water supply would connect to the mains systems. Surface water would drain to soakaways.

2.1.5 The application was accompanied by a Design Statement. I note that this includes 3D representations that indicate the rear garden enclosed by high stone walls on all sides.

2.2 Unsolicited Further Information submitted 8 September 2015

2.2.1 This was submitted in response to an observation lodged with the Planning Authority by Jim Doyle and Marian Mullins of Virginia Cottage, the adjacent house to the east. It includes:

(a) A shadow study.

(b) Drawings amending the house design informed by the shadow study. Amendments stated to include:

- Reduced length of flat and pitched roof parts of building by 2.5 metres.
- Curved south-east elevation to reduce overshadowing.
- Relocation of dining area to north-west part of building.

I note, however, that the drawings indicate a substantially altered floor layout/building configuration, with the house extended in length along the western site boundary and shortened on its eastern side. The extension to the rear would now have a shallow monopitch roof.

The amendments are stated to ensure that there would be no material difference between the impact of the proposed house and that of the existing permitted house on the site (P.A. Ref. 09/616).

2.3 Further Information submitted 12 October 2015

2.3.1 This was submitted in response to a request from the Planning Authority for the installation of a wastewater treatment system upstream of the connection point to the mains sewer. It includes details of the wastewater treatment proposals, including design calculations, and a proposed foul drainage layout (Drg. No. OM 15-001 Rev A).

2.3.2 The submission also included further unsolicited information stated to provide for further rationalisation of the design of the building to generate a negligible overshadowing impact on the adjacent property to the east. Main changes includes:

- Change from monopitch roof to rear extension to a flat roof similar to other flat roof element.
- Introduction of second curved wall to rear extension element.
- Further reduction of length of pitched roof element by 425 millimetres.
- Raising cill level at northern living area/eastern dining area to accommodate a window seat.

2.4 Revised Notices

2.4.1 These were published on 29 October 2015 and refer expressly to the receipt of significant further information and revised plans by the Planning Authority on 12 October 2015.

3.0 PLANNING AUTHORITY DECISION

3.1 Planning Authority Decision

3.1.1 The decision to grant permission is subject to 17 conditions, most standard.

Conditions include:

1. Refers to amendments/further information received 8th September 2015 and 12 October 2015.
2. Omission of first floor kitchen window to north-east elevation. In interests of privacy and amenity.
3. Details of boundary treatments, specifically the north-east site boundary, to be submitted. To protect privacy and amenity of adjoining house.
4. Method statement for demolition/reconstructions works to front of site required. To protect architectural heritage.
5. Details/specification of windows required. To protect character of ACA.
7. De-exemption of future extensions. In the interest of visual amenity.
8. Two on site parking spaces to be retained in perpetuity. To prevent traffic congestion.

3.2 Planning Authority Reports

3.2.1 Planners Reports (dated 24 November 2015, 21 October 2015 and 11 September 2015)

Include:

- Final recommendation as per Planning Authority decision.
- Reference to submissions received from Jim Doyle and Marian Mullins, Virginia Cottage, adjacent house to the east, raising concerns in relation to the impacts on their property due to overshadowing; the septic tank location; overlooking; the need for a substantial boundary wall; flow of water from shed adjoining the site to be developed.
- Reference to submission from John Collins, Castletownshend, raising objections on design grounds.

- Concerns in relation to the design approach adopted, in particular, the proposed gable frontage, including 'hanging conservatory', in the context of the existing streetscape and the adjacent buildings listed on the National Inventory of Architectural Heritage (NIAH).
- Reference to extensive pre-application consultations.

3.2.2 Heritage Unit (dated 25 August 2015 and comments as reported in Planner's Report dated 24 November 2015)

Include:

- No objection subject to conditions.
- Reference to extensive pre-application consultations.

3.2.3 Area Engineer (dated 13 October 2015 and 17 August 2015)

Includes:

- Recommendation for permission subject to conditions.

3.2.4 Environmental Reports (dated 22nd October 2015 and 28 August 2015)

Include:

- Recommendation for permission subject to conditions.

3.3. Prescribed Bodies Submissions

3.3.1 Irish Water (dated 20 August 2015)

Includes:

- Request for on site wastewater treatment plant due to absence of wastewater treatment plant in Castletownshend.

3.3.2 An Taisce (dated 12 August 2015)

Includes:

- Need for evaluation to ensure compatibility with streetscape.

- Noted that permission was given for another house on the site (No. 14280 Cork County Council).

4.0 PLANNING HISTORY

P.A. Ref. 09/616 and Ref. 14/280

August 2009 permission for a house on the site. 'Life' extended in May 2014 to August 2019.

Note: Drawings etc. not available on PA website but some outline details indicated in applicants Design Statement, Shadow Analysis and Streetscape Analysis documentation. See also front elevation drawing in PA Planner's Report dated 11 Sept. 2015 (p.14).

5.0 POLICY CONTEXT

5.1 Development Plan

5.1.1 Skibbereen Local Area Plan (LAP) 2011 Second Edition January 2015

Castletownshend – a designated Village.

Strategic Aim – includes to encourage the consolidation of the village, preserve the unique architectural character and to promote sympathetic development.

Objective DB-01 – includes to encourage the development of up to 70 houses in the period 2010 to 2020. Any proposal within the village core will need to preserve and enhance the architectural character of the area and should be of an appropriate scale, form and material finish.

5.1.2 Cork County Development Plan 2014

Site location within the Castletownshend Architectural Conservation Area (ACA).

Relevant policies include:

HE4-2: Give regard and consideration to structures included in the NIAH List.

HE4-5: Conserve and enhance the special character of the ACA's. The special character includes; its traditional building stock; material finishes; spaces; streetscape; shopfronts; landscape and setting. This will be achieved by:

- (b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development.
- (c) Ensure new development respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- (d) Promoting high quality architectural design within ACAs.

HE4-6:

- (c) Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.

5.1.3 Guidelines for the Management and Development of Architectural Conservation Areas – Cork County Council Heritage Unit 2010

New development within ACA's.

Includes (p.25):

- Proposals for new development in ACA's should demonstrate that the special character of an area has been understood. This can be clarified by a statement submitted with development proposals outlining how the new design refers to the existing streetscape, relative scales and finishes of an area. This should not necessarily be done by means of pastiche or imitation.
- Where the development of a single vacant plot is to occur, the overall design of the new building should reflect the proportions of the existing adjacent properties. The bulk and massing of the new building should relate to the plot size and to the scale of the surrounding buildings in terms of height and width.

- High quality contemporary designs can contribute to the character of a streetscape and the area. If handled sensitively it should be possible to design so as to compliment and integrate with the existing character of the area. New design should also interpret and refer to the inherent qualities that make up the architectural conservation area in a modern idiom.
- The impact of contemporary materials and design should be considered on a case by case basis and on an understanding of local character. Where there is a strong relationship between adjacent properties in terms of different floor heights and rooflines, these should be maintained or referred to in the new design.
- In the interests of maintaining the character of the streetscape, the profile of the existing roofscape should be referred to in the new design. Roof terraces on the front of the building should be avoided. Balconies or other cantilevered projections into the streetscape should also be avoided.

5.2 National Inventory of Archaeological Heritage (NIAH)

5.2.1 The adjacent buildings (west and east) are listed on the Inventory – Site Codes 20836007 and 20836009. See details in PA Planner’s Report dated 11 Sept. 2015. Many other buildings on Castletownshend Main Street are also on the Inventory.

5.3 Architectural Heritage Protection Guidelines for Planning Authorities – DoEHLG 2004

Proposals for new development.
Includes (Parag. 3.10.1):

Where there is an existing mixture of styles a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area. The palette of materials and typical details for facades and other surfaces should generally reinforce the area’s character. In certain circumstances it may be appropriate to require a written assessment of the impact of the proposed structure on the character of the area.

5.4 Natural Heritage Designations

5.4.1 The nearest Natura 2000 site is Castletownshend SAC (Site Code 001547) located approximately 700 metres to the north-east at its nearest point. The SAC is a woodland site, selected for the presence of Killarney Fern.

6.0 THE APPEAL

6.1 Grounds of Appeal

6.1.1 Jim Doyle and Marian Mullins

These are the owners of Virginia Cottage, the adjacent property to the east (see map and photographs in file pouch).

Main grounds include:

- It is not sufficient for the details of the boundary treatment to be agreed at a later stage as per Planning Authority Condition 3 and without consultation with the owner of the shared boundary. Preference for a condition requiring a wall constructed of stone, or faced with stone, and to a height of at least 1.8 metres with a suitable foundation.
- Access for construction would be facilitated if necessary.

6.1.2 John Collins

Main grounds include:

Inappropriate Design in an ACA

- While there are occasions where a contemporary design may well be considered this is not one of them given the alien nature of the proposed design facing onto Main Street between two buildings listed on the NIAH.
- Objectionable aspects include; 9.2 metre split level roof profile; unsympathetic fenestration including extensive glazing; projecting gable; concealed courtyard fronting public pavement; and inappropriate external facing materials.

Layout within ACA

- The layout does not comply with relevant development plan policies for the ACA.

Compatibility with Streetscape

- The contention of the report of the Planning Authority's Heritage Unit that there are a number of gable fronted buildings on the streetscape is incorrect and misleading. The one/two that exist in the village are pre-October 1964. They are L-shaped with pitched roofs and the main entrance is positioned on the plane of the house that is parallel to the street.

6.2 Planning Authority Response

No comments.

6.3 Applicants' Response

6.3.1 Response to Jim Doyle and Marian Mullins

Includes:

- The intention is to retain the existing stone wall boundary with Virginia Cottage towards the front of the site, from the shed that protrudes onto the subject site to the second outbuilding adjacent the shared boundary, and to repair/raise its height, if required, to 1.8 metres on the subject site side using stone from the demolished shed structure.
- For the remainder of the boundary, and to preserve existing vegetation where possible, a timber fence of similar height is suggested. Such a structure, up to 2 metres in height, would generally be considered exempted development and could be agreed with the neighbours.
- Proposals illustrated on enclosed drawing.

6.3.2 Response to John Collins

Includes:

Inappropriate Design in an ACA

- A high quality contemporary design which complements the character of the area, rather than pastiche or imitation, is an appropriate response.
- This view is supported by the Planning Authority's Conservation Officer and is noted as a valid approach in Cork County Council's Guidelines for the Management and Development of Architectural Conservation Areas.

- The application Design Statement and the enclosed Appendix B document (Streetscape Analysis) illustrate why the proposal is not 'alien' in character.
- The height of the proposed 2 storey house is not excessive in the context of the steeply sloping street of 2 and 3 storey buildings.
- The solid-void ratio of the street elevation is in keeping with context. The conservatory glazing, though larger in horizontal area, is broken down vertically, a device used at other locations in the village.
- There are a number of projecting gables in the village, even though not a predominant form. It is appropriate on the subject site, set as it is in a transitional zone between the set back and detached building to the west and the street edge Virginia Cottage to the east.
- The concealed courtyard fronting the pavement is a typology present in the village. The existing streetscape edge is varied.
- The quality contemporary materials interpret the surroundings in a modern idiom. Painted render and natural slate are typical finishes in the village. The proposed zinc is a high quality equivalent to traditional lead/copper/cast-iron. Powder coated aluminium/timber composite windows is representative of current sustainable technology and more appropriate in a contemporary building than reproduction sash windows or similar.

Layout within ACA

- The proposal is in compliance with relevant development plan policies (HE4-2 and HE4-5). It is a respectful contemporary example of high quality design. The layout was informed significantly by the adjacent buildings listed in the NIAH and as set out in the application Design Statement and the enclosed Appendix B document. It is pulled back from the former Garda Station to the west, so that it reads as a backdrop to the streetscape rather than competing for visual dominance. The breakdown of the buildings massing is largely to mitigate impact on Virginia Cottage to the east.

Compatibility with Streetscape

- The proposal is compatible with the existing and varied streetscape of the village.

- There are more than one or two gable style dwellings ranging in construction from at least the early 20th Century (Red House, NIAH Reg. No. 20836035) to the early 21st Century (4 no. house P.A. ref. 007896).

6.4 Department of Arts, Heritage and the Gaeltacht (DAHG)

6.4.1 It should be noted that the Board referred the appeal to the DAHG for submission/observation. None has been received.

7.0 ASSESSMENT

7.1 The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also requires to be addressed.

By reference to Section 4.0 above the Board should note that the proposed development now before the Board on appeal is that lodged in the application to the Planning Authority in the first instance and as amended in the Further Information submitted to the Planning Authority on 12 October, 2015.

The issues can be dealt with under the following headings:

- Design
- Residential Amenity
- Appropriate Assessment

7.2 Design

7.2.1 I am satisfied that the contemporary design approach proposed in this instance is appropriate and is executed to a sufficiently high standard in the context of the location of the site within the Castletownshend ACA.

7.2.2 I note, in particular, the support for such an approach in the relevant development plan policies/objectives and in the relevant guideline documents as referenced under Section 5.0 above. I also consider that the applicants have adequately demonstrated compliance with all of these in the development of the project through, in particular, the Design Statement submitted with the planning application and the Appendix B document (Streetscape Analysis) submitted in their appeal response submission. As indicated in Section 3.2 above the proposal was subject to extensive pre-application consultations with the Planning Authority and, while the Planner

clearly has some reservations, the proposal has the support of the Heritage Unit.

7.2.3 The existing streetscape in Castletownshend while being rich in character and quality is also varied. The set back from the street edge is justified in this instance due to the restricted width of site frontage and its location on the street between the setback former Garda Station to the west and the street front Virginia Cottage to the east. The projecting gable front façade is legitimate in the circumstances and is well handled in terms of proportions. While not a common form in the village there are several precedents. The applicants make a strong case for the use of quality contemporary materials as an interpretation of the surroundings in a modern idiom and one with which I agree.

7.2.4 Probably the most controversial element of the proposal is the upper level conservatory feature to the front elevation of the house. However, I concur with the applicants that the glazed area is appropriately broken down into vertical elements and also note the use of this device at other locations within the village. I would also point to the light/heat benefits of the conservatory feature to the main living area of the house, noting the southern orientation of the front of the house. Given the setback of the house from the street edge, it would not be in any sense a dominant feature on the streetscape. It might also be argued that it could make a positive contribution to the lived-in feel of the street, particularly at night time, given its position at first floor level and where the street edge of the property would be a blank wall and gate.

7.2.5 It should be noted that I consider that the Planning Authority's Conditions 4 (method statement for works at site frontage) and 5 (details of windows) should be substantially repeated in the event of a grant of permission. I am not convinced of the necessity for Planning Authority Conditions 6 (de-exemption of extensions) or 7 (car spaces retention) and, therefore, I am not recommending that they be repeated.

7.3 Residential Amenity

7.3.1 This refers in essence to the appeal by Jim Doyle and Marian Mullins and their outstanding issue in relation to the party boundary between the appeal site and Virginia Cottage to the east.

7.3.2 I agree with the appellants that it is not satisfactory that they be excluded from the process of agreeing the new boundary treatment, particularly in circumstances where it appears there may be the possibility that the affected parties will agree to a party boundary (as opposed to each pursuing the matter independently) and as appears to be the position in this case.

7.3.3 I consider, therefore, that this matter should be left for negotiation between the affected parties and that the Planning Authority's Condition 3 should be substantially omitted. In this regard it should be noted that the opposite, western, site boundary is not a significant issue given the difference in ground levels and the existing walls and vegetation. It would be appropriate, in my view, to attach a condition requiring details of a rear site boundary as this is undefined at the moment and effectively a public boundary to the tennis court/amenity area to the rear.

7.3.4 It should be noted that the Planning Authority's Condition 2 requiring omission of the first floor kitchen window in the north-east elevation is not referred to in the appeal submissions. It should be substantially repeated in the event of a grant of permission.

7.4 Appropriate Assessment

Having regard to the location of the proposed single house development within the village of Castletownshend and the lack of any connectivity to a European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 RECOMMENDATION

8.1 I recommend that permission be granted subject to conditions in accordance with the following draft order.

REASONS AND CONSIDERATIONS

Having regard to the location of the site within the Castletownshend Architectural Conservation Area and to relevant development plan policies and objectives, including associated development management guidelines, it is considered, subject to compliance with the following conditions that the proposed development would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. 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 submitted on the 12th day of October, 2015, 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.

Reason: In the interest of clarity.

2. The first floor north-east facing kitchen window shall be omitted. Prior to the commencement of the development a complete set of amended drawings, providing for this change, shall be submitted to the planning authority for written agreement.

Reason: In the interest of protecting the residential amenity of the adjacent property.

3. Prior to the commencement of the development a detailed method statement for works, including demolition/reinstatement/repair, proposed to the structures at the front of the site, and including a sample panel of stonework for the proposed street front boundary, shall be submitted to the planning authority for written agreement.

Reason: In the interest of protecting the architectural heritage.

4. Prior to the commencement of the development details of the proposed rear (northern) boundary treatment shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity.

5. Prior to the commencement of the development details, including specifications, of the proposed windows shall be submitted to the planning authority for written agreement.

Reason: In the interest of protecting the character of the Architectural Conservation Area.

6. The footpath at the entrance shall be dished in accordance with the requirements of the planning authority. Allowance shall be made to facilitate the existing flow of water under the footpath.

Reason: To ensure a satisfactory access to the development.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

9. 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.

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.

B. Wyse,
Assistant Director of Planning.

12 April, 2016.

sg