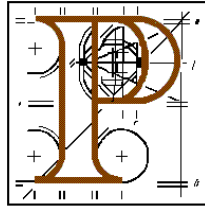


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# An Bord Pleanála



## Inspector's Report

**Appeal Reference No.:** PL28. 245910

**Development:** Demolish an existing dwelling and construct a new single storey dwelling with associated site works.

Ceanncora Lawn, Boreenmanna Road, Cork.

### **PLANNING APPLICATION**

Planning Authority: Cork City Council

Planning Authority Ref.: 15/36264

Applicant: Cork Mental Health Association

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

### **APPEAL**

Type of Appeal: Third Party v. Decision

Appellant(s): Ceanncora Lawn Residents Association

Observers: None.

Date of Site Inspection: 15<sup>th</sup> March, 2016

INSPECTOR: Robert Speer

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## **1.0 SITE LOCATION AND DESCRIPTION**

1.1 The proposed development site is located in an established residential area, approximately 2.3km southeast of Cork City Centre, and occupies a corner plot at the junction of Ceanncora Lawn with Boreenmanna Road (the R582 Regional Road) to the immediate west of the Pairc Ui Rinn GAA grounds. It has a stated site area of 0.035 acres, is generally rectangular in shape, and is presently occupied by a vacant semi-derelict bungalow-style dwelling house which is positioned to the north of the site with an overgrown and unkempt garden area to the rear of same. The surrounding area is generally residential in character and the site itself is located at the entrance to a small cul-de-sac of predominantly two-storey semi-detached housing known locally as Ceanncora Lawn.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1 The proposed development involves the complete demolition of an existing semi-derelict bungalow-style dwelling house (floor area: 38.5m<sup>2</sup>) and the subsequent replacement of same through the construction of a new single storey detached dwelling house with a stated floor area of 51.4m<sup>2</sup> and a ridge height of 4.875m. The proposed accommodation will include a combined kitchen / dining / living area, a bathroom and 1 No. bedroom. External finishes will include a painted render, a selected metal canopy, and roof slates. The overall design of the proposed dwelling house can be described as a contemporary interpretation of the traditional vernacular as evidenced through the use of a narrow plan and the verge detailing. The submitted proposal also includes for the construction of a new vehicular entrance arrangement onto the adjacent roadway to the immediate west which presently provides access to an existing cul-de-sac of housing known as Ceanncora Lawn. Water and sewerage facilities are available from the public mains network.

2.2 In response to a request for further information, amended proposals were subsequently submitted by the applicant which included for alterations to elements of the proposed boundary treatment in addition to revisions to the design of the entrance gates and the correction of some discrepancies apparent in the original site layout with regard to the roof plan of the proposed dwelling.

*N.B.* An application for a Certification of Exemption in accordance with Section 97 of the Planning and Development Act, 2000, as amended, accompanied the application.

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### **3.0 RELEVANT PLANNING HISTORY**

#### **3.1 On Site:**

None.

#### **3.2 On Adjacent Sites:**

PA Ref. No. 0024473. Was granted on 23<sup>rd</sup> October, 2000 permitting Coiste Chontae Chorcai permission to construct an extension to existing covered stand, an uncovered terrace, a covered terrace, extensions to existing shop & toilet block at Pairc Ui Rinn, Temple Hill, Ballintemple, Cork.

PA Ref. No. 0124905. Was granted on 7<sup>th</sup> September, 2001 permitting the G.A.A. permission to erect floodlights & to construct an electrical equipment storage building & open terracing at Pairc Ui Rinn, Temple Hill, Ballintemple, Cork.

PA Ref. No. 0833358 / ABP Ref. No. PL28.232678. Was refused on appeal on 11<sup>th</sup> June, 2009 refusing Thomas and Paula Hayes permission to erect a private dwelling and all associated site works at Woodville, Ceanncora Lawn, Boreenmanna Road, Cork, for the following reason:

- Having regard to the restricted size and the configuration of the site and the pattern of existing residential development in the area and the scale and design of the proposed two-storey dwelling on the site, it is considered that the proposed development would constitute over development of the site and would seriously injure the amenities of the area and of residential properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

#### **3.3 On Sites in the Immediate Vicinity:**

PA Ref. No. 0225962. Was granted on 16<sup>th</sup> May, 2002 permitting Joe & Mary Kelly permission to demolish an existing garage and to erect a new single storey extension to house at 5 Ceancora Lawn, Boreenmanna Road, Cork.

PA Ref. No. 0327545. Was granted on 14<sup>th</sup> November, 2003 permitting Paul & Cathrina O'Donovan permission for the alteration and two storey extension to existing dwelling and construction of domestic store at Ceanncora House, Ceanncora Lawn, Boreenmanna Road, Cork.

PA Ref. No. 1034388. Was granted on 21<sup>st</sup> July, 2010 permitting Paul and Catherena O'Donovan permission for the renovation of a 2-storey dwelling house incorporating a new roof to the existing extension and main house, an extension

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enclosing the first floor terrace to the rear and minor modifications to the elevations, at Ceanncora House, Ceanncora Lawn, Boreenmanna Road, Cork.

#### **4.0 PLANNING AUTHORITY DECISION**

##### **4.1 Planning and Technical Reports:**

*4.1.1 Planner's Report:* States that the principle of the proposed development is acceptable and that the submitted house design is also satisfactory and will not give rise to any detrimental impact on the residential amenity of adjoining properties by reason of overlooking or overshadowing etc. Reference is also made to a single objection lodged by the appellants which raised concerns with regard to the applicant's acquisition of the site in question, the traffic impact of the proposed development, and the adequacy of the level of amenity likely to be afforded to future residents of the property. Upon the receipt of a response to a request for further information, a final Planner's Report was prepared which concluded that the proposal was acceptable in terms of traffic safety and that a reduced allowance for the provision of private open space was permissible in this instance given the intended use of the proposed dwelling house as indicated by the applicant.

*Drainage Division:* No objection subject to conditions.

*Roads / Environment:* Recommends that the applicant be required by way of a request for further information to submit revised drawings detailing the height of the roadside boundary wall being reduced to a maximum of 1.0m above the public footpath so as to allow parked cars to exit the site without hazard. It was also recommended that the size of the proposed gateway be reviewed in order to ensure that the gates themselves can be closed when a car is parked on site. The remainder of this report sets out a series of standardised conditions pertaining to issues such as services and waste disposal for inclusion in any grant of planning permission.

*Irish Water:* No objection subject to conditions.

##### **4.2 Planning Authority Decision:**

4.2.1 Following the receipt of a response to a request for further information, on 25<sup>th</sup> November, 2015 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 7 No. conditions. These conditions are generally of a standardised format and relate to issues including infrastructural services and external finishes, however, the following conditions are of note:

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Condition No. 2 – Requires the submission of a revised site plan reducing the width of the footpath along the western (Ceanncora Lawn) site boundary to a maximum of 2m at its northern end and 1.8m at its southern end. It is also stated that the footpath in question is to be completed to at least the standards set out in *Cork City Council's Minimum Engineering requirements for Residential Site Development Works*.

Condition No. 3 – States that the proposed dwelling house is to be used as a single residential unit for the sole purpose of the applicant as set out in the plans and particulars submitted to the Planning Authority on 30<sup>th</sup> October, 2015.

## **5.0 GROUNDS OF APPEAL**

The grounds of appeal are summarised as follows:

- The Ceanncora Lawn Residents Association was not consulted at any stage of the planning process and thus it has been left with no choice but to make a submission to the Planning Authority and to lodge an appeal with An Bord Pleanála.
- In its assessment of the subject application the Planning Authority failed to give due consideration to the significant issues raised in the appellants' original submission with specific reference to the following:
  - The manner in which the property in question was transferred to Cork Mental Health Association.
  - The existing traffic congestion and access difficulties within Ceanncora Lawn which will be exacerbated by the proposed development.
  - The poor standard of residential amenity associated with the proposed dwelling house including the inadequacy of the private open space provision, the restricted nature of the site itself, and the proximity of Pairc Ui Rinn.
  - The inadequacy of the sightlines available from the proposed site entrance.
- The Area Planner raised significant concerns with regard to the proposed development during the assessment of the subject application and these issues remain unresolved. In this respect the Board's attention is drawn, in particular, to the deficiencies in the private open space provision as

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referenced in the Planner's Report dated 6<sup>th</sup> March, 2015 which states the following:

*'With regard to private open space, the minimum requirement for a detached house (1 to 2 bed) in a suburban area is 48 to 60m<sup>2</sup> as outlined in Table 17.5 Private Open Space standards of the City Development Plan. The proposed private garden area is below this figure. The applicant is the Cork Mental Health Housing Association and it was indicated at pre-planning stage that if the dwelling was required for a specific purpose (as was indicated as part of pre-planning discussions), there could be a reduction in private open space / dwelling size requirements, if the case was made in this regard. The applicant has submitted no details with the application regarding the proposed use or purpose of the dwelling'.*

- Given the substantive nature of the concerns raised by the Area Planner it is difficult to understand how a grant of planning permission for the proposed development could be justified on such a restricted site.
- Given the proximity of the site to Páirc Ui Rinn and the substantial tree line and floodlighting within the GAA grounds, there are serious questions as regards the overall suitability of the site and the standard of residential amenity that can be achieved for the proposed dwelling house. In this respect it is submitted that the proposed development site is extremely restricted in terms of its size and configuration as evidenced by the inadequate provision of private amenity space which is significantly below the minimum requirement of 48-60m<sup>2</sup> as detailed in the City Development Plan.
- The Board has previously refused planning permission for the construction of a two-storey dwelling house on the adjacent site to the immediate south under ABP Ref. No. PL28.232678 on the basis that it would have constituted an over-development of the site which would have seriously injured the amenities of the area and of residential properties in the vicinity. Furthermore, in their assessment of that appeal, the reporting inspector expressed particular concerns in relation to the narrow and cramped nature of the site as follows:

*'From the submitted plans it is clear that the appeal site has a reasonable length, but it is narrow. Although the applicants have designed a dwelling that could be built on the land, I am of the view that it would appear too narrow and cramped on this particular site. It is unlikely that the existing roadside hedge could be retained as there is to be a ground level toilet window immediately adjoining the hedge. Because of the restricted width of the land, it*

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*would not be possible to keep both the existing hedge and the proposed boundary wall’.*

Accordingly, the Board is requested to have particular regard to its previous determination of ABP Ref. No. PL28.232678 in its assessment of the subject application in addition to the relevant policies and objectives of the Cork City Development Plan, 2015.

- The proposed development site is located at the entrance to Ceanncora Lawn which is served by a narrow roadway (with parking permitted along one side of same) that terminates in a cul-de-sac and it is considered that the development of a new dwelling house with car parking and a footpath at the entrance to the estate will serve to unacceptably compromise both access and traffic / pedestrian safety within Ceanncora Lawn.
- The sightlines available from the proposed site access are inadequate and will result in the creation of a traffic hazard at the entrance to Ceanncora Lawn.

## **6.0 RESPONSES / OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Applicant’s Response:**

- By way of background, the Board is advised that the applicant (Cork Mental Health Housing Association) is a dedicated housing organisation which actively supports and empowers people who experience mental health difficulties in the community through the building and management of high quality social housing throughout Cork City and County. In this respect it is further submitted that one of the Association’s key objectives is to work in partnership with voluntary and statutory agencies in identifying the housing needs of people experiencing mental health difficulties; and within the resources available, to develop, provide and maintain high quality housing services of varying models in response to identified needs. Having regard to the foregoing, it is further submitted that single units for independent living have been identified by Cork Mental Health and the Health Service Executive as the most suitable environments for the recovery of many patients with low-support needs, however, the provision of this type of accommodation can be costly whilst suitable sites are extremely limited.
- The *‘National Health Strategy: Quality and Fairness: A Health System for You’* is the defining document on health policy in Ireland whilst the subsequent policy document entitled *‘A Vision for Change’* details a comprehensive model of mental health service provision for the country which acknowledges that:

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*‘There is a serious lack of adequate housing and accommodation options for enabling service users to move through the different stages of recovery and progress towards the goal of independent community based living’.*

This report also states that, as statutory responsibility for the provision of the aforementioned type of housing is not within the remit of the mental health services or the HSE, close co-operation with relevant housing authorities, both voluntary and statutory, is required to ensure that this obligation is honoured. Therefore, one of the key recommendations of the report is as follows:

*‘Opportunities for independent housing should be provided by appropriate authorities with flexible tenancy arrangements being drawn up in accordance with each service user’s needs. Arrangements that best enable service users to move from high support to low support and independent accommodation need to be considered’.*

- The *‘National Disability Strategy, 2013’* seeks to ensure that persons with disabilities receive the support and services needed to access housing and that new local authority housing strategies / policies support independent living by the integration of local authority and HSE supports.
- The *‘National Housing Strategy for People with a Disability, 2011-2016’* commits to the completion of the housing elements which underpin *‘A Vision for Change’* in relation to the transition from institutional settings to independent living in community-based settings for people with mental health disabilities who have low and medium support needs.
- The proposed development comprises the provision of a new dwelling to provide for low supported accommodation managed by the Cork Mental Health Association and is thus consistent with both national and local objectives on the provision of accommodation for people with specific needs.
- The proposed development was modified during the course of 3 No. pre-planning consultations in response to the issues raised and, therefore, it is clear that the submitted proposal has been significantly informed by the views of the Planning Authority. Furthermore, it should be noted that the applicant engaged with the residents of the area early in the planning process and took cognisance of their concerns whilst the response to the request for further information issued by the Planning Authority was also deemed to be acceptable. Therefore, on the basis of the foregoing, it is asserted that the Planning Authority’s assessment of the subject proposal was both adequate



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and comprehensive whilst the amendments made during the course of the application successfully addressed the concerns of the Planning Authority.

- The ownership of the subject site has been clarified and the application itself satisfies the requirements of the Planning and Development Regulations, 2001, as amended. In addition, Section 34(13) of the Planning and Development Act, 2000, as amended, states that '*A person shall not be entitled solely by reason of a permission under this section to carry out development*'. Notwithstanding the foregoing, it is not considered that the ownership of the proposed development site is a material planning issue in this instance and thus that particular ground of appeal cannot be sustained.
- With regard to the size of the application site, it is submitted that the proposed dwelling house has been designed with a specific purpose in mind and that the site is of a sufficient size to accommodate same.
- In relation to the suggestion that the proximity of the nearby GAA pitch undermines the provision of new housing in the vicinity of same, it should be noted that the site in question is zoned for residential use and that the surrounding area is overwhelmingly residential in character. Furthermore, given that the site is presently occupied by a vacant dwelling house, the subject proposal should be viewed as the redevelopment of an existing residential site.
- The proposed development site is located in an established residential area in close proximity to local services and thus represents the sustainable redevelopment of 'brownfield' lands in accordance with national and local planning policy objectives.
- With regard to the detailed design of the proposed dwelling house, Policy Objectives 6.4, 6.6, 7.1, 7.4 & 7.13 of the Development Plan all support the provision of accommodation for those with specific needs, including those with physical and mental disabilities.
- It is considered that the subject proposal bears no resemblance to the larger, two-storey dwelling house previously refused by the Board on the adjacent site under ABP Ref. No. PL28.232678.
- It is acknowledged that the private open space provision proposed does not comply with the standards set out in the City Development Plan, however, it should be noted that the Plan does provide for the use of a reduced standard in order to facilitate the development of small infill sites in City Centre and inner-suburban areas.
- The City Development Plan specifically supports and allows for meeting the specific housing needs of special categories. In this respect it is submitted that the imposition of 'standard' private open space requirements in the subject instance would directly contradict with those objectives of the Plan

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which seek to support the development of a range of housing types to ensure the delivery of suitable accommodation for all.

- In its assessment of the subject application, the Planner's Report has taken cognisance of the intended purpose of the proposed development and has also referenced Objective 6.6: *'Meeting Housing Needs of Special Categories'* of the City Development Plan in support of its conclusion that *'the standards relating to the provision of private open space can be relaxed in this instance, subject to a condition regarding the occupancy of the proposed dwelling'*.
- No evidence has been provided in the grounds of appeal to support the assertion that the proposed development would result in (or contribute to) a traffic hazard.
- The Planning Authority considered the potential traffic impact of the proposed development and sought the submission of revised proposals with regard to the adequacy of the sightlines from the proposed entrance onto the public road. The applicant subsequently complied with this request and the amended details were deemed satisfactory by the Planning Authority. These revisions also demonstrated that the proposed gateway could be opened without encroaching into the proposed footpath or the public road.
- The provision of the proposed footpath will result in an improvement in road safety for both pedestrian and vehicular traffic.
- The applicant is open to consideration being given to the alternative use of the proposed car parking area on site as private open space given the availability of on-street parking in the wider area. This would address the appellant's concerns with regard to the creation of a potential traffic hazard and would also provide a combined total of 64.5m<sup>2</sup> of private open space which would be in excess of the Development Plan standards
- Other examples of the applicant's premises generally operate within residential areas and do so without incident, impact on property values, or nuisance of any nature.
- The proposed development will not have a significant negative impact and will not adversely affect the residential amenity of adjoining properties.

#### 6.2 Planning Authority's Response:

- States that regard was had to all third party submissions in the assessment of the planning application and refers the Board to the Planner's Reports dated 6<sup>th</sup> March, 2015 and 23<sup>rd</sup> November, 2015.

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## **7.0 POLICY CONTEXT**

### **7.1 National and Regional Policy:-**

7.1.1 The ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009’ note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

### **7.2 Cork City Development Plan, 2015-2021:-**

#### **7.2.1 Land Use Zoning:**

The proposed development site is located in an area zoned as ‘ZO4: Residential, Local Services and Institutional Uses’ with the stated land use zoning objective ‘To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3’.

#### *Explanatory Note:*

The provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However, other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Small scale ‘corner shops’ and other local services such as local medical services, will be open for consideration. Schools, third level education institutes, and major established health facilities are located within this zone and appropriate expansion of these facilities will be acceptable in principle. The employment policies in Chapter 3 designate particular locations for offices, office based industry, major retailing development and these uses are not generally permitted in this zone (Chapter 3: Enterprise and Employment). New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4.

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7.2.2 Other Relevant Sections / Policies:

Volume 1: Written Statement:

Chapter 6: Residential Strategy:

Objective 6.1: *Residential Strategic Objectives:*

- a) To encourage the development of sustainable residential neighbourhoods;
- b) To provide a variety of sites for housing to meet the various needs of different sections of the population;
- c) To continue to work with the Approved Housing Bodies and to actively engage with all key stakeholders in the provision of housing;
- d) To continue to regenerate and maintain existing housing;
- e) To encourage the use of derelict or underused land and buildings to assist in their regeneration;
- f) To promote high standards of design, energy efficiency, estate layout and landscaping in all new housing developments;
- g) To protect and, where necessary, enhance the amenities and the environment of existing residential areas.

Objective 6.6: *Meeting Housing Needs of Special Categories:*

Cork City Council will actively seek to meet the housing needs of special categories requiring housing by:

- a) Supporting the concept of independent living for older people; to provide purpose-built accommodation suitable to their needs in areas with good access to community facilities;
- b) Implementing the Disabled Persons Grant Scheme to provide for necessary accommodation alterations to better meet their needs;
- c) Providing suitable accommodation for Travellers; designating the use of particular areas for this purpose; and implementing Traveller Accommodation Plans. Furthermore, accommodation for Travellers may be provided on other lands zoned for residential use;
- d) Continuing to work with the Homeless Forum (and in partnership with other stakeholders) in implementing the Cork Homeless Action Plan;
- e) Continuing to work with the HSE and the voluntary sector in the provision of housing for refugees;

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- f) To work with self-advocates, the HSE and the voluntary sector in the provision of housing for people with intellectual disability and / or autism consistent with the National Disability Act and the policy on congregated settings.

*Chapter 7: Inclusive Neighbourhoods:*

*Objective 7.1: Inclusive Neighbourhoods Strategic Objectives:*

- a) To support provision of appropriate community facilities and services for all, young, the ageing population, able-bodied, disabled etc.
- b) To support the provision by voluntary and state agencies of a wide range of community facilities.
- c) To facilitate and support existing and proposed educational facilities.
- d) To support dual use of community facilities.
- e) To encourage the provision of suitably sized health care facilities located close to communities serving a sufficient catchment and accessible by public transport.
- f) To ensure that social inclusion objectives are fully integrated into planning policy.
- g) To support the particular needs of an area in terms of provision of childcare whether it is to be a crèche facility/pre-school/after-school etc.
- h) To consider the child as a citizen of Cork City.
- i) To work to ensure Cork City is a family friendly city.
- j) To consider cultural diversity and ethnic minorities in planning for the needs of communities.
- k) Continue to encourage active public participation in the Planning process.
- l) To encourage socially inclusive and safe communities.
- m) To consider the needs of groups with specific design/planning needs in the formation of policy documents.
- n) To make Cork a sustained healthy city in which to live, work and visit.

*Objective 7.13: Strategy for people with disabilities:*

To support the development of a strategy for housing people with a disability (Physical/Intellectual/Mental Health/Sensory), to include the identification of social housing need from those in congregated settings and those living in the community.

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*Chapter 16: Development Management:*

*Part C: Residential Development*

*Objective 16.9: Sustainable Residential Development:*

Residential developments shall be sustainable and create high quality places and spaces which:

- a) Deliver a quality of life which residents and visitors are entitled to expect in terms of amenity, safety and convenience;
- b) Provide adequate open space which are practical in terms of scale and layout and naturally supervised by the aspect of the dwellings it serves;
- c) Provide a good range of suitable facilities;
- d) Prioritise walking, cycling and public transport and minimise the need to use cars;
- e) Present an attractive appearance with a distinct sense of place;
- f) Are easy to access and navigate;
- g) Promote the efficient use of land in terms of density and plot ratio;
- h) Promote social integration and provides accommodation for a diverse range of household types and age groups;
- i) Enhance and protect the built and natural heritage

*Section 16.58: Single Units Including Corner/Garden Sites:*

The planning authority will have regard to the following criteria in assessing proposals for the development of single units:

- The existing character of the area/street;
- Compatibility of design and scale with the adjoining dwelling paying particular attention to the established building line, form, heights and materials etc. of adjoining buildings;
- Impact on the residential amenities of adjoining areas;
- Open space standards;
- The provision of adequate car-parking facilities and a safe means of access and egress to and from the site;
- The provision of landscaping and boundary treatments;
- Trees and gardens which make a significant contribution to the landscape character of an area are retained and unaffected by the proposal.

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Section 16.59: *Infill Housing*:

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Has an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

## **8.0 ASSESSMENT**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment
- Other issues

These are assessed as follows:

### **8.1 The Principle of the Proposed Development:**

8.1.1 With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located in an area zoned as 'ZO4: Residential, Local Services and Institutional Uses' with the stated land use zoning objective 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'. It is of further significance to note the historical and established residential use of the site in question and that the proposed development involves the construction of a replacement dwelling house.

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8.1.2 In addition to the foregoing, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development is dominated by conventional housing construction. In this respect I would suggest that the proposed development can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

8.1.3 Therefore, having considered the available information, with particular reference to the historically established residential use of the property in question and the wider site context, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

### **8.2 Overall Design and Layout:**

8.2.1 In terms of the overall design and layout of the proposed development, in my opinion, the submitted proposal represents an appropriately designed and scaled replacement of the existing semi-derelict dwelling house present on site, particularly given the limitations posed by the restricted size and configuration of the site in question, which will not detract from the amenity of the wider area or be out of character with the surrounding pattern of development.

8.2.2 In relation to the specific concerns raised in the grounds of appeal as regards the adequacy of the private open space provision for the proposed dwelling house, whilst I would acknowledge that Table 16.7: *'Private Open Space Standards (Min. Requirements)'* of the City Development Plan requires the provision of a minimum of 48-60m<sup>2</sup> of private open space to serve 1-2 No. bedroomed detached dwelling houses located in suburban areas (with a relaxation of 30m<sup>2</sup> permissible within the City Centre, docklands and inner suburban areas) and that the subject proposal only provides for approximately 30m<sup>2</sup> of private garden area which is free from undue observation and of such a dimension as to offer some level of external amenity for the future occupants of the proposed dwelling house, on balance, I am inclined to



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concur with the Planning Authority that a relaxation of the applicable private open space standard would be appropriate in this instance. In this respect I would advise the Board that cognisance should be taken of the intended use of the proposed development as self-contained, low support, independent living accommodation for occupation by persons with a defined disability which will be managed by the Cork Mental Health Housing Association and the assertion by the applicant that the level of private open space proposed will be adequate to serve the amenity needs of the prospective occupants of the property whilst referencing the associated reduction in on-going maintenance costs. In addition to the foregoing, I would also suggest that consideration should be given to the wider improvement in the overall level of domestic accommodation to be provided on site consequent on the submitted proposal, with particular reference to the provision of a new-build modern format of accommodation with dedicated on-site car parking. It is of further relevance to note that Section 16.59 of the City Development Plan permits a relaxation in the applicable planning standards in certain limited circumstances with regard to the provision of infill housing *'in the interest of developing vacant, derelict and underutilised land'* which would seem to be applicable in the subject instance. By way of further clarity, I would suggest that the limited provision of private open space to serve the proposed dwelling house should not be immediately construed as being representative of an overdevelopment of the site in question given that there is further external amenity space available on site which cannot be categorised as 'private' simply because it is readily overlooked from the adjacent public footpath. Similarly, it should be noted that the subject proposal has also included for the provision of dedicated on site car parking and a new public footpath which has also served to reduce the extent of the site area available for use as private open space.

8.2.3 Having considered the available information, it is my opinion that a relaxation in the applicable standards pertaining to the provision of private open space is permissible in this instance in accordance with Section 16.59 of the Development Plan in the interests of social inclusion and in order to achieve the aims of Objective 6.6: *'Meeting Housing Needs of Special Categories'* of said Plan.

### **8.3 Impact on Residential Amenity:**

8.3.1 Having regard to the overall design and layout of the proposed dwelling house, with particular reference to its single storey construction, and noting the historical use of the site for residential purposes, I am satisfied that the subject proposal will not give rise to any significant detrimental impact on the residential amenity of surrounding properties by way of overlooking or overshadowing etc. Furthermore, whilst I would acknowledge the appellants' concerns with regard to the potential impact of the adjacent GAA grounds on the level of residential amenity likely to be enjoyed by future occupants of the proposed dwelling house (e.g. by way of noise

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nuisance and light spillage from overhead floodlighting etc.), given the established use of the site for residential purposes, it is my opinion that any perceived diminution in residential amenity would likely be directly comparable to that experienced by the existing dwelling house that presently occupies the application site and which is proposed to be replaced by the new construction.

#### **8.4 Traffic Implications:**

8.4.1 The proposed development includes for the provision of dedicated off-street car parking that will be accessed via a new vehicular entrance arrangement onto the adjacent roadway to the immediate west which presently provides access to an existing cul-de-sac of housing known as Ceanncora Lawn. This has given rise to concerns that the proposal will unacceptably compromise traffic / pedestrian safety within Ceanncora Lawn, with particular reference to the proximity of the new site entrance to the junction with Boreenmanna Road and the adequacy of the sightlines available from the site access.

8.4.2 Having conducted a site inspection, it is clear that the access roadway serving Ceanncora Lawn is narrow with limited opportunities for further on-street parking and thus it would be beneficial to any residential occupation of the proposed dwelling house (and the wider area) if car parking facilities could be provided on site. In this respect I would suggest that the submitted proposal represents an improvement over the existing situation given that the existing dwelling house on site could potentially be renovated and made habitable in the absence of any requirement to provide off-street car parking. Furthermore, whilst I would concede that the proximity of the proposed site entrance to the junction of Ceanncora Lawn with Boreenmanna Road is not ideal, having regard to the relatively low traffic volumes and speeds using the existing roadway (i.e. Ceanncora Lawn), it is my opinion that the sightlines available from the entrance onto the public roadway are generally satisfactorily as per the applicant's response to the request for further information issued by the Planning Authority. In addition, it is noteworthy that the subject proposal will also include for the provision of a new public footpath along the eastern side of Ceanncora Lawn which will aid in the safe movement of pedestrians in the vicinity of the junction in question.

8.4.3 Therefore, on balance, I am satisfied that the proposed car parking and associated site access arrangements are acceptable and that the subject proposal will not endanger public safety by reason of traffic hazard.

8.4.4 In the event that the Board does not agree with the foregoing conclusions, it may wish to consider the option of omitting the proposed on-site car parking arrangements and the replacement of same with an additional area of private open

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space which would have the effect of preserving the ‘status quo’ in terms of the established residential use of the site in the absence of any off-street parking whilst also increasing the extent of private amenity area on site to in excess of the minimum requirements set out in the City Development Plan. Notably, the applicant has indicated that it is amenable to such a revision and has also suggested that the likelihood is that the car parking space will probably be used intermittently by visiting carers etc. and thus will, in practical day-to-day terms, form part of the amenity area / private open space associated with the dwelling house.

### **8.5 Appropriate Assessment:**

8.5.1 Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### **8.6 Other Issues:**

8.6.1 In relation to the concerns raised in the grounds of appeal as regards the manner in which the property in question was acquired by the applicant, it is my opinion that such matters are of little relevance in the determination of the subject appeal. Furthermore, it should be noted that Section 34(13) of the Planning and Development Act, 2000, as amended, expressly states that ‘*A person shall not be entitled solely by reason of a permission under this section to carry out any development.*’

## **9.0 CONCLUSIONS AND RECOMMENDATION**

Having regard to the foregoing I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations set out below:

### **Reasons and Considerations:**

Having regard to the location, established use, and residential zoning of the site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

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## 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 23<sup>rd</sup> day of February, 2015 and the 30<sup>th</sup> 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 proposed development shall be amended as follows:
  - a) The footpath alongside the eastern side of Ceanncora Lawn shall be reduced in width to a maximum of 2.0m at its northernmost end and 1.8m at its southern end.
  - b) The footpath shall be completed at least to the standards set out in Cork City Council's 'Minimum Engineering Requirements for Residential Site Development Works'.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic safety and residential amenity.

3. The dwelling house shall be occupied as a single residential unit for the sole purpose of the applicant as set out in the plans and particulars submitted to the Planning Authority on 30<sup>th</sup> October, 2015.

**Reason:** In the interest of residential amenity.

4. 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:** In the interest of public health.

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5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

6. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, complete details of all proposed boundary treatment within and bounding the proposed development site.

**Reason:** In the interest of amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

8. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

9. 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

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accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management

Signed: \_\_\_\_\_

Robert Speer  
Inspectorate

Date: \_\_\_\_\_