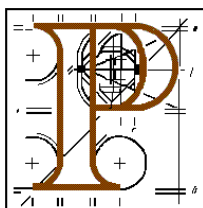


An Bord Pleanála



Inspector's Report

Development: Construction of dwelling at Belmont Huts, Carrignafoy, Cobh, Co. Cork.

Planning Application

Planning Authority: Cork County Council
Planning Authority Reg. Ref.: 15/5755
Applicant: Compass Homes Ltd.
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Prof. Ted Dinan & Dr. Lucinda Scott
Type of Appeal: Third Party V Grant
Observers: None
Date of Site Inspection: 6th April 2016

Inspector: Kenneth Moloney

1.0 SITE DESCRIPTION

The appeal site is located approximately 1.5 km east of Cobh town centre. The appeal site is elevated and has panoramic views over Cork Harbour.

The appeal site is located within the southern-eastern corner of a larger site. The character of the larger site is effectively an unused overgrown site with some redundant historic features located within the site including a derelict wall and a large storage tank dating from 1895.

The northern boundary of the appeal site adjoins the public road, i.e. French Walk, and the topography of the overall site falls steeply from the north to the south towards the ocean.

There is an established house, which is a period property, located immediately to the east of the appeal site.

2.0 PROPOSED DEVELOPMENT

The proposed development is for the construction of a 2-storey house. The over floor area of the proposed house is approximately 269 sq. metres and the floor plan comprises of living space at ground floor level and four bedrooms and a living room at first floor level.

The proposed house has a single storey elevation facing northwards and a two-storey elevation facing southwards.

The proposed house is situated to the east of a permitted housing development and it is intended that the proposal will take vehicular access for the permitted housing development.

The proposed house will be served by public water mains and public sewer.

Additional information was sought for the following (a) revised plans and photomontages showing the proposed dwelling set-back further in the site in a south west direction, and (b) clarification of the proposed foul drainage plan.

3.0 PLANNING AUTHORITY'S DECISION

The Planning Authority decided to grant planning permission subject to 21 conditions. The conditions are generally standard for the nature of the proposed development.

Internal Reports: There are 5 no. internal reports on the file:

- Public Lighting; - No objections subject to condition.

- Area Engineer; - No objections subject to conditions.
- Heritage Unit; - Additional information sought requesting revised plans illustrating the proposed house located closer in line with dwellings no. 12 – 14 to allow the Planning Authority to assess the optimum location for the proposed development.
- Estates Primary; - The location of the public sewer should be clarified.
- Archaeologist; - Grant subject to conditions.

Objections: There are six third party objections on the planning file and the issues raised have been noted and considered.

Submissions: There is a submission from Irish Water who has no objections to the proposed development.

4.0 PLANNING HISTORY

- L.A. Ref. 14/5275 – Permission sought for 18 no. dwelling houses. This permission was **granted** under appeal ref. 244181. Condition no. 2 omitted house no. 11.
- L.A. Ref. 99/1075 – Permission **granted** for alterations to previous permission to allow (a) subterranean works, (b) elevation changes, (c) minor alterations to location of houses, (d) alterations to levels of houses, (e) ancillary alterations to site works, and (f) ridge height of all dwellings adjusted to comply with appeal ref. 53.214549.
- L.A. Ref. 05/52004 – Permission **granted** for 20 no. houses under appeal ref. 53.214549.

5.0 DEVELOPMENT PLAN

The operational development plan is the Cobh Town Development Plan, 2013 – 2019. The appeal site is zoned ‘residential’.

The following sections are relevant;

- Section 5.9.3 – Residential Infill
- Section 5.10 – Zoning objective

The following development plan objectives are relevant.

- Hou-05 to Hou-11

There are three protected structures within close proximity of the appeal site and these include;

- a. Reg. no. 10023004 – Merton – two-storey house
- b. Reg. no. 10023005 – Merton – two-storey outbuilding
- c. Reg. no. 10023006 – Belmont Military Depot – former barracks and includes rubble stone boundary walls.

The following heritage policies are relevant;

- Policy Objective HE – 20 ‘Protect all protected structures’
- Policy Objective HE – 22 ‘No loss or damage to the elements which contribute to the character of the structure.’

6.0 GROUNDS OF APPEAL

Prof. Ted Dinan and Dr. Lucinda Scott, residents of Merton House, lodged an appeal. The main grounds of appeal are summarised as relating to the following; -

- Merton House is listed on the RPS and the NIAH.
- The appellants adjoining coach house is listed on the RPS and the NIAH.
- The coach house abuts a section of the south east boundary of the proposed development site.
- The appellants have invested considerable time and expense in restoring their property.
- It is contended that the permitted development will encroach on their privacy.
- It is considered that the applicant had an opportunity to respond to the previous Board decision and address the height issue between the proposed development and the lower height of the appellant’s property.
- The permitted development is only relocated 1 metre to the west from the previous omitted dwelling in the Board’s decision.
- The proposed development is out of character with the permitted dwellings to the north and west (dwellings no. 12 – 14).
- The proposal reads as a squat development and as a separate site to the permitted dwellings.
- It is contended that the terrace and upper floor room space with windows will impact on the appellant’s residential amenity.
- The planting of birch trees along the entire length of the corridor between the proposed house and the appellant’s boundary wall is questioned for a number of reasons. These include the impact on the boundary wall which is a protected structure, the impact on the amenities of the proposed house itself, as well as the integrity of the boundary wall.
- It is contended that the proposal does not address the sensitivities of the site which was the reason behind the Board’s previous decision.
- An alternative relocation to the west would allow the proposal to address overlooking and overbearing on the appellant’s property.

- It is submitted that the details of the proposed foul drainage plan need to be addressed prior to any grant of permission.
- The location of the proposed soak way in the garden, given its proximity to the appellant's property is a concern.
- It is contended that the Board's direction dated 13th April 2015 did not envisage the proposed development.
- Overall the proposed development is too close to the eastern boundary and will be the cause of negative impacts on residential amenities.

7.0 RESPONSES

First Party Response

The following is a summary of a response submitted by the applicant's agent;

- The subject site is part of an overall site that has permission for 17 no. houses.
- The original planning application was for 18 no. houses and the proposed house on the current appeal site was omitted by condition.
- The Board's Direction considered it was feasible for a revised house to be located on the appeal site.
- In response the applicant has applied for planning for a lower dwelling in the south easterly corner of the site. The proposed dwelling is 4 meters lower than that previously proposed dwelling.
- The applicant has engaged in pre-planning consultation and further information response.
- Both the planning officer and the conservation officer have visited the site to assess the impact of the proposal on the appellant's property.

Distance from boundary

- The issue of distance from the boundary was addressed in the further information response.
- In summary the potential for the movement of the house westward is limited due to the presence of the public sewer.
- The applicant has increased the distance from the common boundary from 2.78m to 3.4m which is considered acceptable by the local authority.
- The distance between the permitted dwelling no. 18 and the boundary wall is 2.5m, which would establish a precedent that 2.5m is an appropriate and acceptable distance.

Height of proposed dwelling

- The applicant has reduced the height of the proposed dwelling by circa. 4m from the previous proposal.
- This alteration significantly reduces the impact on the appellant's property.

Potential impact of the proposed dwelling on residential amenity

- The proposed dwelling has been reduced in height by 4 meters.
- The proposed dwelling and the adjacent dwelling, Merton House, are not the typical back-to-back residential layout however the separation distance is 23.6m. This is greater than the typical separation of houses of 22m.
- Although the gate lodge is closer and adjoins the shared boundary the gate lodge is not visible from the proposed house.
- The main amenity space of Merton House and its principle rooms face southwards away from the proposed development. This reduces further the impact the proposal will have on the appellant's residential amenities.

Architectural Language

- The proposed house is designed using the same materials and forms as those used in the permitted development.
- The double pitch roof is very similar to that of the permitted Type A dwellings.
- The window types, chimney details, and entrance porch details are all the same as in the permitted development, thereby ensuring a consistent development.

Drainage Issues

- The proposed sewer re-routing is chosen to maximise access to the way leave.
- The Area-Engineer has raised no issues with the proposed re-routing of the sewer.
- Currently rainfall discharges to the ground. The proposal removes a significant amount of rainfall and diverts to piped sewers and some to soak ways.
- The proposed soak way is designed to best practice standards and takes full account of the topography of the site.

Second Party Response

The following is the summary of a response submitted by the local authority;

- It is contended that all issues raised in the appeal submission were dealt with satisfactorily in the planners report and the internal and external reports attached to the planning application.

8.0 ASSESSMENT

The main issues to be considered in this case are: -

- 8.1 Principle of Development
- 8.2 Impact on Residential Amenities
- 8.3 Design / Visual Impact

- 8.4 Services
- 8.5 Conservation
- 8.6 Appropriate Assessment

8.1 Principle of Development

The appeal site is located within a larger parcel of land that is zoned 'residential' in accordance with the provisions of the Cobh Town Development Plan, 2013 – 2019. The objective of the overall larger site (including the appeal site) is R-02 '*Low Medium density housing, designed to a very high standard of architectural design having regard to the prominent nature of the site, its proximity to a protected structure and subject to the availability of appropriate and sustainable water services*'.

There is a permitted development on the overall larger site for 17 no. dwellings. The Board's order, under appeal ref. 244181, omitted house no. 11 by condition. However the Board's order, dated 13th April 2015, did state that the while omitting this house type that it was favourable to the principle of a revised house design on the subject site.

The proposed development before the Board, having regard to the permitted and established developments adjacent to the appeal site, represents an infill development and therefore I would note that paragraph 5.9.3 of the Cobh Town Development Plan, 2013 – 2019, is relevant. Paragraph 5.9.3 states that '*a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill*'.

Paragraph 5.9.4 of the Cobh Town Development Plan, 2013 – 2019, states that it is necessary that where infill sites are located adjacent to protected structures that the proposal must clearly demonstrate that there is no negative impact on the character of a protected structure.

Overall I would conclude that having regard to the zoning objectives of the appeal site, the permitted development on the overall larger site and the Board's Direction, dated 13th April 2015, that the principle of a house on the appeal site is acceptable provided that the established amenities are protected.

8.2 Impact on Residential Amenities

The previous proposal on the overall larger site was for 18 no. houses. Permission (appeal ref. 244181) was granted for 17 no. houses. The reporting planning inspector recommended the omission of four houses from that proposed development. The four houses recommended for omission were house type B which were situated along the southern slope of the site. However the Board in reaching its decision did not accept this recommendation and decided to omit a single house, i.e. house no. 11, which is the eastern most house on the subject site. The Board concluded

that house no. 11 was too high given its proximity to the eastern boundary of the development site and given its potential to be overbearing to existing buildings to the east, and given the need to provide an adequate transition given the lower heights of buildings to the east.

The current proposal before the Board is a revised house design located where house no. 11 was omitted. A significant alteration is the reduction in height of the eaves and ridge of the proposed house which is approximately 4 metres lower than the previous proposal in appeal ref. 244181. In addition the design of the proposed house is more traditional with a double pitch roof. This revised design, in my view, is a more acceptable scale than house no. 11 in the previous application given the established pattern of development in the local area.

Having regard to the lower height of the proposed house and the revised scale I would consider that some of the concerns regarding impacts on the adjoining property to east have been addressed. I would also note that there are no first floor windows on the eastern elevation of the proposed house and this therefore would reduce overlooking potential to the east which again is a positive feature of the proposed design. In addition the eastern elevation of the proposed house has a stepped building line and this further addresses impacts on the property to the east. The stepped building line along the eastern elevation is an alteration to the previous proposal.

House no. 11 which was omitted previously was set-back from the common boundary line by approximately 3 metres for the full length of the eastern elevation. In relation to the current proposal the closest part of the eastern gable wall to the common boundary line is approximately 3.4 metres. However where the eastern gable wall of the proposed house is stepped back it has a separation distance of 6.2 meters from the common boundary line.

Overall I would conclude that having regard to the reduced height, the revised scale and the greater set-back distances from the common boundary wall that the proposed house, before the Board, would be acceptable and would not seriously injure the established residential amenities in the local area.

8.3 Design / Visual Impact

The levels on the appeal site are lower than the adjacent public road, i.e. French's Walk, and as such it is likely that the most prominent visual impact of the proposed development is from Cork Harbour.

In considering the visual impact I would have regard to both permitted and established development in the vicinity of the appeal site. The primary uses in the immediate area are residential and generally two-storey houses. I would also note, in accordance with the provisions of the Cork County Development Plan, 2014 – 2020, that appeal site is situated within

a designated 'High Value Landscape' as is much of Cobh. The appeal site is not afforded any protection from a designated 'Scenic Route' as per the provisions of the County Development Plan.

A significant factor in considering the visual impact is that the proposed house in the current proposal is approximately 4 meters lower than house no. 11 omitted in the previous proposal.

In considering the visual impact I would have particular regard to the submitted site sections (drawing no. LSe105) and the submitted photomontages. It is my view, based on the established and the permitted development in the vicinity that the design of the proposed house would not unduly impact on the visual amenities of the area.

8.4 Services

The proposed development is to be serviced by public water main and public sewer. As part of the proposed development it is proposed to reroute the public sewer. The local Authority considers this acceptable in principle subject to agreement prior to development with the Area Engineer and Irish Water. I would consider the proposed re-routing of the public sewer is acceptable and overall I would consider the drainage proposals adequate.

8.5 Conservation

I have referred in Section 5 above to protected structures in the vicinity of the proposed house. However having regard to the revised proposal and the established permission on the overall site I would not consider that the proposed development will adversely impact on local built heritage.

8.6 Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

9.0 RECOMMENDATION

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning of the site as set out in the Cobh Town Development Plan, 2013 – 2019, and the extent of the development, the pattern of development in the area, including permitted developments, it is considered that subject to compliance with conditions set out below, the development proposed to be carried out

would not seriously injure the amenities of the area and 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, and as amended by plans and particulars submitted to Cork County Council on 6th August 2015 and the 25th November 2015 and, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The glazing on the southern elevation of the dwelling shall be of non-reflective type and design.

Reason: In the interests of visual amenity.

3. The maintenance and management of the historic boundary wall shall be the responsibility of a legally constituted management company, Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason. To ensure satisfactory maintenance of the historic boundary.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. The site shall be landscaped in accordance with a scheme of landscaping, details of which, including details of trees to be retained, shall be submitted to the planning authority for agreement before development commences.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, the developer shall submit details of all boundary treatment, including planting, and implementation of timeframes for the agreement of the planning authority.

Reasons: In the interest of residential privacy.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

9. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. Full details of the vehicular and footpath access to serve the proposed development shall be submitted for written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of traffic safety.

11. Water supply and all 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 and to ensure a proper standard of development.

12. The hereby permitted house shall not be occupied until the watermain, foul sewer, storm sewer and public lighting provisions serving the development are installed and functioning to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity and public health.

13. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.

Reason: In the interest of amenities and public safety.

14. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority for the following (a) a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment and the amenities of the area.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and maintenance of any part of the development. The form

and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

16. 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.

Kenneth Moloney
Planning Inspector
29th April 2016