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# An Bord Pleanála



## Inspector's Report

Ref.: PL28. 246637

Development: To construct three no. detached dwelling houses comprising the following: - 1) A single storey detached dwelling house, 2) 2 No. two storey detached dwelling houses, one of which includes a separate single storey detached games / store room, 3) Permission is also sought for a revised entrance arrangement to the new dwellings, comprising the removal and relocation of the existing double entrance to the existing dwelling and adjacent lands, as well as removal and relocation of the entrance and boundary wall to the adjacent dwelling to the eastern side, Walnut Grove, 4) With landscaping, and all ancillary site development works.

144 Blackrock Road / lands adjacent to 144 Blackrock Road, Ballintemple, Cork.

### **PLANNING APPLICATION**

Planning Authority: Cork City Council

Planning Authority Ref.: 16/36780

Applicant: Conor and Deirdre Clune

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Type of Application: Permission  
Planning Authority Decision: Grant subject to conditions

**APPEAL**

Type of Appeal: Third Party v. Decision  
Appellant: David & Sylvia Walshe  
Observers: None.  
INSPECTOR: Robert Speer  
Date of Site Inspection: 19<sup>th</sup> August, 2016

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## **1.0 SITE LOCATION AND DESCRIPTION**

1.1 The proposed development site is located within an established residential area, approximately 3.0km east of Cork City Centre, along Blackrock Road in the outer suburb of Ballintemple. The surrounding area is characterised by a variety of housing development with the Blackrock Road itself being predominantly composed of substantial period residences, including a number of notable terraces, interspersed with more modern / contemporary construction on infill sites, whereas the lands to the immediate south and east are dominated by more conventional two-storey housing. The subject site has a stated site area of 0.5019 hectares, is irregularly shaped, and presently comprises part of the curtilage of the existing two-storey dwelling house at No. 144 Blackrock Road (encompassing the front garden area and the access driveway) in addition to a vacant parcel of backland to the immediate east of the said residence. The northernmost portion of the site area (which encompasses the front garden area and driveway of No. 144 Blackrock Road in addition to the driveway serving the vacant lands to the rear of the site) is bounded by stone walling to the west and by a blockwork wall to the east whilst the remaining southernmost part of the site is bounded by a combination of walling and mature hedgerow / tree stands. Access to the site is presently obtained directly from Blackrock Road via an existing splayed entrance arrangement which serves 2 No. separate driveways which in turn provide vehicular access to the existing dwelling house and the adjacent vacant plot.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1 The proposed development involves the construction of 3 No. detached dwelling houses set within substantial individual plots as follows:

- House No. 1: Two-storey, 4-bedroom dwelling house with a gross internal floor area of 249.8m<sup>2</sup> and an overall ridge height of 6.445m (*N.B.* It is also proposed to construct a separate single storey detached games / store room with a gross internal floor area of 50.3m<sup>2</sup> within the plot of House No. 1).
- House No. 2: Single storey, 4-bedroom dwelling house with a gross internal floor area of 220.6m<sup>2</sup> and an overall ridge height of 5.971m.
- House No. 3: Two-storey, 4-bedroom dwelling house with a gross internal floor area of 277.62m<sup>2</sup> and an overall ridge height of 8.36m.

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2.2 Whilst each of the proposed dwelling houses will be of an individual contemporary design they will utilise the same palette of external finishes which includes a smooth plaster, aluminium windows and mono-pitched zinc roofing.

2.3 Permission is also sought for a revised entrance arrangement to serve both the proposed housing and the existing residence at No. 144 Blackrock Road. This will involve the demolition of the existing dual splayed entrance arrangement, which presently extends across the entirety of the road frontage of the site, and its replacement with a more focused singular entrance / junction construction that widens into a new double entrance arrangement in a position set back from the public road. It is also proposed to improve the available sightlines from the new site access through the removal and relocation of the existing entrance and roadside boundary wall that serves the adjacent dwelling to the immediate east known as 'Walnut Grove' with the re-construction of same in a recessed location set back from the edge of the carriageway. Water supply and sewerage services are available from the public mains.

*N.B.* An application for a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, has accompanied the planning application, however, it would appear that a Certificate of Exemption was previously issued on site under Certificate of Exemption No. 15/1285.

### **3.0 RELEVANT PLANNING HISTORY**

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

PA Ref. No. 9923288. Was granted on 31<sup>st</sup> August, 1999 permitting Conor & Deirdre Clune permission for the construction of a house, garage, driveway and entrance.

PA Ref. No. 9923289. Was granted on 31<sup>st</sup> August, 1999 permitting Tony & Karen Barry permission for the construction of a house, garage, entrance and driveway at rear of Walnut Grove – Sherwood.

PA Ref. No. 0327115. Was granted on 23<sup>rd</sup> July, 2003 permitting Deirdre & Conor Clune permission to retain the attic conversion and 1 No. velux roof light to the front elevation and 3 No. velux roof lights to the rear.

PA Ref. No. 1536468. Application by Conor & Deirdre Clune for permission to construct a new two storey detached dwelling house with separate single storey

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detached dwelling house with separate single storey detached game/store room, with landscaping, and all ancillary site development works. Permission was also sought for a revised entrance arrangement to the dwelling which is to use the existing easterly shared driveway. This application was withdrawn.

### 3.2 On Adjacent Sites:

PA Ref. No. 0024087 / ABP Ref. No. PL28.123759. Was granted on appeal on 27<sup>th</sup> September, 2001 permitting Fachtna O'Driscoll permission for the construction of 4 No. houses with car parking for residential use on site at the rear of Menloe House, with access through Berkley Estate, Ballintemple, Cork.

PA Ref. No. 0529422. Application by Tom & Katrien Coughlan for permission to construct a 2 bedroom ensuite mews at Walnut Grove, Blackrock Road, Cork. This application was withdrawn.

PA Ref. No. 0529726 / ABP Ref. No. PL28.213439. Was refused on appeal on 7<sup>th</sup> December, 2005 refusing Thomas and Katrien Coughlan permission for the construction of a two bedroom en-suite mews at Walnut Grove, Blackrock Road, Ballintemple, Cork, for the following reason:

- Having regard to its relationship with the adjoining dwelling, its location in the front garden and its size, it is considered that the proposed dwelling would seriously injure the amenities of existing residents of the adjoining dwelling and would adversely affect the character and pattern of development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 0732099. Was granted on 10<sup>th</sup> September, 2007 permitting Chris & Susan Dineen permission to demolish existing dwelling house and garage and to construct new dwelling house and upgrade existing entrance and associated site works at Ballintemple, Blackrock Road, Cork.

PA Ref. No. 0933850. Was granted on 22<sup>nd</sup> July, 2009 permitting Chris & Susan Dineen permission to revise entrance wing walls and to widen entrance gate as granted under planning permission 07/30299 from 3 metres to 3.6 metres at their new residence at Sharonvale, Blackrock Road, Ballintemple, Cork.

*N.B.* The grounds of appeal have referenced a number of further planning applications in the wider area with a view to supporting the proposed density of

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development and consideration has been given to same in the assessment of this appeal.

#### **4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION**

##### **4.1 Decision:**

On 27<sup>th</sup> April, 2016 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 11 No. conditions which can be summarised as follows:

- Condition No. 1 – Refers to the submitted plans and particulars.
- Condition No. 2 – Requires the modifications to the entrance arrangement and the neighbouring boundary wall to be completed prior to the commencement of the construction of the proposed dwelling houses.
- Condition No. 3 - Prohibits any use of the flat-roofed area to the rear of House No. 3 as a balcony with revised drawings to be submitted to the Planning Authority, for written agreement, prior to the commencement of development, detailing the replacement of the full height glazing and guard rail with a window.
- Condition No. 4 - Prohibits use of the flat-roofed area to the rear of House No. 1 as a balcony or roof terrace with any access to same prohibited.
- Condition No. 5 – Requires the submission of revised drawings, for the written agreement of the Planning Authority, prior to the commencement of development, detailing a reduction in the overall height of House No. 3 by 1m.
- Condition No. 6 – Refers to drainage services.
- Condition No. 7 – Refers to construction management measures.
- Condition No. 8 - Refers to noise levels and working hours during the construction phase.
- Condition No. 9 – Requires details of the proposed entrance design, public lighting provision, and a construction traffic management plan to be agreed with the Planning Authority prior to the commencement of development.
- Condition No. 10 - Requires payment of a development contribution in the amount of €42,999.75.
- Condition No. 11 - Requires payment of a supplementary development contribution in the amount of €7,858.74.

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#### **4.2 Objections / Observations:**

A total of 3 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, loss of privacy, light pollution and noise.
- Safety concerns as regards the continued growth of trees along the site boundary.

#### **4.3 Internal Reports:**

*Environment, Waste Management & Control:* No objection subject to conditions.

*Drainage Division:* No objection subject to conditions.

*Roads Design:* States that the details submitted with regard to the achievable sightlines are satisfactory and recommends that a condition be included in any grant of permission which will require the modifications to the entrance arrangement and the neighbouring boundary wall to be completed prior to the commencement of the construction of the proposed dwelling houses.

*Transportation and Mobility Division:* No objection subject to conditions.

#### **4.4 Prescribed Bodies / Other Consultees:**

*Irish Water:* Recommends that further information be sought on the basis that the submitted plans and particulars do not provide sufficient data to permit Irish Water to make a determination on the development.

### **5.0 GROUNDS OF APPEAL**

The grounds of appeal are summarised as follows:

- The proposed development will have a detrimental impact on the residential amenity of the appellant's property by reason of overlooking with a consequential loss of privacy.
- House No. 3 is located on an elevated site and will overlook the main bedroom window and rear garden area of the appellant's dwelling house in addition to that of neighbouring properties.
- There are additional concerns as regards the proposed provision of a large glass wall within the rear elevation of House No. 3 and its proximity

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- to the site boundary and the impact of same on the appellant's amenity by reason of light pollution and a further loss of privacy.
- House No. 3 should be moved back into the site in order to address the appellants' privacy concerns.
  - The south-facing bedroom window within House No. 3 should be relocated to the western elevation of the proposed dwelling house or should otherwise be replaced with a smaller window.
  - The glass wall which extends over the full height of House No. 3 should be omitted and replaced with a solid wall in order to address the appellants' concerns as regards light pollution and a loss of privacy.

## **6.0 RESPONSE TO GROUNDS OF APPEAL**

### 6.1 Response of the Planning Authority:

None.

### 6.2 Response of the Applicants:

- States that they fully accept the decision of the Planning Authority and request the Board to uphold same.

## **7.0 RESPONSE TO SECTION 131 NOTIFICATION**

### 7.1 Response of the Department of Arts, Heritage and The Gaeltacht:

None received.

### 7.2 Response of The Heritage Council:

None received.

### 7.3 Response of An Taisce:

None received.

### 7.4 Response of An Chomhairle Ealaíon:

None received.

### 7.5 Response of Fáilte Ireland:

None received.



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## **8.0 NATIONAL AND REGIONAL POLICY**

8.1 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.

8.2 The *'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004'* provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect protected structures and development within their curtilage or attendant grounds.

## **9.0 DEVELOPMENT PLAN**

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

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

The proposed development site is located in an area zoned as *'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: 'Residential, Local Services and Institutional Uses':***

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,

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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.

Other Relevant Sections / Policies:

*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.

*Chapter 9: Built Heritage and Archaeology:*

*Objective 9.1: Strategic Objectives: Built Heritage and Archaeology:*

- a) To promote the protection of the heritage of the city and the implementation of the Heritage Plan;
- b) Ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain;

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- c) Promote the retention reuse, and enhancement of buildings and other elements of architectural or other significance;
  - d) Ensure that development reflects and is sensitive to the historical importance and character of the city, in particular the street layout and pattern, plot sizes, building heights and scales;
  - e) Improve and encourage access to and understanding of the architectural heritage of the city.

Objective 9.29: *Architectural Conservation Areas:*  
To seek to preserve and enhance the designated Architectural Conservation Areas in the City.

Objective 9.30: *Demolition in Architectural Conservation Areas:*  
Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

Objective 9.31: *Recording of Structures in Architectural Conservation Areas:*  
Where in exceptional circumstances a structure or a part of a structure which is considered to contribute to the special character of the area, is permitted to be demolished, it should first be recorded prior to demolition, and where appropriate should be monitored during demolition.

Objective 9.32: *Development in Architectural Conservation Areas:*  
Development in ACAs should take account of the following:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not be generally permitted;
- Acceptable design, scale, materials and finishes for new developments;
- Original materials and methods of construction should be retained. For example, timber barge boards, windows

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- and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.;
- Features of historic or architectural value should not be removed.

*N.B.* The proposed development site is located within 'The Blackrock Road Proposed Architectural Conservation Area'.

*Chapter 16: Development Management:*

*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.

*Section 16.132: Architectural Conservation Areas:*

The requirements for planning application documentation for development within Architectural Conservation Areas and for their subsequent assessment are set out in the Architectural Heritage Protection Guidelines (DOEHLG, 2004). Further refinement in respect of development management policies will be provided through subsequent special planning control schemes detailing relevant development requirements for each selected area. The overall guiding principle is positive enhancement of the unique qualities that make a place special because of its particular character. Detailed policies are set out in Chapter 9: Built Heritage and Archaeology (paragraph 9.14-9.29).

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## **10.0 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
- Infrastructural services
- Appropriate assessment
- Other issues

These are assessed as follows:

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

10.1.1 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'*. 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 a combination of both period and more recent 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.

10.1.2 Therefore, having considered the available information, and in light of the site context, I am satisfied that the overall principle of the proposed development

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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

**10.2 Overall Design and Layout:**

10.2.1 In terms of the overall design and layout of the proposed development, in my opinion, the submitted proposal represents an appropriately designed and scaled response to the site context given its backland location and positioning relative to neighbouring residential properties. In this respect it is of relevance in the first instance to note that the application site is not overtly visible from the public road and that it is well screened by existing vegetation and adjacent development. Accordingly, it is my opinion that the adoption of the contemporary architectural design proposed will not detract to any significant extent from the more traditional / conventional character of established development prevalent along Blackrock Road and within the wider site surrounds. Similarly, with regard to the density of the development proposed, whilst I would acknowledge that Section 16.41 of the City Development Plan seeks to achieve a minimum residential density of 35-50 No. dwellings per hectare in suburban areas of the City, and that the density of the subject proposal falls considerably short of this objective, given the specific circumstances of the site context, including its backland location, its relationship to adjacent housing, the limitations of the proposed access arrangements, and the prevailing pattern of development in the surrounding area, I am inclined to concur with the Planning Authority that the density as proposed is acceptable at this location.

10.2.2 Therefore, on the basis of the foregoing, with particular reference to the site location and context, I am satisfied that the overall design and layout of the proposed development is acceptable.

**10.3 Impact on Residential Amenity:**

10.3.1 Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the residential amenity of the appellant's property primarily by reason of overlooking with an associated loss of privacy. In this regard, specific reference has been made to the proximity of the proposed construction (House No. 3) to the site boundary, the finished floor level / elevation of the proposed dwelling house relative to neighbouring property, and the extent of glazing / fenestration included within the south-facing elevation of the proposed development.

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10.3.2 Whilst I would acknowledge in the first instance that the backland nature of the proposed development site and the siting of housing to the rear of existing properties has the potential to give rise to overlooking with a consequential loss of residential amenity, I am inclined to suggest that the overall design of the proposed development has taken sufficient cognisance of the need to preserve the amenities of adjacent property. In this respect it is of relevance to note that the design of House No. 1 does not include for any first floor windows within its western elevation in order to avoid any undue overlooking of the private rear garden area / open space of the adjacent property to the immediate west whilst sufficient separation distance has also been provided between the remaining elevations of the proposed dwelling and surrounding residences. Similarly, the single storey construction of House No. 2 would appear to be in direct response to the challenges posed by the application site and the need to avoid undue overlooking of those existing residences to the immediate north and east given the proximity of same. With regard to House No. 3 and the appellants' specific concerns that it will have a detrimental impact on the residential amenity of their property by reason of overlooking, I would advise the Board that although the proposed dwelling house will be of a two-storey construction, it is apparent from the submitted site layout plan that the applicant has taken account of the need to preserve the amenity of neighbouring residences by providing for an increased separation distance between the proposed dwelling house and the perimeter site boundary. In this respect it should be noted that House No. 3 will be set back 10.9m from the eastern site boundary and that the first floor windows within its eastern elevation will not directly oppose the neighbouring dwelling house but will instead face towards the rear garden area of that property with any overlooking of same mitigated by both the separation distance provided and the existing mature screen planting present along the shared site boundary. In relation to the potential for House No. 3 to result in the unacceptable overlooking of the appellants' residence to the immediate south, whilst I would concede that there are a number of windows at first floor level within the southern elevation of the proposed dwelling house which will face directly towards the adjacent property, in my opinion, there will be sufficient separation distance between the rear elevations of House No. 3 and the appellants' residence as to avoid any undue overlooking or loss of privacy notwithstanding the difference in ground levels. In support of the foregoing, I would refer to the approximate separation distance of 32m between the existing and proposed dwelling houses, the fact that the rear garden depths of both properties will exceed the 11m dimension typically associated with suburban residential development, and the level of screening likely to be provided by the existing planting along the intervening shared site boundary.

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10.3.3 With regard to the concerns expressed in the grounds of appeal that internal lighting from within House No. 3 could intrude upon the appellants' residential amenity, I am similarly satisfied that the separation distances involved and the provision of suitable boundary treatment will be sufficient to avoid any such impacts.

10.3.4 Therefore, on the basis of the foregoing, I am satisfied that given the separation distances involved, the existing and proposed boundary screening measures, and the site location in an urban context where some degree of overlooking would be not unexpected, the proposed development is unlikely to give rise to any significant impact on the residential amenities of the appellants' property.

**10.4 Traffic Implications:**

10.4.1 The proposed development will be accessed directly from Blackrock Road via a new entrance arrangement which will entail the removal of the existing splayed double entrance that presently extends across the entirety of the road frontage and the replacement of same with a more focused singular access junction. Notably, upon entering the site from the public road the proposed access road will subsequently divide into 2 No. individual entrances / driveways which will provide separate access arrangements to House No. 1 and the remainder of the development (in addition to the existing property at No. 144 Blackrock Road). This arrangement would appear to have been proposed in order to utilise parts of the existing tarmac driveways / roadways on site and also to retain the existing mature hedge line between those roadways, however, I would advise the Board that the resulting roadway serving House Nos. 2 & 3 and No. 144 Blackrock Road will only have a carriageway width of c. 4m whilst no provision has been made for a dedicated pedestrian footpath, an adequately sized turning bay or any street lighting. In this respect I would suggest that the proposed development may be intended to function as a 'gated' scheme which is not envisaged as being taken in charge by the Local Authority, however, it would be open to the Board to impose a condition in any grant of permission which would require the proposal to be revised in order to accommodate an amended access road arrangement etc.

10.4.2 In terms of traffic safety, in my opinion, it is clear that the proposed entrance arrangement represents a considerable improvement over the existing site access on the basis that the construction of the more focused junction arrangement, when taken in conjunction with the removal and relocation of the



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existing entrance and roadside boundary wall serving the adjacent dwelling to the immediate east with the re-construction of same in a recessed location set back from the edge of the carriageway, will provide for improved sight distance in both directions from the new site access onto the public road. In this respect I would advise the Board that the sightlines presently available from the existing access onto Blackrock Road are seriously substandard in both directions to the effect that safe egress from the site is particularly difficult and poses a serious risk of traffic collision. Whilst I would concede that the sightlines available from the new site entrance are not ideal, I am inclined to concur with the Planning Authority that the improved visibility, when taken in combination with the limited traffic speeds along this section of roadway, will be sufficient to accommodate the limited traffic volumes likely to be associated with the scale of development proposed without detriment to the safety of road users.

**10.5 Infrastructural Services:**

10.5.1 In relation to the proposed servicing arrangements and, in particular, connection to the public mains foul and surface water drainage networks, I would have some reservations as regards the proposal to develop singular foul and surface water sewer lines from each of the proposed dwelling houses which will all extend through the property occupied by No. 144 Blackrock Road thereby necessitating the agreement of multiple rights of way / wayleaves for future maintenance / repair purposes etc. In this respect it is unclear as to why the proposed development cannot be serviced via a single truck sewer extending from the public mains with each of the proposed houses subsequently availing of individual connections to same. Whilst I would concede that any such arrangement would be reliant on the available site levels, I would suggest that this is a matter which could be addressed by way of condition in the event of a grant of permission.

**10.6 Appropriate Assessment:**

10.6.1 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.

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## **10.7 Other Issues:**

### **10.7.1 Built Heritage Considerations:**

10.7.1.1 Whilst the proposed development site is located within 'The Blackrock Road Proposed Architectural Conservation Area', having regard to the site context, with particular reference to its backland nature and the more contemporary pattern of development immediately to the south, east and west, it is my opinion that the overall design of the proposed development is acceptable and does not unduly impinge on the prevailing built heritage qualities of the wider area.

## **11.0 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 and residential zoning of the site, the pattern of development in the area, and the scale and design of the proposed housing, 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 offer a satisfactory level of residential amenity to future occupants, 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.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

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2. Water supply and drainage arrangements, including the attenuation and 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.

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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

4. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The flat-roofed areas to the rear (south-facing) elevations of House Nos. 1 & 3 shall not be used as balconies or roof terraces.

**Reason:** To prevent overlooking of adjoining residential property.

6. The entrance design and internal road network serving the proposed development, including any turning bays, junctions, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

7. Prior to the making available for occupation of any house, the revised entrance arrangement, including the removal and relocation of the existing double entrance to the existing dwelling and adjacent lands, as well as the removal and relocation of the entrance and boundary wall to the adjacent dwelling on those lands to the immediate east ('Walnut Grove'), shall be completed to the written satisfaction of the Planning Authority.

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**Reason:** In the interest of traffic safety and to ensure timely and satisfactory provision of such site development works.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

9. 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 interests of visual and residential amenity.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

11. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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12. 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 commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction waste.

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

13. 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 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 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.

14. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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15. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Robert Speer  
Inspectorate

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