



An  
Bord  
Pleanála

# Inspector's Report

## PL04.246770

### Development

Permission for

- 1) Change of use of existing two storey mixed use premises (retail on ground and living accommodation on first) all to 3 no. dwellings
- 2) Alterations to front and side elevations
- 3) Construction of a new two storey extension to rear
- 4) Demolition of existing single storey structure to rear
- 5) 6 no. velux roof lights to rear
- 6) 5 no. car parking spaces to rear
- 7) All associated site works

All at Formerly Barry's Shop, Main Street, Poulacurry South, Glanmire.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

16/4242

<b>Applicant(s)</b>	Lisa McCarthy on behalf of Favret Development Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Appellant(s)</b>	1. Maureen & Joseph Cherry 2. Maria Hodder
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> August, 2016
<b>Inspector</b>	A. Considine

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## 1.0 **Site Location and Description**

- 1.1. The subject site is located within the village of Glanmire, in the townland of Poulacurry South in Co. Cork. Glanmire is located to the east of Cork City and the subject site is located at the end of the main terrace of buildings along the main street. The primary use of the existing buildings in the street is residential with a small number of commercial properties evident. To the east of the property, there has been some redevelopment with the development of a petrol station and semi detached houses. The subject site is located on a very busy road junction which is controlled by way of traffic lights and a clearway. The secondary school, Colaiste na Phiarsigh, is located directly across the junction.
- 1.2. The building the subject of this appeal is a two storey building which has been occupied by a retail use at ground floor level with residential accommodation at first floor level. There is a single storey extension to the rear which currently occupies a large area of this part of the site. The site slopes down and away from the public road and has access to the rear via an existing entrance. The rear of the site has become overgrown and the application notes that the rear (south) boundary comprises an existing timber fence. Beyond this boundary is the Glashaboy River. The other boundaries comprise a block wall to the west and a rubble stone wall to the east. There is an existing single storey house located to the east with a pedestrian access provided in this boundary wall.
- 1.3. I have undertaken a site visit and I refer to appendices attached to this report which include the relevant maps and a number of photos of site.

## 2.0 **Proposed Development**

- 2.1. Planning permission is sought primarily to change the use of the building from mixed use to residential and provide 3 no. dwellings in total. In addition, the development will include a number of alterations to the front and side elevations as well as

removing the existing single storey extension and replacing it with a smaller two store extension across the rear of the building. The development further proposes a number of velux windows to the rear and car parking in the rear area of the site.

- 2.2. The proposed houses will comprise living rooms, kitchen / dining rooms and a WC at ground floor level with two houses having three bedrooms and a family bathroom at first floor level and the middle house having two bedrooms and family bathroom at first floor level. The proposed rear extension will extend 1.2m from the current rear wall of the main building and will provide for additional room in the houses over the two floors. Velux windows are proposed to the rear of the building at attic level.
- 2.3. The existing front elevation of the building currently has four entrance doors and three 'shop' windows with a painted timber and plaster shopfront. The proposed development will see the retention of the shopfront, the omission of one of the entrance doors and amendments to the windows. To the rear, gardens are proposed to be provided for each house. The depth of the gardens is indicated at 5.985m which is short in terms of general development requirements and the gardens have stated areas of 31.5m<sup>2</sup>, 26m<sup>2</sup> and 35.5m<sup>2</sup>. Private car parking is proposed beyond the garden areas to service the houses with gate accesses provided.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant planning permission for the proposed development subject to 15 conditions. The attached conditions are generally standard.

### 3.2. Planning Authority Reports

- The initial Planning reports can be summarised as follows:
  - The Area Planning Officers report considered the proposed development in terms of the requirements of the relevant zoning objective afforded to the site, traffic and parking, residential amenity, design and layout and flooding. The submission from the Area Engineer and third parties were also considered in the assessment. The report concluded that further information was required in relation to the following three issues:
    1. Potential impact of the development on the Cork Harbour SPA
    2. Locations of proposed surface water gullies and the discharge point for the surface water.
    3. Indicate on a site layout plan the location of the existing pedestrian gate on the eastern site boundary.
  - The SEP also presented a report on the proposed development and while agreeing with the Area Planner, also considered that the first floor window at the western end of the rear elevation should be glazed with obscure glass and consideration of a further window should be provided on the extension wall to provide light to the proposed bedroom and to prevent overlooking.
- Further information was sought in accordance with the assessments of the Planning Officers as above. The applicants responded to the further information request seeking to address the issues raised.
- Following receipt of the response to the further information request, the following planning reports are noted on the planning file:
  - The Area Planning Officers second report concludes that all of the outstanding issues have been addressed. The report further considers that

there is no development contribution applicable as the contribution rates for which the development relates is equal to or less than the contribution rate of the existing development on site. In terms of AA, the report considers that 'having regard to the water protection measures proposed for construction phase and interceptors proposed during operational phase, the PA is satisfied that there will be no undue negative impacts providing the measures are implemented are to CIRIA standard and that they are constructed / installed and maintained in the correct manner.' The report concludes recommending that permission be granted subject to 15 no conditions.

- The SEP also presented a final report endorsing the Area Planners report and recommendation.

### 3.3. Other Technical Reports

- The Area Engineer reported on the proposed development in terms of roads and transport, surface water, water supply and sewerage disposal and concluded that the proposed development was acceptable subject to compliance with 10 no stated conditions.

Following the submission of the response to the FI request, the Area Engineer advised no objection to the proposed development subject to compliance with conditions as above.

- Irish Water advised no objection to the proposed development subject to conditions.

### 3.4. Third Party Observations

There were two third party submissions noted in relation to the proposed development. The issues raised are summarised as follows:

- The proposed two storey extension will have a bearing on the level of natural light

- Inaccurate plans in terms of the omission of the pedestrian gate, and gate piers
- Roads and traffic issues, particularly with regard to the narrow nature of the access lane.
- Impact of the development of the car park on the Glashaboy River and flooding implications
- The previous owners have not complied with previous decisions issued by An Bord Pleanála, PL04.204979 and PL04.210328 refers in relation to alterations to ground levels
- Concerns raised in relation to the potential for overlooking from the first floor windows, particularly to the west and rear of the building
- The height of the proposed extension is taken from the applicants property which is more elevated than the adjoining property. The actual height is greater than the height shown.

#### 4.0 Planning History

**ABP ref PL04.204979 (PA ref 03/4226):** permission was refused for the retention of demolition of storage sheds and extension to supermarket / convenience store on grounds of traffic hazard and injurious to the residential amenities of properties in the vicinity due to traffic congestion and overshadowing. The Board, on appeal, refused permission for the proposed development for reasons relating to the following:

1. The submitted plans and particulars do not accurately describe the development as it has been constructed. Accordingly, the Board is precluded from granting permission for the retention of the development.

2. The public notices do not comply with the requirements of the Planning & Development Regulations, 2001. The development, if permitted, would facilitate the consolidation and intensification of an unauthorised use.

**ABP ref PL04.210328 (PA ref 04/7644):** permission was refused for the retention of demolition of stores, change of use from residential to retail (30m<sup>2</sup>) and extension to retail shop (161m<sup>2</sup>) and associated works. The Board upheld the decision to refuse permission for reasons relating to traffic hazard and injurious impacts to residential amenities of surrounding properties.

## 5.0 Policy Context

### Development Plan

The subject site is located within the settlement boundaries of Glanmire, at Main Street, Poulacurry South, and is zoned as 'existing built up area'

In terms of the relevant policies, the Board is referred to Objective ZU 3-1 of the CDP, 2014 which provides that it is the policy of the council to 'Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.'

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a multiple third party appeal with two third parties involved, both neighbours. The grounds of appeal can be summarised as follows:

- The development represents an over intensification of the site and a number of the rooms do not meet the DoE guidelines, Quality Housing for Sustainable Communities, DoEHLG 2007. The rear gardens do not comply with the requirements of Cork County Council who require 60m<sup>2</sup> for 3 bedroomed houses.
- The access laneway is narrow and does not comply with the guidelines minimum 4.5m width requirement.
- The development will result in additional traffic movements at an already busy junction and will constitute a major traffic hazard.
- Condition of planning requires that the vegetation or any structure shall not exceed 1m in height within the sight distance triangle to provide proper sight distance for emerging traffic in the interests of road safety. The pillars and hedge to the neighbouring property are higher than 1m and therefore, the applicant cannot comply with this condition.
- Traffic coming from the east cannot turn left into the site without crossing the path of on-coming traffic. Concern is raised should the situation arise where one is trying to exit the site while another is trying to access the site. There is no room for passing on the laneway.
- Car parking issues raised due to the restricted nature of the site and circulation difficulties.
- Ownership of the laneway is questioned and it is submitted that there is a public right of way over same.
- There is a stream which is culverted which flows under the laneway and discharges into the Glashaboy River at the rear of the site and the laneway was never used for vehicular access. It is questionable if it is suitable to support heavy construction machinery. The third party raises concerns in terms of the potential to undermine the culvert, and if it is compromised it will

result in flooding of the village. It is further submitted that the River is tidal and any adjustments to the local terrain could result in flood encroachment.

- The development will result in overlooking and loss of light of adjacent properties particularly in the kitchen in the home to the west.
- The site is located within the historic core of Glanmire Village where a number of neighbouring properties have been included on the NIAH register, including the adjacent property. Elements of the proposed architecture are raised as a concern in terms of the unsymmetrical treatment of ground floor doors and windows and the elimination of the eastern upstairs window. It is considered that these elements will detract from the visual setting of the historic heart of Glanmire Village.
- Historical alterations to the ground levels by the previous owners has had impacts on the residential amenity of adjacent properties. No permission was given for the alterations, ABP refs provided, and the unauthorised alterations have never been reversed. The current application does not address these issues and contain no proposals to remedy it.

## 6.2. **Planning Authority Response**

The Planning Authority has not responded to this appeal.

## 6.3. **First Party Responses**

The first party, through their consulting engineer, made a response to the third party appeals. The response is summarised as follows:

- It is considered that the grounds of appeal are without substance or merit.

- The proposal involves the rehabilitation and conservation of an extremely important structure in the centre of Glanmire Village.
- The development represents a de-intensification of an established land use at an extremely sensitive location from a traffic generation point of view.
- Reference to the DoE Guidelines are applicable to new development and the issue in relation to the garden areas is properly dealt with.
- The Planning Authority has adjudicated on traffic matters, site layout and car parking. The laneway is in the ownership of the applicant.
- In relation to over-shadowing, it is submitted that this part of Glanmire is located in a deeply incised river valley and sunlight reaches the village late in the morning. Accordingly, any potential for shadow can have no effect on the premises to the west and having regard to the location of the house to the east, there is no potential for overshadowing.
- In relation to the culvert, the applicant has no objection to the drain being CCTV surveyed prior to commencement of works, and again when works are complete.
- The laneway is adequate for private vehicles. It has been used for goods deliveries to the retail unit.
- There is no evidence of flooding on the property. There is no proposed adjustments of levels and the site is excluded from the potential flood zone.
- The proposal involves the removal of the commercial extension, with a 1.2m extension proposed in its place.
- The proposed development is in the best interests of the proper planning and sustainable development of the area.

It is requested that the Board uphold the decision of the planning authority.

#### 6.4. **Observations**

There are no observations noted in relation to this appeal.

#### 7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Compliance with the Cork County Development Plan, 2014 and zoning objectives
- Design & Residential Amenities
- Roads & Traffic Issues
- Other issues
- Appropriate Assessment

#### **Compliance with the Cork County Development Plan, 2014 and zoning objectives:**

7.2 The subject site is located within the development boundaries for Glanmire Village on lands zoned 'existing built up area'. In terms of the relevant policies, the Board is referred to Objective ZU 3-1 of the CDP, 2014 which provides that it is the policy of the council to 'Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.'

7.3 The building the subject of this appeal is currently vacant and its last use was as a gym, as evidenced on the advertisements on the shop windows. The applicant advises that the ground floor was used for commercial purposes with the first floor used as residential. In terms of the zoning objective ZU 3-1, the Board will note that while the subject site is located within the village of Glanmire, the primary land use in the immediate surrounding area is residential, with some commercial and office use in the wider area. There is also a petrol station located to the east of the subject site. While the existing use of the building comprises a commercial element, the proposed use does not conflict with the zoning objective for the site. In this regard, I am satisfied that the principle of the proposed development can be considered acceptable and in accordance with the County Development Plan, 2014.

7.4 Further to the above, the Board will note the submission of the first party in the submission of the application where it is submitted that:

‘Government Department Guidelines and county design guidelines are prepared and specifically intended to apply to the creation of new residential areas. This proposal relates to an existing structure and is an exercise in urban / village renewal. As such it should not and need not be assessed in the light of requirements / guidelines for new greenfield developments. It provides for private garden space for each unit in addition to communal shared space for parking and circulation.’

In the following sections of this report, I will discuss matters of design and residential amenity. I would, however, submit that the guidelines are wholly relevant to the current proposal in that the proposal seeks to provide residential units. The best practice principles and the guidelines seek to promote appropriate residential development. Having regard to the proposal to alter an existing structure to provide housing, I consider that the requirements of the said guidelines are relevant.

## **Design & Residential Amenities:**

- 7.5 The proposed development seeks to alter the existing building to provide for three residential units, with rear gardens. The building the subject of this appeal is not a protected structure. The adjacent building to the west is identified on the NIAH register but is not a protected structure. The existing shopfront is to be retained with alterations to the front windows and doors proposed. The design seeks to introduce uPVC windows at ground floor levels with new timber windows proposed at first floor windows. The proposed development further proposes to block up a first floor gable window on the eastern elevation. To the rear of the original building, a later single floor addition is to be removed with a narrow, 1.2m in depth, two storey extension proposed in its place. In addition, the rear of the site will comprise three private garden areas and parking for 5 cars. While I have no objection in principle to the proposed redevelopment of this building for use for residential purposes, I do have concerns in relation to the proposed alterations and interventions to achieve the change of use.
- 7.6 In relation to the proposed alterations to the front elevation, I would have a concern that the alterations proposed would significantly detract from this building, in particular the shop front and its position within the streetscape. I also question the necessity for some of the proposed alterations. The alterations to the existing doors and three windows is unacceptable in my opinion and should the Board be minded to grant planning permission in this instance, the windows and door opes should be retained. Certainly the ground floor windows should not be altered and replaced with uPVC windows as proposed. In terms of the internal layout of the proposed houses, it is clear that the retention of the front façade would require amendments to same but I do not consider that said amendments would be significant. Indeed, I am satisfied that such amendments would be minor and could be dealt with appropriately by way of condition of planning permission. In terms of the eastern elevation, I also consider that the retention of the first floor gable window should be dealt with by way of condition.

7.7 The development proposes the removal of the flat roofed single storey extension to the rear of the building, for which I have no objection. The development proposes to erect a small two storey extension with a depth of 1.2m from the rear wall of the existing building, which will run across the length of the building. The proposed extension will provide for additional space in the rooms to the rear of the redeveloped building. While I have no objection in principle to this element of the proposed development, I consider that the windows across the rear elevation at first floor level require consideration. In particular, the Board will note that the window on the eastern side of the rear elevation is located in such a position as to directly overlook the adjoining property. I note that there is an existing window in this general location, the submitted plans would suggest that it located on the development site side of the boundary wall. Should the Board be minded to grant planning permission in this instance, this window should be omitted, with a new window provided on the proposed extension rear wall to prevent direct overlooking of the adjacent property. In addition, the first floor rear windows should be of similar design and size. This could be adequately dealt with by way of condition.

7.8 In terms of residential amenity, the 2007 statement on housing policy 'The Quality Housing for Sustainable Communities Best Practice Guidelines: DELIVERING HOMES SUSTAINING COMMUNITIES, noted that the aim of these Guidelines is to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience, to be particularly relevant. In particular, section 5.3.2 of the guidelines deals with space requirements and room sizes. In this regard, I have a number of concerns. The guidelines require that two storey three bed houses have an aggregate living area of 30m<sup>2</sup> with two bed houses 28m<sup>2</sup>. None of the houses comply with this recommended minimum. In terms of the proposed bedrooms, again, the single bedrooms do not meet the minimum floor area recommended, with only 1 of the three main bedrooms achieving the recommended 13m<sup>2</sup>.

7.9 Further to the above, I note that the proposed private rear gardens are somewhat small. The County Development Plan, at Objective SC 5-8 requires that the standards for private open space provision contained in the Guidelines on Sustainable Residential Development in Urban Area and the Urban Design Manual, 2009. These guidelines require that all homes should have access to an area of outside space where the residents can comfortably sit without being directly overlooked. The proposed garden areas range in size from 26m<sup>2</sup> to 35.5m<sup>2</sup>. The proposed garden areas are orientated towards the south and are not overlooked. I am satisfied, given the location, that the proposed development is acceptable in this regard.

7.10 Overall, and while I accept that the principle of the proposed development can be considered as acceptable, I have concerns that the proposal to provide 3 residential units will result in overdevelopment of the site and will facilitate the development of residential units which will not support an appropriate level of residential amenity for the future occupants. In particular, I am concerned that the rooms are below the recommended minimum sizes. In addition, the proposed amendments to the front elevation of the building to accommodate the proposed development, will result in a significant detracting from the streetscape, and I am not satisfied that the extent of the intervention is required in order to accommodate the redevelopment of the building.

7.11 I note from the two third party appeals that there is concern in terms of the potential impact of the development on the existing residential amenities of these adjacent properties. I have considered the proposed inclusion of a window on the rear elevation to the west of the building which would result in direct overlooking of the adjacent property. Should the Board be minded to grant permission, this window should be omitted. In terms of the potential impact of the proposed two storey

extension to the rear, which I consider to be minor in scale, I am satisfied that, will not have an impact on the existing residential amenities of the adjacent properties by reason of overlooking or impacts on natural light.

## **Roads & Traffic Issues**

7.12 The most recent use of the subject site has been for retail / commercial with residential use at first floor level. As evidenced from my site inspection, together with the previous Inspectors reports relating to proposed developments at the site, there was no facility for on site car parking. It is acknowledged that the subject site is located on a very busy junction and on a road that was at one time, the primary Cork – Dublin route. In addition, the access to the subject site is very tight in terms of access. That said, it is accessible. The previous proposed developments associated with the site sought change of use from residential to retail, with an extension to same, PL04.210328 and 204979 refer. The Board refused permission for PL04.210328 for traffic reasons associated with the retail development for the following reason:

The site and location of the development lacks facilities for deliveries and on site car parking and is close to a busy junction on a heavily trafficked route. Having regard to the scale of development sought to be retained and to the consequent additional traffic movements, including service vehicles, generated by the extended shop, it is considered that, notwithstanding the provisions of the draft traffic management scheme for Glanmire village, the development proposed to be retained would interfere with the safety and free flow of traffic leading to serious traffic congestion. The development proposed for retention would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

7.13 Since the above decision, the junction has been signalised with clearway. The proposed development is seeking to change the use of the retail unit and provide 3 residential units and 5 car parking spaces to service the houses. These car parking spaces will be located to the rear of the site. The Board will note that the Area Engineer has deemed the proposed development acceptable in terms of traffic. In principle I have no objections to the proposed change of use, but I have raised concerns above in terms of the overdevelopment of the site through the provision of three residential units which would not meet the minimum standards to ensure and protect residential amenity for the future residents. I am satisfied that the development can be accommodated in terms of roads and traffic.

### **Other Issues**

#### Water Services:

7.14 The proposed houses are to connect to public water mains and public sewer mains. There is no objection to this. In terms of surface water, it is proposed that surface water will be dealt with via existing connection to public sewer and the watercourse. There is no objection noted in terms of the above proposal.

#### Site levels:

7.15 The subject site slopes down from the public road towards the rear (south) of the site and towards the river. The submitted drawings have not provided any details of levels. I note the concerns raised by the third party appellants in this regard. Should the Board be minded to grant planning permission, a revised site layout plan should be required with the existing and proposed site levels clearly indicated. I am satisfied, however, that the proposed development, having regard to the proposed

site layout, will have significantly less potential for any impact on the existing residential amenities of the adjacent properties.

### **Appropriate Assessment**

7.16 Having regard to nature and extent of the proposed development, being the extension and change of use of an existing structure from a single dwelling house with retail unit on ground floor to 3 no. dwellings, within Glanmire Village, which includes the removal of an existing structure to the rear of the site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

### **9.0 Reasons and Considerations/ Reasons**

1. The proposed development, by reason of its inadequate qualitative and quantitative provision of private open spaces, together with the inadequate room sizes proposed within the three residential units, would conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the 'The Quality Housing for Sustainable Communities Best Practice Guidelines: DELIVERING HOMES SUSTAINING COMMUNITIES, 2007 and "Sustainable Residential

Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2008. It is therefore considered that the development would constitute overdevelopment of the site and would give rise to substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, by reason of the interventions proposed to the front elevation of the building, would be out of scale with its surroundings and would seriously detract from the streetscape generally. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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A. Considine  
Planning Inspector

22<sup>nd</sup> September 2016