



An  
Bord  
Pleanála

## Inspector's Report PL28.246998.

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<b>Development</b>	Demolition of a shed/garage and the construction of a single storey dwelling to the rear of No.4, St Helen's Court, Croaghta Park, Glasheen, Cork.
<b>Planning Authority</b>	Cork City Council.
<b>Planning Authority Reg. Ref.</b>	16/36888.
<b>Applicant(s)</b>	Joanne Mullarkey.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Appellant</b>	Joanne Mullarkey.
<b>Type of Appeal</b>	First party versus decision.
<b>Observer</b>	Anne Murray.
<b>Date of Site Inspection</b>	27 September 2016.
<b>Inspector</b>	Stephen Rhys Thomas.

## **1.0 Site Location and Description**

- 1.1. The site which is the subject of the appeal is located in the south west inner city of Cork in the Glasheen area, at St Helen's Court. The appeal site comprises the back garden of number 4 St Helen's Court, which wraps around the rear of number 3 St Helen's Court to the north. The site is level, currently in grass with a large apple tree located centrally. The boundaries of the overall rear garden comprise concrete block walls approximately 2 metres in height. The appeal site is undefined on its southern boundary.
- 1.2. The pattern of development in the vicinity comprises single storey bungalows along St Helen's cul-de-sac with a large two storey period dwelling at the end of the street. The western side of the street is tree lined and forms the entrance to the period house. New backland development has taken place recently in the form of four dwellings located in rear gardens, to the back of numbers 1 and 5 St Helen's Court. Each of these dwellings is served by either a private driveway or shared laneway with in curtilage car parking. St Helen's Court is subject to car parking charges and parking is only permitted on one side of the street. The defining character of the area is single storey or dormer bungalows set on generous sites.
- 1.3. Appendix 1 contains relevant photographs.

## **2.0 Proposed Development**

- 2.1. Permission is sought for:
  - The demolition of a shed/garage
  - Construction of a single storey dwelling, with a gable roof profile of up to 5.2 metres, amounting to 102 sq.m. All to the rear of No. 3 St Helen's Court.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The planning authority decided to refuse permission for a single reason as follows:

- The proposed development would constitute an inappropriate form of backland development.
- Restricted access.
- Injure the residential amenities of neighbouring properties.

#### 3.2. **Planning Authority Reports**

##### Planning Report

Basis for the planning authority's decision. Report includes:

- The planning history of the sites in the vicinity.
- An assessment of to what degree the dwelling and access arrangements impacts upon the residential amenity of neighbouring properties.
- Identifies that No. 4 St Helen's Court has been recently extended and that this maybe a separate dwelling, which further complicates access and residential amenity issues.

#### 3.3. **Other Technical Reports**

Drainage Section– refers to no objections subject to standard conditions with regard to the separation of drainage systems on site and technical matters to do with surface water drainage and permission for access through neighbouring sites.

Roads Design Section– refers to no objections, subject to standard technical conditions.

Irish Water – refers to no objections subject to technical notes.

### 3.4. **Third Party Observations**

3.4.1 The Planning Authority received three submissions in relation to the planning application, the issues raised are similar to those submitted to the Board.

### 4.0 **Planning History**

4.1. There is no relevant planning history attached to this site.

#### Nearby sites

4.2. **Planning register reference number 01/25128**, permission granted to demolish bungalow at no. 6 St Helen's Court and construct two dormer bungalows to the rear.

4.3. **Planning register reference number 05/29601**, permission granted to retain amendments to dwelling house to the rear of no. 1 St Helen's Court.

### 5.0 **Policy Context**

5.1. Development Plan

#### 5.2. **Cork City Development Plan 2015-2021**

5.2.1 The site is situated on lands subject to zoning objective - Residential, Local Services and Institutional Uses.

5.2.2 Part C: Residential Development

#### Section 16.58 Single Units Including Corner/Garden Sites

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

- The existing character of the area/street;

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

### 5.2.3 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.

Appendix 1 contains relevant zoning maps.

## 6.0 **Natural Heritage Designations**

None.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- There is an existing building line in the area, as evidenced by dwellings to the left and right.
- The site is 0.16 acres and bound by a 2 metre high concrete block wall, a single storey bungalow will not impact upon residential amenity and enjoyment of the area.
- The site has its own sewerage and water supply.
- The driveway which currently allows for parked cars will now serve as an entrance to the site, cars will no longer be parked here.
- There are no parking issues in Croaghta Park.

### 7.2. **Planning Authority Response**

The planning authority has no further comment to make.

### 7.3. Observations

There is a single observation from A Murray of 3 St Helen's Court, summarised as follows:

- There is a differing of facts with respect to the status of the manner in which the site was transferred: planning appeal (benevolent gift) and planning application (repayment of a family debt).
- Claim that Miss Mullarkey never grew up at no. 4 St Helen's Park.
- The 0.16 acres is currently the garden for both dwellings which exist on the site.
- If the development goes ahead cars will have to be accommodated on the public roadway.
- Should permission be granted for the dwelling, request that a condition is attached that it be occupied by the applicant and not for rental purposes.

### 8.0 Assessment

8.1. The main issues in this appeal are those raised in the grounds of appeal and the reasons for refusal. I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
  - Overbearing appearance, overshadowing and loss of privacy.
  - Access arrangements.
  - Car parking

- Backland Development
- Appropriate Assessment

## 8.2. Residential Amenity

### 8.2.1 Overbearing appearance, overshadowing and loss of privacy

The proposed single storey dwelling is located to the rear of a line of existing bungalows, the gardens of which are very large. The site is approximately 0.036 Hectares. The appeal site extends across the rear boundary of number 3 St Helen's Court to the west. The proposed dwelling will be separated from the existing dwelling to the west by a two metre high block wall and by a distance of approximately 15 metres and 7 metres from its blank gable end extension. There is a single storey retirement home complex located to the north east of the proposed dwelling some 12-13 metres beyond a boundary comprised of a two metre high concrete block wall and mature trees. Given the scale and design of the proposed single storey dwelling located on a large site, I do not anticipate any issues of overbearing appearance, overshadowing and loss of privacy to properties in the vicinity as a result of the proposed dwelling.

### 8.2.2 Access arrangements

The means of access to the appeal site is via a narrow side laneway in the ownership of the applicant, between existing bungalows. The laneway passes along the gable ends of both bungalows and living room windows are present on the gable end of the bungalow in the ownership of the observer, number 3 St Helen's Court. At present there is occasional pedestrian and possibly vehicular traffic serving the rear of the bungalow to the south west of the appeal site, number 4 St Helen's Court. It is not clear from the drawings submitted with the planning application whether or not this laneway will serve as a vehicular driveway and whether or not car parking is to be provided for the proposed dwelling. I do note however, that the applicant



states in their appeal that this side laneway will serve the proposed dwelling and cars will not be able to park along its length. In addition, I note that a large extension has recently been constructed to the rear of the bungalow to the south west of the appeal site. I cannot confirm if it is an independent dwelling, however, its appearance would suggest so, and this may also generate passing traffic along the side laneway between properties. My overall conclusion is that the access arrangement for the proposed dwelling and servicing the existing dwelling would not be satisfactory. The impact of passing traffic in close proximity to the living room windows associated with the property of the observer would result in a loss of privacy. This issue could be dealt with by the erection of a new 2 metre high boundary wall which would screen movements. The erection of a such a wall, however, would severely diminish the enjoyment of the existing living room and I would not recommend that course of action. Therefore, I consider that the loss of privacy to the observers dwelling would be severely diminished by the only means of access to the appeal site and to the rear of the existing dwelling.

### 8.2.3 Car Parking

The observer has raised concerns about additional cars that will have to be accommodated on the public road at St Helen's Court. This may be a valid concern as the appellant has not submitted sufficiently detailed layout plans which show in curtilage car parking, driveway or entrance gates. This issue is not insurmountable however, as given the large nature of the appeal site, cars could be accommodated to the front of the dwelling. A revised site layout which details adequate car parking would address this issue. In addition, on the day of my site visit I observed adequate amounts of on street car parking. I also noted that recent backland development is adequately served by in curtilage car parking. Therefore, I conclude that car parking alone is not an issue in this instance.

### 8.3. **Backland Development**

In urban planning terms backland development is not generally supported without a coordinated masterplan. I do note, however, that backland development has progressed in the rear gardens associated with bungalows along St Helen's Court and in one case a bungalow was demolished to make room for private driveways. Incidentally, access arrangements to backland development to all of these relatively new dwellings were permitted and were considered acceptable. It is noted that the Cork City Development Plan has no standards for the delivery of backland development. However, objectives with regard to single units, including garden/corner sites, refer to the protection of residential amenity, accordance with building lines and the character of the area. In this regard the proposed single storey dwelling on a large site, in line with dwellings to the north and south, is broadly acceptable. In addition, the site can be serviced with public utilities, will provide adequate levels of private amenity space, approximately 120 sq.m, and will not unduly impact upon the residential amenities of neighbouring properties. The crucial issue in this case is the means and acceptability of vehicular access to the proposed dwelling. In this single regard, I consider that it is the inadequacy of the restricted access arrangement which would constitute an inappropriate form of backland development and ultimately result in a diminution of the residential amenity associated with both numbers 3 and 4 St Helen's Court, as referred to above at section 8.2.2.

#### **8.4. Appropriate Assessment**

8.4.1 Having regard to the nature and scale of the proposed development and nature of the receiving urban environment, 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.

#### **9.0 Recommendation**

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

#### 10.0 **Reasons and Considerations**

1. The proposed development, because of the limited access arrangements associated with the site, would constitute inappropriate backland development that would seriously injure the amenities of property in the vicinity and, accordingly, would be contrary to the proper planning and sustainable development of the area.

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Stephen Rhys Thomas  
Planning Inspector

13 October 2016