



An  
Bord  
Pleanála

## Inspector's Report PL28.247184

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<b>Development</b>	Demolish dwelling and construction 5 no. houses.
<b>Location</b>	37 Dundanion Road, Blackrock, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	16/36818
<b>Applicant(s)</b>	Lucen Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Veronica Connolly and Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> October 2016
<b>Inspector</b>	Kenneth Moloney

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## 1.0 Site Location and Description

- 1.1. The appeal site is located within the traditional suburban area of Blackrock which is largely comprised of semi-detached dwellings. The subject site is a corner site and currently there is a single storey bungalow on site. The vehicular access serving the site is from Dundanion Road. The size of the site is approximately 0.16 ha (0.39acres) and the shape of the site is irregular. The topography of the local area slopes slightly downwards from no. 22 Dundanion Road towards Beaumont Avenue.
- 1.2. The neighbouring property to the rear (north) of the site is situated on higher ground and although the neighbouring property is single storey in height it partially overlooks the appeal site.
- 1.3. There are established semi-detached dwellings situated to the east of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development is for the demolition of an existing house and the construction of 5 no. dwelling houses.
- 2.2. The proposal consists of a single detached house and 4 no. semi-detached houses. The composition of the proposed units is as follows;

House Type	Type of Unit	Floor Area
A	Semi-D	202
B	Semi-D	152
C	Semi-D	152
D	Detached	210 sq. m.

2.3. It is proposed that the existing vehicular entrance will be retained and that 4 no. entrances are proposed.

### **3.0 Planning Authority Decision**

3.1. Cork City Council decided to grant planning permission for 4 no. houses subject to 11 no. conditions. The conditions are standard for the nature of development proposed.

#### **Planning Authority Reports**

3.1.1. The following is a summary of the main points in the planner's report;

- Principle of the proposed development is in accordance with zoning objective.
- The existing dwelling for demolition is not of any architectural merit.
- The residential density is acceptable.
- The proposed detached dwelling is considered an incongruous element.
- The floor area of the single bedroom in House Type C and House Type B would be below the minimum floor area.

3.1.2. Other technical reports

- Strategic Planning & Economic Development; - The proposed development is exempt from social housing provisions.
- Environmental Waste Management & Control; - No objections.
- Drainage Division; - Additional information sought for clarification of drainage.

3.1.3. There is a submission for Irish Water who require further information.

3.1.4. There were 7 no. third party objections and the issues have been noted and considered.

## 4.0 Planning History

- No recent relevant planning history on the appeal site.

## 5.0 Policy Context

5.1. Cork City Development Plan, 2015 – 2021, is the operational Development Plan.

5.2. The appeal site is zoned Z0 4 'Residential, Local Services and Institutional Uses'. The objective of this land-use is 'to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to the employment policies outlined in Chapter 3'. The following policy objectives are relevant to the proposed development;

- Objective 6.1 – Residential Strategic Objectives
- Objective 6.8 – Housing Mix
- Objective 6.9 – Housing Density

5.3. Paragraph 11.15 of Chapter 11 sets out the Open Space Strategy in relation to City Parks.

5.4. Paragraph 11.24 – 11.26 Chapter 11 sets out guidance in relation to Public Open Space Provision.

5.5. Part C: Residential Development is a relevant consideration for the proposed development.

5.6. Paragraph 16.59 sets out guidance in relation to 'Infill Housing'.

5.7. Paragraph 16.78 sets out guidance in relation to 'Demolition of Existing Residential Dwellings'.

## 6.0 The Appeal

6.1. The following is a summary of an appeal submission submitted by Will and Veronica Connolly who reside at 22A Dundanion Road.

- The proposed development will result in overlooking and loss of privacy for existing residents.

- The proposal will result in a traffic hazard and congestion at the Dundanion Road / Beaumont Drive junction. This will result in serious traffic and safety problems.
- It is contended that any housing proposals should be proportionate to the area.

## 6.2. Applicant Response

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

- The neighbouring houses on Dundanion Road is over 13 meters from the proposed development. There is mature screening which will be retained and supplemented with additional screening.
- Along the southern boundary on Beaumont Drive the neighbouring property is set back approximately 8.5m.
- The neighbouring property on Beaumont Drive has a ridge height of 28.330 which is just slightly below the proposed dwelling which is set as 29.311.
- The proposed heights and separation distance will ensure that there are no adverse impacts on any established residential amenities.
- It is stated in the planner's report that the four dwellings would not have significant impacts on residential and visual amenities.
- It is submitted that House Type B does not cause any privacy issues for neighbouring dwellings. The west elevation faces onto Dundanion Road so no privacy issues arise.
- It is submitted that the north elevation is the only elevation facing an existing house. The windows in this elevation serve a bedroom.
- There is existing landscaping which will be retained and supplemented.
- Dwelling Type C overlooks the neighbouring dwelling along Beaumont Drive. This elevation only contains bathroom windows which will be served as per condition no. 6 of the Cork City Council permission. Existing and proposed landscaping will also act as screening.

- The Council do not consider that these windows will cause any overlooking issues.
- It is submitted that the appellants are not directly neighbouring the appeal site but located further north along Dundanion Road. As such the appellant's property will not be impacted by overshadowing, loss of privacy from the proposed development.

### **Traffic / Access**

- The proposed dwelling Type A is using the existing vehicular entrance.
- It is proposed to provide three vehicular entrances onto Beaumont Avenue. The proposed building lines were set back to allow safe reversing.
- Safe reversing in addition to adequate sightline provision will ensure that no traffic hazards are caused.
- It is submitted that the main traffic in the area is caused by residents outside the area driving their children to school. The provision of 4 no. houses in this area will ensure that families will not have to drive from outside the area to schools.

### **Visual Impact**

- The proposed density does not exceed paragraph 16.41 of the Cork City Development Plan, 2015, which is 35 – 50 dwellings. As such the density is not excessive.
- The proposed dwellings have been designed in a way that is respectful to other dwellings in the local area. The proposed building line is respectful of the local area.
- The proposed design uses a simple palette of materials, proportions and features which respects the local setting in the area.
- The area planner considers that the proposed development is acceptable.

### **Infill Housing Policy**

- The zoning of the site is residential.

- The Guidelines for Planning Authority on Sustainable Residential Development in Urban Areas emphasises the importance of brown field development.
- The proposed development is consistent with paragraph 16.59 of the Cork City Development Plan.
- Adequate separation distances have been provided to the dwellings.
- The proposed houses are orientated toward the tree-lined open space areas to the south.
- The boundaries that exist between adjoining properties will be maintained.
- The proposed dwellings to the front (south) link in with the dwellings to the east.
- The dwelling to the back (north) of the site has been designed to be smaller in scale and so as to compliment the neighbouring dwelling to the north.
- The proposed development fronting onto Dundanion Road and Beaumont Roads will make a positive contribution to the streetscape within this part of the City suburbs.
- The proposed development is located less than 200 metres from Avondale park / pitches and less than 500 metres from Skehard Park. These parks provide adequate public open space provision for the local area.
- It is submitted that the proposed development is fully consistent with infill policy in the national guidelines and City Development Plan.

### 6.3. **Planning Authority Response**

Cork City Council submitted a response stating that they had no further comments.

### 7.0 **Assessment**

- Principle of Development
- Impact on Residential Amenities
- Residential Amenities



- Traffic / Access

## 7.1. Principle of Development

- 7.1.1. The appeal site is zoned 'ZO4-Residential, Local Services and Institutional Uses'. The objective of this land-use zoning pertaining to the appeal site is '*to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to the employment policies outlined in Chapter 3*'. It is therefore a policy objective of the Cork City Development Plan, 2015 – 2021, that established residential amenities are protected.
- 7.1.2. The appeal site is effectively a corner site and there is currently a single storey bungalow on the subject site.
- 7.1.3. It is national policy, (i.e. Sustainable Residential Development in Urban Areas, 2009) to promote residential densities in urban areas in close proximity to services and public transport. The appeal site offers an opportunity to fulfil these national objectives as the subject site is located within walking distance of established amenities.
- 7.1.4. Overall I would consider that the principle of a proposed residential development on the appeal site is acceptable given the zoning objectives pertaining to the site and national policy to promote higher densities on well-serviced infill sites however any development would need to have regard to established residential amenities.

## 7.2. Impact on Residential Amenities

- 7.2.1. The appellant submits concerns that the proposed development will result in overlooking and loss of privacy for established residential amenities.
- 7.2.2. The Board will note that following an additional information request by Cork City Council that the site layout for the proposed development was revised. In the initial

planning application it was proposed to provide 5 no. houses comprising of 1 no. detached dwelling and 4 no. semi-detached dwellings. The revised site layout submitted by the applicant on the 24<sup>th</sup> June 2016 proposes 4 no. dwellings. Essentially this revised site layout omits the detached dwelling situated to the east of the appeal site. This revision allows for the extension of rear gardens for the four remaining proposed dwellings.

- 7.2.3. In terms of potential impacts on established residential amenities this revised site layout would reduce potential adverse impacts on established residential amenities as the intensification of the proposed development is reduced.
- 7.2.4. In terms of overlooking concerns I would note that the rear gardens face towards a neighbouring property to the immediate north. I noted from my site inspection that the existing neighbouring property to the north is situated on slightly higher ground than the appeal site. The difference in levels would in my view, be a mitigating factor in terms of overlooking from the proposed development to the established neighbouring property situated to the north given that the proposed development is situated on lower ground. The proposed rear elevation of House Type B is set back in excess of 12 metres from the rear boundary wall. The rear elevation for the westernmost House Type C is set back in excess of 13.5 metres from the rear site boundary which is an adequate set back distance. The easternmost House Type C will have a greater set-back distance from its rear elevation to its rear site boundary. In addition the falling gradient of the appeal site will act as a mitigating factor. I would therefore consider that the proposed house Types B and C are set back a sufficient distance from the rear site boundary site. I would not consider, based on the set back distances proposed and gradients outlined above, that House Type B or C would overlook any established residential amenities.
- 7.2.5. I would consider that the orientation of the proposed House Type's C and B would respect the established two-storey house's on Beaumont Drive Upper in terms of building line and height. As such I would not consider that House Type C or B would result in any undue overlooking or overshadowing towards the properties to the east

of the appeal site. I would note from the submitted plans that all established planting and hedging along the existing eastern external boundary wall will be retained and supplemented by additional planting. This will provide screening and mitigate against any potential overlooking or loss of privacy.

- 7.2.6. However I would have some concerns in relation to House Type A and the implications for the established property to the north. The proposed rear elevation has varying set back distance from the rear site boundary. The greatest separation distance from the rear elevation of House Type A to the rear site boundary is 7.9m and the minimum separation distance is 6.6m from the rear site boundary. I would consider that given the side elevation of the existing property which faces southwards that the separation distance of 6.6m is likely to result in overlooking of some degree or perceived overlooking and therefore a loss of privacy for the established residential amenities immediately north of the appeal site.
- 7.2.7. I would consider that the appeal site is capable of accommodating 4 no. residential properties as proposed however I would recommend a condition to the Board, should they favour granting permission, that the rear elevation of House Type A is set back by approximately 2 – 3 metres to protect established residential amenities to the north. This amendment will ensure that all the rear building lines in the proposed development are flush. I would also recommend a condition to de-exempt any domestic extensions from House Type A given its relatively short proximity to the residential property immediately to the north.

### 7.3. **Residential Amenities for Future Occupants**

- 7.3.1. The proposed development is for 4 no. dwellings and I would note that the private open space provision for each dwelling is generous. The size of the proposed rear gardens range from 100 sq. m. to 119 sq. m.

- 7.3.2. The floor area provision for each of the residential properties is generally generous which would provide a good level of amenity for future residents.
- 7.3.3. The proposed development provides two car parking spaces per dwelling which is acceptable.
- 7.3.4. Overall I would consider that the proposed development would provide an adequate level of residential amenity for future occupants.

#### **7.4. Traffic / Access**

- 7.4.1. The proposed development provides 4 no. individual vehicular accesses. Three of these vehicular accesses enter onto Beamont Drive Lower and this would represent an intensification at this location.
- 7.4.2. The applicant submitted a revised site layout plan which illustrates that it is possible to manoeuvre vehicles within the proposed driveways. The ability to manoeuvre in the driveway will avoid vehicles reversing directly onto the public road and therefore a safety measure.
- 7.4.3. I would note that the Area Planner or the Executive Engineer have no objections to the proposed vehicular entrances given the level intensification proposed.
- 7.4.4. There are established vehicular entrances onto Beamont Drive Lower and I noted from a visual observation of the area that the road is generally straight with good visibility. Therefore I would consider that the proposed vehicular entrances would have adequate sightline provision.

## 8.0 Recommendation

- 8.1. 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 shall be granted for the reasons set out below.

## 9.0 Reasons and Considerations

Having regard to the zoning of the site as set out in the Cork City Development Plan, 2015 - 2021, and the extent of the development, 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.

## 10.0 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 City Council on 24th June 2016 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 proposed development shall be modified as follows:

The ground floor rear elevation of House Type A shall be recessed by 2.6 metres to ensure that the first floor and ground floor of House Type A has a single rear building line.

Revised drawings showing compliance with the above requirement shall be submitted to the planning authority for written agreement prior to the commencement of development.

**Reason:** In the interest of protecting established residential amenities.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

4. Windows serving first floor bathroom, en-suite and wc areas shall be finished in obscured or frosted glass.

**Reason:** In the interest of protecting residential amenities.

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 for the agreement of the planning authority. This shall include boundaries between rear gardens and boundaries to the exterior of the site.

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

7. 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.

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 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 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.

13. 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.

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. 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.

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Kenneth Moloney  
Planning Inspector

25<sup>th</sup> November 2016