



An  
Bord  
Pleanála

## Inspector's Report PL28.247570

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<b>Development</b>	Demolish shed and construct house and associated site works.
<b>Location</b>	No. 1 Castlegreina Park, Boreenmanna Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	16/36847.
<b>Applicant(s)</b>	James Forde
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	James Forde
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> January 2017
<b>Inspector</b>	Fiona Fair.

## 1.0 Site Location and Description

- 1.1. The appeal site (approx. 0.0018 ha) is located at No. 1 Castlegreina Park, Boreenmanna Road, an established residential area, located to the south of Cork City centre.
- 1.2. The site which comprises a corner site currently hosts a small flat roofed shed, some stated 15 sq. m in area. The shed is camouflaged with bushes and is attached directly to the gable wall of the adjoining dwelling to the rear (west) of the site number eight Flora View.
- 1.3. Albeit the drawings submitted indicate the red line of the site not to include No. 1 Castlegreina Park and no blue line is included to indicate lands in the applicant's ownership. It would appear from my site visit that the appeal site currently serves as private open space / the side garden of No. 1 Castlegreina Park, which comprises an existing two storey semidetached dwelling.
- 1.4. No. 1 Castlegreina Park has a boarded up window at ground floor on its northern gable. Two other windows, on the gable at ground floor serve the kitchen and two windows at first floor serve a hallway / landing and bathroom. The subject appeal development proposes an additional dwelling unit attached to the northern gable of number one Castlegreina Park, to form a terrace of three dwellings.

## 2.0 Proposed Development

- 2.1. The proposal comprises permission for:
  - The demolition of an existing shed, (15 sq. m)
  - The construction of a new two storey dwelling house (90.42 sq. m)
  - A pedestrian entrance accessed from the Boreenamanna Road to serve the proposed house and existing house at number one Castlegreina Park.
  - All associated site works

Significant Further information was received in the subject case.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Following a detailed request for Additional Information with respect to details of existing dwelling on the site, the shed to be demolished, existing floor plans of the adjacent dwelling No. 2 Castlegreina Park, the building line of the proposed dwelling relative to the existing building line of no. 8 Flora View, car parking, private open space in accordance with Development Plan requirements, relocation of the proposed pedestrian access away from the existing telephone pole and stay, revised plans demonstrating that room sizes are in accordance with Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and Quality Housing for Sustainable Communities, omission of the ground floor alley (labelled footpath), design and finish which respects the existing character of the area and details of boundary treatments; planning permission was refused.

The reason for refusal sets out that the proposed development would be detrimental to residential amenities currently enjoyed by occupiers of adjoining residential dwellings as it provides a substandard level of private open space amenity for both the existing occupiers of the adjoining dwelling and also for potential future occupants by way of lack of adequate private open space. It also considers that the proposed development would affect the character of the area, give rise to an undesirable precedent and depreciate property in its vicinity.

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

#### **3.2.1. Planning Reports**

The Planners Report: Outlines serious reservations that adequate private open space has been provided for both the existing dwelling and the proposed dwelling. Refusal recommended.

Road Design Report: No objection subject to condition.

Drainage Report: No objection subject to condition.

#### **3.2.2. Other Reports**

Irish Water: No objection subject to condition.

HSA: Does not advise against the granting of permission

### **3.3. Third Party Observations**

An objection submitted to the planning authority raises concerns with respect to breaking the building line along Boreenmanna Road, entrance comprising a traffic hazard, blocking of sunlight, effect of weathering due to removal of sheds and access to gable, anti-social behaviour. No objection in principle to redevelopment of the site but needs to be done in a sympathetic manner.

## **4.0 Planning History**

4.1.1. 09/33756 Permission granted for a two storey extension.

## **5.0 Policy Context**

5.1.1. Sustainable Residential Development in Urban Areas, 2009

5.1.2. Quality Housing for Sustainable Communities, 2007

5.1.3. Development Plan

The site is governed by the policies and provisions contained in the Cork City Development Plan 2015-2021.

The site is zoned ZO 4 'Residential, Local Services and Institutional Uses' with the objective 'to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3'.

Section 16.58 of the Cork City Development Plan 2015-2021, relating to Single Units including Corner / Garden Sites', is of relevance.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The issues raised are summarised as follows:

- The principle reason for refusal was due to lack of private open space.
- The Cork City Development Plan requires 30 – 50 sq. m private open space (POS) for a 3 – 5-bedroom house
- The proposal incorporates 25 sq. m of POS
- The Cork City Development Plan also states that a reduction in POS standards may be considered to facilitate the development of small infill sites
- The shortfall in POS proposed is inconsequential
- Due to the current housing climate in Cork at present properties such as this proposed dwelling are in great need.

### 6.2. Planning Authority Response

- Response received no further comments forthcoming.

## 7.0 Assessment

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

- **Principle of the Development on the Site**
- **Design, layout and visual amenity**
- **Residential Amenity**
- **Undesirable Precedent**
- **Appropriate Assessment**

## 7.2. Principle of the Development on the Site

The appeal site is located within an area zoned with the objective ZO 4 'Residential, Local Services and Institutional Uses' with the objective 'to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3' of the Cork City Development Plan 2015-2021.

The proposed development, for a dwelling on a corner site attached to an existing semidetached dwelling, is compatible in principle with this zoning objective, subject to compliance with development management criteria set out in the Development Plan.

## 7.3. Design, layout and visual amenity

7.3.1. Section 16.58 of the Cork City Development Plan 2015-2021 relating to Single Units including Corner / Garden Sites' is of relevance in the subject case. It sets out that 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. 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.

- 7.3.2. The subject site is severely constrained in terms of site size, proximity and orientation of adjoining dwellings. While the planning application form submitted states that the area of the site to which the application relates as 0.0012 ha from my calculations it would appear that the site area is approx. 0.018 ha or 180 sq. m I note for the attention of the Board that the 'site layout plan' both 'existing' and 'proposed', as submitted, does not outline the site boundaries in red as required. However, from the red line delineation on the 'site location plan', originally submitted, it is clear to which lands the proposal relates.
- 7.3.3. The site layout plan submitted indicates that a rear garden depth of between 2.7m – 3.0m is proposed for the new dwelling. No boundary wall is proposed along the rear boundary of the proposed dwelling with number 8 Floraview. I would have sympathy for concerns raised by the owners of the adjoining dwelling with respect to nuisance, noise and antisocial behaviour and I consider it unacceptable that the gable wall of 8 Floraview would in itself form a party boundary / boundary to the rear garden of any new site.
- 7.3.4. The City Development Plan highlights that the size of a dwelling is a key determinant of its liveability and its adaptability to new household requirements and needs and therefore fulfilling "lifecycle" needs. Table 16.5 of the City Development Plan specifies minimum apartment size standards and Key Floor Area Dimensions (a minimum overall apartment GFA 100 sq. m is stated for a three-bedroom unit) and Table 16.7 sets out minimum standards for private open space (a requirement for 48 – 60 sq. m private open space for townhouses/terraced Houses in suburban areas). Section 16.64 of the Plan clearly states that 'front garden space will not be considered as private open space for calculation purposes. Table 16.8 sets out Car Parking Standards and a requirement for 1 car space per 3 or 3+ bedroom unit within Zone 3 Car Parking Area is applicable.'
- 7.3.5. The GFA of the proposed three bedroom dwelling is stated as 90.42 sq. m. While the revised plans, submitted by way of further information, propose room sizes which comply with guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas, 2009, it is considered that

the overall GFA is below that set out in the City Development Plan for a 3 bedroom unit – cognisance is had to the fact that the City Development Plan is referring to apartments standards.

- 7.3.6. One car parking space is proposed to the front of both the new dwelling and to number 1 Castlegreina Park, in accordance with requirements.
- 7.3.7. It is noted that the rear garden of number 1 Castlegreina Park is currently restricted in terms of depth, cognisance is had that the side garden currently affords an acceptable level of amenity in terms of private open space. Should the development be permitted as proposed it would give rise to the existing dwelling at No. 1 Castlegreina Park having a private open space area, to its rear, reduced to some 16 sq. m. Its restricted depth and proximity to a high boundary wall would not lend it to useable private open space.
- 7.3.8. The layout plan proposed indicates that the proposed dwelling also would have approximately 16 sq. m private open space to the rear of the proposed dwelling with some 25 sq. m proposed to its northern side.
- 7.3.9. The proposal for a pedestrian entrance off Boreenamanna Road to the rear of the proposed dwelling to serve the rear of the host dwelling at number one Castlegreina Park would further reduce the proposed private open space area to the rear of the new dwelling and impact upon privacy and usability.
- 7.3.10. Having assessed in detail the plans and drawings submitted, as revised by way of additional information and having carried out a site visit I am of the considered opinion that the proposed development constitutes haphazard, over development of a restricted site.
- 7.3.11. The development as proposed would reduce the private open space of number 1 Castlegreina Park to a degree which is wholly contrary to the development



management standards of the Cork City Development Plan. It would also, contrary to policy, give rise to a substandard level of private open space for future occupiers of the proposed dwelling.

7.3.12. I agree with the planning authority that the development by reason of its restricted rear garden depth and proximity to site boundaries would afford limited amenity value to future residents, set an undesirable precedent and depreciating the value of properties in the area.

7.3.13. With respect to visual amenity it is accepted that the proposed dwelling respects the established pattern of development in the vicinity. The layout respects the building lines along Boreennamanna Road and Castlegreina Park. Also the design, mass and scale of the dwelling reflects the adjoining dwelling of numbers 1 and 2 Castlegreina Park. This being said given the proximity of the proposed dwelling to number 8 Floraview and the proximity to site boundaries, it is considered that the provision of an additional dwelling at this location would constitute overdevelopment of this restricted site would seriously injure the residential amenities of the area.

#### **7.4. Residential Amenity**

7.4.1. I am of the opinion that neighbouring houses would not be overlooked or be overshadowed by the proposed house. I note the location of the site to the north of number 1 Castlegreina Park and to the north west of 8 Floraview. 8 Floraview has no windows to its western gable. The dwelling is proposed set off the western gable by some 2.7 – 3m. Regard is had that north facing window opes serving the kitchen (ground floor), hall / landing and bathroom (first floor) in number 1 Castlegreina Park would be lost. Albeit the kitchen has a separate window facing east given the limited yard area, high boundary wall and proximity of number 8 Floraview to the rear I consider that loss of residential amenity to number 1 Castlegreina Park / the host dwelling would result. I note that the sole kitchen window serving the proposed dwelling faces north and no windows / doors are proposed at ground floor to the rear / north of the proposed dwelling.

- 7.4.2. Given the tight urban form of buildings and the location of the appeal site directly to the west of the two storey gable of number 8 Floraview any shadows cast would fall to the western blank gable of 8 Floraview.
- 7.4.3. I have sympathy for the concerns of the occupiers of 8 Floraview that the proposal would give rise to noise nuisance and possible negative impact as a result of its gable forming the party boundary with the rear of the site. In particular, given the constrained expanse of the yard area proposed.
- 7.4.4. The occupiers of number 8 Floraview are also concerned with respect to the degree of overbearing which would result by replacement of a small single storey shed with a two storey structure, when viewed from their rear garden. Given the proposed house would be set off the boundary and is located adjoining a blank gable wall, while it would be visible from the rear garden to an extent, I am of the opinion the degree of overbearing would not be significant or material such that it would give rise to a reason for refusal in the subject instance.

#### **7.5. Undesirable Precedent**

- 7.5.1. I am of the opinion; the proposed development constitutes overdevelopment of a restricted plot. The proposal, if permitted, would be injurious to the amenities of surrounding properties and set an undesirable precedent for other similar future developments.

#### **7.6. Appropriate Assessment (AA)**

- 7.6.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058). The drainage Division of Cork City Council sets out that having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above.

- 7.6.2. The planning report on file concludes that appropriate assessment is not required.
- 7.6.3. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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 reason and consideration as set out below.

## 9.0 Reasons and Considerations

1. Having regard to Section 16.59 'Infill Housing' and Table 16.7 'Private Open Space Standards (Min. Requirements)' set out in the Cork City Development Plan 2015 – 2021, it is considered that the proposed development constitutes overdevelopment of a restricted site. In particular, by virtue of under provision of private amenity space to serve the proposed dwelling and to serve the host dwelling at number one Castlegreina Park. The proposal, if permitted, would thereby seriously injure the residential amenity and depreciate the value of adjoining property, would provide an unacceptable level of amenity for future occupants of the proposed dwelling, set an undesirable precedent for other similar future developments and would therefore be contrary to the proper planning and sustainable development of the area.

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Fiona Fair  
Planning Inspector  
23/01/2017