



An  
Bord  
Pleanála

## Inspector's Report PL.04.247827

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<b>Development</b>	Construction of a house and all associated works.
<b>Location</b>	Coolamber, Duntahane, Fermoy, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/06511
<b>Applicant(s)</b>	Ms Carmel O'Keeffe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	As above
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> March 2017
<b>Inspector</b>	Kenneth Moloney

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## 1.0 Site Location and Description

- 1.1. The subject site is located to the side garden of an established house in a suburban housing estate on the outskirts of Fermoy.
- 1.2. The existing house which is 2-storey in height has a sizable front, rear and side garden.
- 1.3. The size of the appeal site is approximately 0.08 ha (0.1976 acres).
- 1.4. The gradient of the appeal site rises slightly initially from the public road and then gradually to the rear of the site.
- 1.5. The rear garden is an unusual shape and extends in northwards direction beyond the boundary wall.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a single storey detached dwelling.
- 2.2. The floor area of the proposed dwelling is approximately 122 sq. metres and the floor plan comprises of living area and two bedrooms to the rear.
- 2.3. The maximum height of the proposed house is approximately 3.8 metres above ground level. It is proposed that the house will be finished in a smooth render finish.
- 2.4. The proposed development includes a vehicular access onto the estate road.
- 2.5. The proposed development includes a new connection to the public mains and a new connection to public sewer.

## 3.0 Planning Authority Decision

- 3.1. Cork County Council decided to **refuse** planning permission for the following reason;

The proposed development would endanger public safety by reason of traffic hazard because the restricted road frontage would preclude the provision of satisfactory sight lines at the proposed entrance. The development proposed would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report and the SEP's report are as follows;

#### Area Planner

- The design of the proposed development would sit in with its surrounding residential context.
- However, the Area Engineer recommends refusal on the basis of traffic hazard.

#### Senior Executive Planner

- There is a mixture of house types within the established housing estate.
- This is the first application to subdivide one of the residential plots in this housing estate.
- The proposal is situated to the rear of an existing building line.
- It is considered that the siting and design of the dwelling are not likely to seriously impact on the amenities of the neighbouring occupiers.
- The Area Engineer considers that the subject access would result in a traffic hazard.
- Refusal recommended.

3.2.2. Area Engineer; - The proposal would endanger public safety by reason of traffic hazard.

3.2.3. Observations: There is a submission from Irish Water who have no objections to the proposed development.

### 3.3. Third Party Observations

There is no third party submission.

### 4.0 Planning History

- The appeal site has no recent relevant planning history.

## **5.0 Policy Context**

### **5.1. Development Plan**

The operational Development Plan is the Cork County Development Plan, 2014 – 2020.

### **5.2. Local Area Plan**

The operational Local Area Plan is the Fermoy Electoral Area Local Area Plan, 2011. In accordance with the settlement map for Fermoy Environs the subject site is located within the settlement boundary.

The site is zoned 'Existing Build-up Area'.

## **6.0 NATIONAL GUIDANCE**

### **6.1. Sustainable Residential Development in Urban Areas, 2009**

The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

The Appeal

6.2. The following is the summary of a third party appeal submitted by E-Project Chartered Architects (EPCA) on behalf of Ms Carmel O'Keeffe;

- It is contended that contrary to the refusal reason that the site entrance proposed to serve the new dwelling provides acceptable sightlines.

- These sightlines are well in excess of 70m in either direction.
- This was illustrated on the EPCA's Planning Submission Drawing 648-PL-105. This fact was acknowledged by the Area Engineer on the 16<sup>th</sup> December 2016.
- It is submitted that the applicant's agent met with an Area Engineer following the decision of the Local Authority and that the Area Engineer was asked to clarify the reason for the refusal reason. The Area Engineer stated that the reason for refusal relates to 'drivers behaviour'.
- It is contended that 'drivers behaviour' could be used to justify the refusal of any development and it is without merit.
- All other matters with the proposed house are acceptable to the LA and the Board are requested to grant planning permission accordingly.

### 6.3. **Observations**

None.

## 7.0 **Assessment**

- Principle of Development
- Access
- Impact on Established Residential Amenities
- Appropriate Assessment

### 7.1. Principle of Development

The operational Local Area Plan is the Fermoy Electoral Area Local Area Plan, 2011. In accordance with the settlement map for Fermoy Environs the appeal site is located within the settlement boundary. The proposed development would be consistent with the recommendations of the Guidelines for Planning Authorities,

'Sustainable Residential Development in Urban Areas', 2009, as these guidelines recommend increasing residential densities in inner suburban / infill sites.

Therefore, having regard to the location of the proposed development I would consider that the principle of residential development would be acceptable provided that the proposal has adequate residential amenity, adequately safeguards the residential amenities of the adjoining properties and would not result in a traffic hazard, and would be in accordance with the local area plan provisions.

## 7.2. Access

The submitted drawing entitled '*proposed site layout plan sight lines and detail*' illustrates that the proposed vehicular entrance has a sightline provision of 70 metres in either direction. This sightline provision is generally acceptable for a residential estate.

However, the Area Engineer, recommended refusal on the basis that the restricted road frontage would preclude the provision of satisfactory sight lines at the proposed entrance. I would note from the Area Engineer's report, dated 28<sup>th</sup> November 2016, that at a pre planning meeting the applicant was advised to consider a shared entrance to serve the existing house and the proposed house on the overall site. The applicant was advised that a single entrance should be located at the furthest possible point from the bend on the estate road.

I would note from my visual observation of the area that the proposed entrance is located adjacent to an acute bend on the public road. I would acknowledge that a difficulty arises when a vehicle is approaching the proposed entrance from the east and a second vehicle is travelling on the estate road in a northern direction towards the proposed entrance. This situation might give rise a traffic conflict or indeed a traffic hazard. Furthermore, I would note that the existing single storey house on the site to the immediate north of the appeal site has a similar vehicular entrance located

close to the proposed entrance. In conclusion I would consider that the proposed vehicular entrance would amount to an intensification of vehicular entrances adjacent to the existing bend and may give rise to a traffic hazard.

Overall I would conclude that the proposed development would endanger public safety by reason of traffic hazard because of restricted visibility for vehicles travelling along the estate road.

### 7.3. Impact on Established Residential Amenities

In terms of established residential amenities, the proposed house is effectively located between two established dwellings. Firstly, there is the applicant's existing dwelling which is located to the immediate south of the proposed development. Secondly, there is a neighbouring single storey dwelling located to the north of the proposed development. It is also notable that the building line of the proposed house breaks the established building line.

The proposed house, at its nearest point, is located approximately 16 – 17 metres from the neighbouring single storey house to the north. I would note that the proposed elevations facing towards the single storey house (i.e. east and north facing) have a number of windows and a single door. These windows include bathroom, kitchen and a door to access the garden. I would consider that should the Board favour granting permission that a condition should be attached requiring that these windows are finished in frosted glazing or that the windows are high level glazing to prevent any undue overlooking which would negatively impact on established residential amenities.

I would also note that the southern elevation of the proposed house has a number of windows that look towards the existing rear garden of the established two-storey house which is located to the south of the proposed development.



The appeal site is located on slightly higher ground than the rear garden of the two-storey house. In addition, as outlined above the proposed windows are located relatively close to the proposed site boundary situated between the proposed house and the established two-storey house. The windows serving the proposed sun lounge and the dining area of the proposed house are located some 4 metres from the proposed boundary.

I would consider that the proposed house would introduce a level of overlooking that does not currently exist and therefore may have a negative impact on established residential amenities in terms of loss of privacy. However the issue in relation to the loss of residential amenity would effectively give rise to a new issue and having regard to the substantive issue I would recommend that this issue is not pursued by the Board.

The proposed rear garden, situated to the north of the proposed house, has a depth of 11 metres and in general the size of the rear garden is acceptable. The proposed house also includes amenity space to the west and south of the proposed house and a sizable front garden. Overall the private open space provision to serve the proposed house is acceptable.

#### 7.4. Appropriate Assessment

It is intended that the proposed house will be connected to public water mains and the public sewer. Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

## 8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

## 9.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the inadequate visibility available at the location of the proposed entrance. The proposed development would endanger public safety by reason of a serious traffic hazard and therefore would be contrary to the proper planning and sustainable development of the area.

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Kenneth Moloney  
Planning Inspector

21<sup>st</sup> March 2017