



An  
Bord  
Pleanála

## Inspector's Report PL28.247890

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### Development

Retain single storey extension.  
Permission for demolition of extension to rear of house. Subdivide site into 2 with construction of new dwelling to rear of site.

### Location

The Grove, Model Farm Road, Cork.

### Planning Authority

Cork City Council.

### Planning Authority Reg. Ref.

16/37055

### Applicant(s)

John and Sandra Kennedy

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission.

### Type of Appeal

Third Party

### Appellant(s)

Michael and Helen Murphy and Others

### Observer(s)

None.

### Date of Site Inspection

29<sup>th</sup> March 2017

### Inspector

Fiona Fair.

## 1.0 Site Location and Description

The appeal site, with a stated area of 0.082 ha, is located on the northern side of Model Farm Road to the south west of Cork city centre.

The surrounding area is predominantly residential in character, with the lands immediately adjoining to the north, northeast and west comprising a mix of single storey detached and two storey detached dwellings. 'Hilltop' single storey neighbouring dwelling located to the north, 'An Peidhleacan' two storey neighbouring dwelling located to the north, 'Sunnyside' and 'Forestry House' single storey neighbouring dwellings located to the east. The driveway serving 'Hilltop' directly abuts the western boundary of the appeal site. The gated vehicular access to Mount Mercy College is also located to the west of the appeal site.

The appeal site currently hosts a semi-detached cottage 'The Grove', which has been extended to the rear and side and has been until recently used as a medical centre. A small flat roof detached garage structure is located to the rear of the cottage. The site is accessed by way of a narrow vehicular access driveway from Model Farm Road, the entrance is located to the south western boundary and runs to the rear of the site which comprises a part tarmacadam, part gravel rear yard area.

The boundaries of the site are well defined by block walls, mature hedges and mature plants. The northern boundary in particular comprises a high mature hedge.

## 2.0 Proposed Development

2.1. The proposal comprises permission for:

- Retention of single storey extension (existing house and ext. to be retained c. 76 sq. m)

- Permission for demolition of extension to rear of existing house (20 sq. m)
- Permission to subdivide site into 2 with construction of new dwelling to rear of site
- New dwelling (180 sq. m) comprises a four bedroom, two storey double pitched roof dwelling, with a central double height glazed link entrance hall, 6.9m in height, slate roof and stone first floor façade finish.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following a request for Additional Information with respect to (i) plan indicating the relationship of the proposed dwelling, the existing dwelling and neighbouring dwellings (ii) clarification of the use of the existing property (iii) north south contiguous elevations which includes the existing property (iv) details of shadow cast from proposed dwelling (v) elevations of the existing dwelling with modifications (vi) clarification of the separation distance between the proposed dwelling and the dwelling to the rear / north of the site, (vii) clarification of driveway width and (viii) details of boundary treatments, planning permission was granted subject to 12 number conditions.

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

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

The Planners Report sets out that having regard to the nature, location and context of the site and surrounding area, the policies of the Cork City Development Plan 2015 – 2021 and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions that the proposed development would not seriously injure the residential or visual amenity of the area.

Drainage Report: No objection subject to condition.

Roads Planning: No objection subject to condition.

##### **3.2.2. External Reports**

Irish Water (IW): No objection  
DAA. Cork Airport Authority: No objection

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

A number of objections were submitted to the planning authority. Concerns raised are similar to those raised in the third party appeal summarised in detail below.

## 4.0 **Planning History**

None.

## 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'.

Residential Density

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 within the third party appeal by Michael Wall on behalf of Michael and Helen Murphy, John Halligan and Boris and Niamh de Swart has been collated under the following headings:

#### **Overdevelopment and Undesirable Form of precedent**

- Injurious to residential amenity of adjoining property
- Over development of an already sub divided site
- Negative precedent to further increase densities
- Creation of another line of development
- Inadequate private open space to serve the existing cottage
- Welcome improvement / extension of the existing cottage to make it into a family home.
- Layout form and design would result in an inappropriate form of development at this location

#### **Vehicular Entrance**

- Additional traffic movements would endanger public safety by reason of a traffic hazard
- Unsafe vehicular access proposed
- Inadequate sightlines to the west of the access
- Even if the boundary wall in the ownership of 'Hilltop' were lowered a maximum of only 22m sightlines, to the west, can be achieved.
- Due to the nearby school entrance there is very heavy pedestrian traffic
- To exacerbate an already undesirable situation by allowing a new additional entrance to add to traffic load, with inadequate sightlines would be absurd.

## **Overlooking**

- Concern with regard to the east facing landing window at the top of the stairs.
- Overlooking of 'Sunnyside' from a distance of approx. 3.5m from the boundary
- The p.a. has not conditioned this glass to be obscure.
- Object to the form of development proposed
- Injurious to residential amenity

## **Overbearing**

- Visual overbearing to rear garden of 'Sunnyside'
- An extension to the rear of The Grove would be more suitable

## **Over Shadowing**

- Unacceptable overshadowing of 'Hilltop' and 'Sunnyside' neighbouring properties to the north and north east.
- 'shadow study' submitted omits the winter solstice shadow (21<sup>st</sup> December)
- Unacceptable level of shadow would be cast over the rear garden of 'Sunnyside'

## **Storm Water and Foul Water Drainage**

- No indication on the drawings submitted where storm water is to be disposed to.
- Good practice to locate storm water soakaway 5m from a boundary or building. This is not possible given the layout proposed.
- Concern with respect to overloading of the foul sewer, there have been breakages and blockages over the years.

## **6.2. Applicant Response**

- 6.2.1. A response was submitted by McCutcheon Halley Planning Consultants on behalf of the applicants John and Sandra Kennedy. it is summarised as follows:

### **Overdevelopment and Undesirable Form of precedent**

- The existing pattern of development in the surrounding area is somewhat haphazard
- Mix of dwelling type in the area
- Proposed dwelling is adequately set back from the rear and side boundary walls and is designed to prevent overlooking into the neighbouring properties.
- Density equates to 24 units / ha which is low
- 90 sq. m of private open space (POS) is proposed to serve the existing two-bedroom dwelling. 87 sq. m POS is proposed to serve the new four-bedroom dwelling. This complies with Cork City Development Plan requirements.
- Proposal complies with section 16.59 infill housing of the current Cork City Development Plan 2015

### **Vehicular Entrance**

- Sightlines of 74 m can be achieved to the north west of the existing entrance (nearside of road) and 54 meters to the south east of the existing entrance.
- The southern site boundary wall will be lowered to achieve these sightlines.
- The western boundary wall is currently low enough to facilitate the sightlines.
- Proposal accords with DMURS
- The existing dwelling on site having been in use as a medical centre for years catered for traffic movements far in excess than that of the proposed development on a daily basis
- Level of traffic associated with one dwelling would be low.
- There is no objection to the proposal from the city councils executive engineer.
- The road has a 50 Km / h speed limit with numerous bus stops and traffic light junctions along Model Farm Road.

## **Overlooking**

- The rear north facing elevation of the proposed dwelling proposes opaque glass for the first floor windows – non habitable rooms.
- Only one first floor window proposed on the eastern elevation of the dwelling. First floor landing and circulation space, not a habitable room.
- The view from the window is restricted as it is recessed almost 2.6m from the gable
- Clients happy to consider alternative design solutions for this area should The Board consider this appropriate.

## **Overbearing**

- The dwelling has been site specifically designed to have regard to height of adjoining dwellings.
- Two storey dwelling to the rear of the proposed dwelling is much higher.
- High standard of design, use of natural materials and the proposed high quality finishes will positively contribute to the surrounding area.

## **Over Shadowing**

- The shadow study submitted with the application was carried out under guidance of BRE document.
- Shadow Analysis of Proposed House for:
  - March 21<sup>st</sup> at 9.00, 12.00, 15.00
  - September 21<sup>st</sup> at 09.00, 12.00, 15.00
  - September 21<sup>st</sup> 15.00 and March 21<sup>st</sup> at 15.00 with shed and hedge
- Only minor overshadowing of neighbouring properties as a result of the proposed development
- Overshadowing immediately to the east occurs primarily in the late afternoon and only effects the north end of the back garden.
- The main amenity / useable space in the neighbouring eastern garden is not affected.



- Will not impact negatively on the amount of sunlight entering the appellant's property to the north.

### **Storm Water and Foul Water Drainage**

- As per condition 10 soakaways will be located 5m from any structure or site boundary.
- Condition 9 of the notification of decision to grant permission requires the developer to submit full details for the storm water runoff prior to commencement of development.
- All soakaways will be designed in accordance with BRE Digest 365 an area of approx. 30 sq. m is available for use as a soakaway.
- The Drainage department of the planning authority have no concerns with respect to foul water disposal. The site is served by a public foul sewer which runs along the public road.
- Concerns raised with respect to foul water disposal are unfounded.

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

- No response received.

## **7.0 Assessment**

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

- **Principle of the Development on the Site**
- **Overdevelopment / Impact Upon Residential Amenity**
- **Vehicular Entrance**
- **Storm water and Foul Water Disposal**
- **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 demolition and retention of single storey extensions to the existing dwelling and proposed subdivision of the site into two and construction of a new two storey dwelling with associated private open space, car parking and services is acceptable in principle within with this zoning objective, subject to compliance with development management criteria set out in the Development Plan.

## 7.3. Overdevelopment / Impact Upon Residential Amenity

- 7.3.1. Regard is had to concerns raised by third parties, in particular, by owners of the 'Hilltop' and 'Sunnyside' neighbouring properties to the north and north east, with respect to over development, overshadowing, overbearing and overlooking from the proposed new dwelling.
- 7.3.2. The proposed new two storey dwelling has a height of 6.9m, and would be above the height of the adjoining single storey property to the north 'Hilltop' and 'Sunnyside' to the east. However, An Peidhleacan, a large modern idiom, two storey dwelling with a ridge in excess of 8m in height is located to the north east. There is an established pattern of infill development in the immediate surrounding area as the long narrow sites were subdivided over the years. There is currently a mix of two storey and single storey dwellings within the immediate area of the site. Having regard to all of the information before me, and having conducted a visit of the site and its environs, I am of the opinion that the scale, mass and design of proposed development, is acceptable in the context of existing permitted development. This is an urban infill site which is being subdivided and the existing dwelling altered to accommodate an additional dwelling. The dwelling is set back from the rear and side boundary walls and is designed to prevent overlooking into the neighbouring properties.

7.3.3. I do not consider the scale of the proposed development to be excessive in its context. The proposal complies favourably with section 16.59 'Infill Housing' of the 2015 – 2021 Cork City Development Plan which states ‘

‘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... 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’.

7.3.4. In relation to private open space the proposal delivers 90 sq. m of private open space for the existing dwelling (2 bedroom) and 87 sq. m of private open space for the proposed dwelling (4 bedroom) The corresponding requirements in the Cork City Development Plan are for 48 – 60 sq. m for a 2 bed semidetached property and 60 - 75 sq. m for a 3 – 5 bed detached property.

7.3.5. The proposed development is bounded by neighbouring gardens to the north and east. The proposed design allows for a separation distance of approx. 14 – 15.3m to the rear elevation of the dwelling to the north ‘Hilltop’ and allows for a separation distance of some 20m to the side elevation of the dwelling to the east ‘Forestry House’. The new dwelling is to be located between 7 – 8 m from the northern boundary.

7.3.6. The design of the proposed dwelling is to a high standard with an aesthetically pleasing stone finish proposed to the front façade. All existing planting and boundaries are to be retained and supplemented with additional screen planting, regard is had to the Site Layout / Boundary Treatment Plan Drg. No. PL009 submitted. The rear north facing elevation proposes opaque glass for all the first floor rear windows which all serve non habitable space. There is one first floor landing window proposed on the eastern elevation of the dwelling. The first party submits that any view from this window would be restricted given it is recessed some 2.6m

from the gable of the southern narrow plan section of the dwelling. However, they are happy to consider an alternative design solution for this area should it be deemed appropriate by the Board. I recommend, regard being to overlooking and perceived overlooking of the rear garden of 'Sunnyside' to the east, that should planning permission be forthcoming, this window should be conditioned to be obscure.

- 7.3.7. A Shadow Analysis for the proposed two storey dwelling was submitted. The analysis indicates that there is only minor overshadowing of neighbouring properties as a result of the proposed dwelling, with the majority of this occurring during the early morning and late afternoon. I have considered the shadow analysis and I am of the opinion that overshadowing impact, most noticeable, occurs from 3 pm and casts shadow to the east over the northern portion of the rear garden of 'Sunnyside'. It is the argument of the first party that overshadowing falls onto an existing shed at the rear of 'Sunnyside's' garden rather than open space. Having visited the site and taken cognisance to all issues raised I am of the opinion that the degree of shadow cast would not be so material in this urban context that planning permission should be refused.
- 7.3.8. Overall I consider that the design, which is to a high standard, taken together with the size of the site, screening and development in the vicinity, is such that the proposal would not give rise to overdevelopment of the site, would not be visually incongruous or diminish residential amenity so as to warrant a refusal of permission.

#### **7.4. Vehicular Entrance**

- 7.4.1. The applicant is proposing a shared driveway arrangement, with right of way access to the proposed new dwelling, over the existing vehicular access to the host dwelling. Concern has been raised with respect to sightlines at the access.
- 7.4.2. It is submitted that the applicant does not have legal entitlement to alter the western boundary wall or pillar and that sightlines are restricted. The first party propose to lower the front boundary wall in an eastern direction for sightlines and widen the existing vehicular entrance. A sightline of 74m is proposed to the west of the

proposed entrance and 32m to the nearside road edge to the east. It is accepted by the Road Design Office of Cork City Council that the sightlines are in accordance with DMURS and the planning authority engineer has no objection subject to condition.

- 7.4.3. While I note the concern raised that the additional traffic movements generated would result in conflicting vehicular and pedestrian movement cognisance is had that the existing dwelling on site was in use as a medical centre for years and catered for traffic movements far in excess than that of the proposed development on a daily basis. The appeal site is an urban infill serviced site within walking distance of services and amenities, Model Farm Road has a 50 Km / h speed limit, it is heavily trafficked and therefore car speed is slow.
- 7.4.4. Overall I am of the opinion that the level of traffic associated with one dwelling would be low and I see no justifiable reason to refuse planning permission on traffic safety grounds.

## 7.5. Storm Water and Foul Water Disposal

- 7.5.1. Concern has been expressed by adjoining property owners to the north and north east of the appeal site with regard to location of storm water soakaway and also to capacity and condition of the public sewer.

I note the Drainage Report on file which has no objection to the proposal subject to conditions. Irish water also has no objection to the proposal, the appeal site is a fully serviced site within the urban boundary of Cork City. The appeal site is not located within flood zones A or B as specified in the Flood Risk Management Guidelines for Planning Authorities 2009. I evidenced no flooding or signs of flooding on the appeal site at the time of my site visit.

It is a requirement of the p.a. that all storm water runoff shall be retained on site. Full details and supporting calculations shall be submitted to and agreed in writing with the p.a. prior to the commencement of development. All soakaways must be designed in accordance with BRE Digest 365 or similar as approved by the p.a.

Given the foregoing, it is my opinion, that no clear evidence has been submitted that would indicate that the proposed development would be at risk of flooding or would

give rise to a public health hazard in respect of foul drainage, provided development is carried out to an appropriate standard, in accordance with requirements and conditions.

## **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).
- 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**

- 8.1.1. I recommend that planning permission should be Granted subject to the following conditions.

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the land-use zoning of the site, the existing pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development and that to be retained would not give rise to a traffic hazard, be injurious to visual amenity of the area or injure residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23rd November 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The host dwelling and the new dwelling permitted by way of this grant of planning permission shall both be used solely as single residential dwelling units.

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

3. (a) The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass.

(b) The hall / landing first floor window on the eastern elevation shall be permanently fitted and maintained with obscure or stained glass.

**Reason:** In the interests of proper planning and sustainable development of the area

4. Water supply and drainage arrangements, including the attenuation and 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.

5. Proposed boundary walls shall be capped and finished in materials matching the existing wall along the front of the existing dwelling.

**Reason:** In the interests of residential and visual amenity.

6. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the 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.

7. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interests of public safety and residential amenity



8. 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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Fiona Fair  
Planning Inspector  
04/04/2017