



An
Bord
Pleanála

Inspector's Report PL04.248062

Development	Demolish former licensed premises known as The Monkstown Inn and erect 4 No. two and a half storey townhouses.
Location	Monkstown Inn, Glen Road, Monkstown, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/06245
Applicant(s)	Daniel Boland
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Sean Walsh & Others
Observer(s)	None.
Date of Site Inspection	2 nd May, 2017
Inspector	Robert Speer

1.0 Site Location and Description

The proposed development site is located along the northern side of Glen Road in the small satellite town of Monkstown, Co. Cork, approximately 11km southeast of Cork City Centre and 250m southwest of Monkstown town centre, on the western fringe of the Upper Monkstown Architectural Conservation Area in an area characterised by the gradual transition from the predominantly 18th and 19th Century period residences which overlook the harbour to the east through to less substantial terraced properties and more recent conventional infill housing further west. The immediate site surrounds include a variety of house designs / styles with examples of two- and three-story construction whilst the lands on the opposite of Glen Road are in use as a community playground / park with a tennis club sited beyond same. The site itself has a stated site area of 0.06 hectares, is irregularly shaped, and is presently occupied by a former licensed premises known as The Monkstown Inn (in addition to 'The Galley' takeaway) which has fallen into a state of dereliction / disrepair whilst the northern extent of the site area is defined by a significant change in ground levels and a steep escarpment / cliff face.

2.0 Proposed Development

The proposed development, as initially submitted to the Planning Authority, involves the demolition of a former licensed premises known as 'The Monkstown Inn' and the subsequent construction of a free-standing block of 4 No. two and a half storey, 3-bedroom, terraced townhouses. In this regard, each of the proposed dwelling houses will have a stated floor area of 148m² and a ridge height of 9.46m. Whilst the overall design of the proposed units is somewhat conventional, efforts have been employed to utilise some contemporary elements through the inclusion of vertically emphasised strip windows, first floor box windows, and the feature use of cladding materials. External finishes will include blue / black roof slates, a smooth painted render, timber sheeting, and zinc-coated metal fascias and soffits. Each of the proposed dwelling houses will be provided with a rear garden area of c. 25-32m² in addition to 1 No. on-street car parking space.

In response to a request for further information, amended proposals were subsequently submitted which included for the following principle revisions to the overall design and layout of the proposal:

- A reduction in the overall site area as outlined in red due to the omission of an existing laneway / passageway to the west of Proposed House No. 4.
- A reduction in the overall size / building footprint of the proposed housing block to provide 4 No. terraced townhouses, each with a stated floor area of 141m² (*N.B.* The rear garden areas of each of the proposed dwelling houses has been reduced proportionately to c. 25-30m²).
- The amendment of the proposed on-street parking arrangements to provide for 4 No. parking bays measuring 2.5m x 6m.

N.B. An application for a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, has accompanied the planning application.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of a response to a request for further information, on 6th February, 2017 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 20 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, construction management and infrastructural works, however, the following conditions are of note:

Condition No. 8 – Requires the omission of the rooflights from the front elevation of the proposed development.

Condition No. 14 – Requires the 4 No. on site car parking spaces to be provided prior to the first occupation of the proposed housing.

Condition No. 16 – Refers to the provision of a footpath with a minimum width of 1.5m to the satisfaction of the Planning Authority.

Condition No. 20 - Refers to the payment of a special development contribution in the amount of €10,000 towards parking and infrastructure works to be carried out in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report noted the site location within the development boundary of Passage West / Monkstown and its land use zoning as '*Existing Built-Up Area*' in the Carrigaline Electoral Area Local Area Plan, 2015. It was further noted that although the proposed development would involve the demolition of a former public house etc., which would result in the loss of a commercial premises serving the Monkstown area, there was no objection in principle to the introduction of a residential use at the location proposed. The report subsequently referenced the planning history of the application site and stated that the applicant was advised during the course of pre-planning discussions to consider a contemporary approach to the development of the site. With regard to the overall design of the proposal and its location within the Upper Monkstown Architectural Conservation Area, the building height was considered to be appropriate as the embankment to the rear of the site would act as a backdrop to same whilst discussions with the Conservation Officer also established that the design / form of the development proposed was acceptable, subject to some modifications of the fenestration arrangements. It was further indicated that the proposal would not result in any overlooking or overshadowing of any neighbouring properties and that a special development contribution towards the improvement of the parking area on the opposite side of the road would satisfactorily address the deficiency in on-site car parking provision. The report subsequently concluded by recommending that further information be sought in respect of a revised elevational / fenestration treatment for the proposed housing, a revised car parking layout, the proposed drainage arrangements and a Flood Risk Assessment.

Following the receipt of a response to a request for further information, a final report was prepared which indicated that the amended proposals were acceptable before subsequently recommending a grant of permission subject to conditions.

3.2.2. Other Technical Reports:

Public Lighting: No objection, subject to conditions.

Estates Primary: An initial report stated that the proposed development was seriously deficient in on-site car parking provision and therefore constituted an over-development of the site. In this respect it was further submitted that a minimum of 2 No. parking spaces should be provided per dwelling house (preferably within the curtilage of each housing plot) i.e. there was a minimum requirement for 8 No. car parking spaces to serve the proposed development. It was also suggested that the proposed parallel parking spaces should be a minimum of 6m in length and that proposal was dependant on the use of on-street parking spaces. With regard to drainage, the report stated that it was unclear if there was a separate storm water sewer along the roadway fronting the site and thus it was recommended that detailed proposals for the discharge of surface waters be provided by the applicant.

Following the receipt of a response to a request for further information, a further report was prepared which reiterated the contents of the earlier submission.

Area Engineer: States that there is no objection in principle to the redevelopment of the application site, but that further details should be sought in respect of the proposed car parking provision and the connection to the public surface water sewer. It was also recommended that a Flood Risk Assessment be required given the site location in an area which has previously been prone to fluvial flooding.

Engineering: No objection, subject to conditions (including a requirement to pay a special development contribution towards car parking provision).

Conservation Officer: No objection, subject to conditions (including a requirement to omit the rooflights from the front elevation of the proposed dwelling houses in order to avoid an excessively cluttered appearance and to protect the character of the architectural conservation area).

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

Inland Fisheries Ireland: States that there is no objection to the proposal to dispose of foul effluent to the public sewer provided Irish Water can confirm that there is

sufficient capacity available so as to avoid overloading (either hydraulically or organically) the existing treatment facilities or result in polluting matter entering waters. In the event that such an assurance is not in place, it has been submitted that there must be an onus on the developer to provide a separate treatment and disposal option until the public facilities are deemed to be adequate.

3.4. **Third Party Observations**

A single submission was received from the appellants and the principle grounds of objection contained therein can be summarised as follows:

- Encroachment of third party lands.
- A similar development was previously refused permission on site under PA Ref. No. 08/9258.

4.0 **Planning History**

On Site:

PA Ref. No. 07/6971 / ABP Ref. No. PL04.224073. Was refused on appeal on 6th February, 2008 refusing Anne O'Sullivan and Dan and Sean and Kathleen Walsh permission for the demolition of a vacant dwelling house at No. 2 Glen Road and of the Monkstown Inn and the construction of a terrace of 5 No. three-storey dwellings with off-street parking and attendant site works for the following reason:

- The proposed development involves the demolition of Monkstown Inn and an end of terrace dwelling which are located within the Upper Monkstown Architectural Conservation area and contribute to the character of the streetscape at this location. It is an objective of the Cork County Development Plan, 2003 to conserve and enhance the character of such areas (ENV 5-5). It is considered that the proposed development would detract from the character of the Conservation Area by reason of its scale, design and materials. The proposed development would, therefore, contravene an objective of the Development Plan and be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 08/9258. Was refused on 22nd June, 2009 refusing Anne O’Sullivan and Dan, Sean & Kathleen Walsh permission for the demolition of an existing vacant dwelling (No. 2 Glen Road) and The Monkstown Inn, and the construction of 5 No. terraced three-storey dwellings with off-street parking and attendant site works for the following reason:

- The proposed development would involve the demolition of The Monkstown Inn and an end of terrace dwelling which are located within the Upper Monkstown Architectural Conservation Area and contribute to the character of the streetscape at this location. It is an objective of the 2009 County Development Plan to conserve and enhance the character of such areas (ENV 4-6). It is considered that the proposed development would detract from the character of the Conservation Area by reason of its scale, design and materials. The proposed development would, therefore, contravene an objective of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

On Adjacent Sites:

None.

On Sites in the Immediate Vicinity:

PA Ref. No. 13/4393. Was granted on 29th May, 2013 permitting The Monkstown Amenity Association permission for the upgrading and construction of a community playground to include junior and senior equipment areas along with all ancillary fencing, pathways, drainage, surfacing, landscaping and civil works at Glen Road, Monkstown, Co. Cork.

5.0 Policy Context

Cork County Development Plan, 2014:-

Chapter 3: Housing:

Section 3.3: *Delivering Sustainable Residential Communities*

HOU 3-1: *Sustainable Residential Communities:*

- a) Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, in development plan preparation and in assessing applications for development through the development management process.
- b) Promote development which prioritises and facilitates walking, cycling and public transport use, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes such as bus and rail stops.
- c) Following the approach in chapter 10 of this plan, ensure that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that the works required to give effect to this objective are identified early in the planning process to ensure such infrastructure is delivered in tandem with the occupation.

HOU 3-2: Urban Design:

- a) Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, the accompanying Urban Design Manual and the Council's Design Guide for Residential Estate Development in development plan preparation and in assessing applications for development through the development management process.
- b) Provide additional guidance, including principles and policies, on urban design issues at a local level, responding to local circumstances and issues. Where appropriate Local Area Plans will consider the need for the provision of additional guidance in

the form of design briefs for important, sensitive or large scale development sites.

- c) Require the submission of design statements with all applications for residential development in order to facilitate the proper evaluation of the proposal relative to key objectives of the Development Plan with regard to the creation of sustainable residential communities.
- d) Require developers to take account of the Design Manual for Urban Roads and Streets (DMURS).

HOU 3-3: Housing Mix:

- a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.
- b) Require the submission of a Statement of Housing Mix with all applications for multiunit residential development in order to facilitate the proper evaluation of the proposal relative to this objective.

Section 3.4: Housing Density:

Chapter 12: Heritage:

Section 12.4: Architectural Heritage: Architectural Conservation Areas

HE 4-5: Architectural Conservation Areas:

Conserve and enhance the special character of the Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. This will be achieved by;

- a) Protecting all buildings, structures, groups of structures, sites, landscapes and all features considered to be intrinsic elements

to the special character of the ACA from demolition and non-sympathetic alterations

- b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development
- c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- d) Promoting high quality architectural design within ACAs.
- e) Seek the repair and reuse of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.
- f) Ensure that all new signage, lighting, advertising and utilities to buildings within ACA are designed, constructed, and located in such a manner that they do not detract for the character of the ACA.
- g) Protect and enhance the quality of open spaces within ACAs and ensure the protection and where necessary reuse of street furniture and use of appropriate materials during the course of public infrastructure schemes within ACAs.
- h) Protect structures from demolition, non-sympathetic alterations and the securing of appropriate infill developments.

N.B. The proposed development site is located within the 'Upper Monkstown Architectural Conservation Area' as identified in Chapter 2 of Vol. 2: 'Heritage and Amenity' of the Development Plan.

Chapter 14: Zoning and Land Use:

Section 14.3: *Land Use Zoning Categories: Existing Built-Up Area*

ZU 3-1: *Existing Built Up Areas:*

Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

Carrigaline Electoral Area Local Area Plan (2nd Ed. January, 2015):-

Land Use Zoning:

The proposed development site is located in an area zoned as 'Existing Built-Up Area'.

Other Relevant Sections / Policies:

Section 1: *Introduction to the Carrigaline Electoral Area Local Area Plan*

Section 2: *Local Area Strategy*

Section 3: *Settlements and Other Locations: Passage West / Monkstown / Glenbrook*

National and Regional Policy:

The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

The 'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004' provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage,

including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

5.1. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- With regard to the amended plans and particulars received by the Planning Authority on 12th January, 2017 in response to the request for further information, the Board is advised that these revised drawings have excluded the existing laneway / passageway to the west of Proposed House No. 4 from the application site and have also resulted in a reduction in the overall size of House No. 4. The aforementioned laneway / passageway was the subject of proceedings in the 1970s and in this respect the Board is requested to take note of the contents of the accompanying copy of 'Order of the Circuit Court Bearing Record No. E126/1975' dated 26th November, 1975.
- The proposed development will detract from the character of the Upper Monkstown Architectural Conservation Area and will also significantly alter the character of the streetscape at this location by reference to the accompanying photographs.
- By reason of its overall scale and design, the proposed development would detract from the character of the architectural conservation area, would contravene an objective of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.
- Previous planning applications lodged on site for similar developments by the appellants and others were refused permission under PA Ref. Nos. 076971 (ABP Ref. No. PL04.224073) & 08/9258.

- It is clear that the Planning Authority has concerns as regards the potential impact of the proposed development in the context of protecting the character of the architectural conservation area as evidenced by the inclusion of 6 No. conditions in the notification of the decision to grant permission for the following reason:

'In the interests of protecting the character of the architectural conservation area'.

A further condition was imposed as regards the need for satisfactory architectural standards, although it is acknowledged that this condition is not necessarily related to the protection of the character of the architectural conservation area.

In light of the foregoing, it is unclear why the Planning Authority did not opt to refuse permission for the subject application given that there has been no material change in the circumstances of the case since the refusal of PA Ref. Nos. 076971 (ABP Ref. No. PL04.224073) & 089258.

- The description of the proposed development as set out in the application documentation refers to 4 No. two and a half storey townhouses, however, it is clear from the submitted plans and particulars that the proposal involves the construction of a series of three-storey dwelling houses.
- The top floors of the proposed dwelling houses will overlook adjoining premises and, in particular, the appellant's property at Nos. 1 & 2 Glen Road. In this regard it is submitted that whilst the appellants are opposed in principle to the proposed development, in the event of a grant of permission, a condition should be imposed restricting the proposed housing to two-storeys in height.

6.2. Applicant's Response

- The proposed development involves the replacement of a semi-derelict former licensed premises, which presently detracts from the visual amenity of the surrounding area, with a residential use.

- The proposal to use the site for residential purposes accords with the Development Plan and national policy in that it will serve to increase the housing stock and will also provide a residential use within the core area of Monkstown.
- The subject proposal has been informed by the current Cork County Development Plan, 2014, with particular reference to Section 14.3.2 (*'Existing Built Up Areas'*) and Objective No. HE 4-5: *'Architectural Conservation Areas'*.
- It is considered that the replacement of the existing (commercial) premises, which previously generated traffic, noise and late-night anti-social activities, with a residential use will serve to enhance the overall residential amenity of the Upper Monkstown Architectural Conservation Area.
- The proposal to provide car parking as part of the proposed development represents a significant improvement over the previous instances of informal, indiscriminate and disorderly parking associated with the former commercial use which resulted in a loss of residential amenity attributable to traffic movements and noise.
- In relation to the appellants' comments as regards the height of the proposed building, it is submitted that the proposed height accords with the requirements of the current Building Regulations. In addition, the height of the proposed construction was discussed with the Planning Authority during the course of pre-planning consultations.
- Extensive pre-planning discussions were held with the Planning Authority prior to the submission of the final design for planning permission. This included several meetings and various correspondence with the Area Planner, the Area Engineer and the Conservation Officer.
- The subject application was formulated and submitted on the basis of detailed pre-planning discussions. Furthermore, on receipt of the request for additional information, further discussions were held with the Area Planner, the Area Engineer, the Conservation Officer and the County Architect in order to agree minor amendments to the design.

- The proposed development achieves a smart, attractive and modern residential design which satisfies the objectives of the current Development Plan.
- In response to the lodgement of a third party objection to the original development proposal, the applicant reviewed the legal issues raised and addressed same by modifying the building footprint etc.
- The subject proposal involves an infill scheme and is considered to satisfy the architectural requirements of the Conservation Area. It complies with the current Building Regulations and will serve to replace a semi-derelict property which detracts from the Architectural Conservation Area with 4 No. modern dwelling houses.
- The proposed development will provide for improved levels of residential amenity in the area by reason of a reduction in noise generation, traffic movements and historical instances of anti-social activities.

6.3. **Planning Authority's Response**

None.

6.4. **Observations**

None.

7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact / impact on built heritage
- Impact on residential amenity
- Appropriate assessment

- Other issues

These are assessed as follows:

7.1. **The Principle of the Proposed Development:**

With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located within the settlement boundary for the village of Monkstown as identified in the Carrigaline Electoral Area Local Area Plan (2nd Ed. January, 2015) and is zoned as 'Existing Built-Up Area' where it is an objective of the Planning Authority to encourage development that supports in general the primary land use of the surrounding existing built-up area. In this regard, it should be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development along this section of Glen Road includes a combination of older terraced housing and more recent conventional housing construction. Accordingly, it is my opinion that the proposed development can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill. Furthermore, I would concur with the Planning Authority that the redevelopment of this underutilised site for housing purposes is likely to have a beneficial impact on the residential amenity of neighbouring properties and that it will also make a positive contribution to the rejuvenation of the wider area through the re-use of an otherwise vacant and semi-derelict property which detracts from the overall appearance of the streetscape.

Therefore, having considered the available information, with particular reference to the site context, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed redevelopment is acceptable, subject to the

consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.2. **Overall Design and Layout / Visual Impact / Impact on Built Heritage:**

The proposed development site is located on the western periphery of the Upper Monkstown Architectural Conservation Area and in this regard I would concur with the previous reporting inspector in their assessment of ABP Ref. No. PL04.224073 that if 'The Monkstown Inn' were held to be a building of little character then the likelihood is that the boundary of the Architectural Conservation Area would have been drawn to exclude same (*N.B.* In this respect it is of relevance to note that since the Board's determination of ABP Ref. No. PL04.224073 the Planning Authority has adopted the Cork County Development Plan, 2014 which continues to include the subject site within the Architectural Conservation Area). Similarly, I would accept that the existing building on site shares a number of features in common with other structures within the Upper Monkstown Architectural Conservation Area and that it previously made a generally positive contribution to the streetscape which has since been diminished as a result of its current condition / state of dereliction / disrepair. Accordingly, in light of the site location within an Architectural Conservation Area, it is clear that any redevelopment of the property in question must adhere to the provisions of Section 12.4: '*Architectural Heritage*' of the Development Plan and, in particular, Objective HE 4-5: '*Architectural Conservation Areas*' which seeks to conserve and enhance the special character of the Architectural Conservation Areas by way of a number of mechanisms including the protection of all buildings, structures, groups of structures, sites, landscapes and all features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations, the promotion of appropriate infill development, and by ensuring that new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.

In addition to the foregoing, I would advise the Board that the '*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*' expressly state that in instances where it is proposed to demolish an 'undistinguished building' in an ACA, the proposed replacement should not be of lesser quality or interest than the existing

structure and should not adversely affect the character of the area. Furthermore, with regard to proposals for new development in ACAs, Section 3.10 of the Guidelines emphasises that the design of the proposed structure will be of paramount importance and that it will generally be preferable to minimise the visual impact of the new construction on the setting of the ACA. By way of further guidance, it is also stated that:

'The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged'.

Having regard to the foregoing, and following a review of the available information, I am unconvinced that the submitted proposal is an appropriate design response to the site context. In my opinion, the overall scale, massing and proportions of the proposed structure, particularly when taken in combination with its positioning forward of the building line of the adjacent terraced housing (notwithstanding the established building line of the existing structure on site), will serve to dominate this section of the streetscape. Whilst I would accept that the site location on the edge of the ACA, and the absence of any further frontage development onto Glen Road to the immediate east of the site (and within the ACA), will serve to limit the wider impact of the proposed development on the character of the ACA, I am nevertheless of the opinion that the submitted proposal has failed to take due cognisance of the built heritage value of the surrounding area. Indeed, I am inclined to suggest that the overriding design of the subject proposal is typically conventional albeit with some minor contemporary features such as strip windows and feature cladding materials. More notably, I would suggest that the overall building height and massing of the proposed construction, in addition to other features such as the extent of the roof area and the use of box dormer windows, is unacceptably at variance with the prevailing pattern of development along this streetscape and the distinguishing features of buildings in the conservation area. Whilst I would accept that there is some variation in building style and design further west along this section of Glen Road, in my opinion, this does not serve to establish a sufficient basis on which to

justify the design departure proposed in the subject application. Accordingly, it is my opinion that the development proposed is an inappropriate design response to the specifics of the site location and that it will severely detract from the prevailing character of the Architectural Conservation Area.

With regard to the wider design of the proposed development, whilst it is clear that there are several on site constraints which serve to limit the development potential of site, with particular reference to its size, dimensions, and the presence of a rocky escarpment / cliff face to the rear of the property, I would have reservations that the submitted proposal represents an unacceptable over-development of the site. In this regard I would draw the Board's attention to the limited private open space provision of c. 25-30m² which is to be allocated to each of the proposed three-bedroom dwelling houses. This is considerably below the minimum standard set out in *'Making Places: A Design Guide for Residential Estate Development'* (Planning Guidance and Standards Series No. 2, 1st Ed.) as published by Cork County Council in May, 2011 which states that *'All houses should have a rear private garden area. For 3 bedroom houses and larger, the minimum size is 60m², which is sufficient to accommodate most household activities and at the same time adequate to offer visual delight, receive some sunshine and encourage plant growth'*. In addition to the clear quantitative deficit, I would have further concerns that the proposed private open space provision will also be qualitatively substandard given that the garden areas in question are unlikely to receive significant direct sunlight due to their alignment / orientation relative to the proposed housing and the enclosure of the rear of the site by the high escarpment. Whilst I would accept that there may be some grounds for a relaxation in the applicable open space standards given the on-site constraints, the close proximity of the community playground / park area on the opposite side of Glen Road, and the availability of other recreational amenities in the wider area such as the nearby Tennis Club, I am inclined to suggest that the qualitative and quantitative deficits in this instance are unacceptably low and will not provide the future occupants of the proposed housing with a sufficient level of residential amenity. By way comparison, I would advise the Board that the previous development proposal considered under PA Ref. No. 07/6971 / ABP Ref. No. PL04.224073 involved a larger site area (which incorporated part of the adjacent terrace of housing) and also achieved the minimum standard of 48m² of private open

space per dwelling as set out in the then applicable 'Residential Density, Guidelines for Planning Authorities, 1999.'

In addition to the foregoing, it should be noted that a total of 8 No. car parking spaces (i.e. 2 No. spaces per dwelling) will be required to serve the proposed development pursuant to the requirements of Table 1a: '*Car Parking Requirements for New Development (Maximum per sq.m)*' of the County Development Plan, 2014 and that it is expressly stated in the Plan that this parking requirement for residential development is a minimum standard. Accordingly, the provision of only 4 No. spaces to serve the subject proposal could perhaps be interpreted as a further indication of an overdevelopment of the application site, although I would concede that the practicalities of providing on-site parking at this location are difficult and that the payment of a special development contribution towards any shortfall may be permissible in this instance.

7.3. **Impact on Residential Amenity:**

Having reviewed the available information, and following a site inspection, in the first instance I would suggest that the proposed redevelopment of the subject site for residential purposes, which will involve the replacement of a semi-derelict former licensed premises with a block of terraced housing units, is likely to have a positive impact on the residential amenity of the wider area through the introduction of a more compatible and less intensive use which is unlikely to give rise to the same levels of traffic, noise, odours, and general disturbance, including possible raucous or anti-social behaviour, that would typically be associated with the operation of a late-night establishment such as a public house, restaurant or takeaway.

With regard to the concerns raised in the grounds of appeal that the proposed development could have a detrimental impact on the residential amenity of neighbouring properties, with particular reference to Nos. 1 & 2 Glen Road, by reason of overlooking with an associated loss of privacy, having reviewed the submitted plans and particulars, as amended in response to the request for further information, in my opinion, the overall design and layout of the subject proposal has taken adequate cognisance of the site context and will not give rise to any significant overlooking of adjacent dwelling houses. In this respect I would advise the Board that the only window included within the westernmost elevation of the proposed

development alongside No. 1 Glen Road will serve a first floor en suite bathroom and can be required to be finished in obscure glazing as a condition of any grant of permission. Furthermore, given the difference in ground levels between the application site and the adjacent lands to the immediate south and west as evidenced by the steep escarpment to the rear of the property, in addition to the separation distance from these neighbouring properties, which include St. John's Church of Ireland, I am satisfied that there is no potential for any loss of residential amenity by reason of overlooking.

Similarly, on the basis that the proposed development involves the replacement of an existing two and a half storey structure of a somewhat comparable height, and as the new construction will be set further back from the public roadway whilst the neighbouring properties at Nos. 1 & 2 Glen Road will continue to benefit from their southern aspect, it is my opinion that the subject proposal will not give rise to any significant diminution in the amount of direct sunlight / daylight received by those properties.

7.4. **Appropriate Assessment:**

From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that the proposed development site is located outside of any Natura 2000 site with the closest example of any such designation being the Cork Harbour Special Protection Area (Site Code: 004030) approximately 450m to the south. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Objective No. HE 2-1: '*Sites Designated for Nature Conservation*' of Chapter 13 of the Cork County Development Plan, 2014, to protect all natural heritage sites, both designated or proposed for designation, in accordance with National and European legislation. In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, the designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site. Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive

Having reviewed the available information, including the screening exercise undertaken by the Planning Authority as appended to the Planner's Report prepared in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the availability of public services, and the separation distances involved between the site and the Cork Harbour Special Protection Area, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the aforementioned Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Code: 004030, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

7.5. **Other Issues:**

Land Ownership:

Whilst concerns were raised in the appellants' original objection to the subject application as regards the inclusion of an existing laneway / passageway to the west of House No. 4 within the proposed development site, it has been acknowledged in the grounds of appeal that the amended plans and particulars received by the Planning Authority on 12th January 2017 in response to a request for further information have revised the site boundaries to exclude the aforementioned laneway / passageway. Accordingly, on the basis of the available information, it would appear that the proposed development will not impact on any right of way over the laneway in question. In any event, I am inclined to suggest that issues pertaining to any alleged trespass etc. of third party property would amount to civil matters for

resolution between the parties concerned and in this regard I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'*.

Procedural Issues:

It would appear that the appellants have sought to question the validity of the subject application on the basis that the description of the proposed development as set out in the application documentation, including the public notices, does not accurately reflect the works proposed and thus fails to comply with the statutory requirements of the Planning and Development Regulations, 2001, as amended. In my opinion, such procedural matters are generally the responsibility of the Planning Authority which in this instance took the view that the submitted documentation satisfied the minimum regulatory requirements and, therefore, I do not propose to comment in depth on this matter other than to state that the Planning Authority's actions have not infringed the appellants' right to appeal. Furthermore, having reviewed the plans and particulars provided with the planning application, I am satisfied that the proposed development involves the construction of 'two and a half storey' dwelling houses (as opposed to three-storey units) and thus description of the subject proposal as set out in the submitted documentation is both accurate and acceptable. Finally, and by way of further clarity, it is my opinion that there is sufficient information on file (as supplemented by a site inspection) to permit a reasoned assessment of the implications of the proposed development both for adjoining properties and the proper planning and sustainable development of the area.

8.0 Recommendation

Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. The proposed development involves the demolition of The Monkstown Inn which is located within the Upper Monkstown Architectural Conservation Area

and contributes to the character of the streetscape at this location. It is an objective of the Cork County Development Plan, 2014 to conserve and enhance the character of such areas (*HE 4-5*). Having regard to the existing character and the prevailing pattern of development, and to the site location within the Upper Monkstown Architectural Conservation Area, it is considered that the proposed development, by reason of its scale, height, massing and design, would be out of keeping with its surroundings, and would seriously detract from the architectural character and setting of the Architectural Conservation Area and of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of the Architectural Conservation Area, would contravene an objective of the Development Plan, would seriously injure the visual amenities of the area, and would be contrary to the proper planning and sustainable development of the area

2. Having regard to the restricted nature and location of the site and the established pattern of development in the surrounding area, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in inadequate open space provision, would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of the area, which it is appropriate to preserve, and would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development, by reason of its inadequate qualitative and quantitative provision of private open space, would conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2008 and would constitute an excessive density of development on this restricted site. The

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

31st May, 2017