



An
Bord
Pleanála

Inspector's Report PL 28 248415.

Development	Demolition of existing dwelling and construction of four town houses with individual site entrances and associated site development works.
Location	2 Deanrock Cottages, Togher. Co. Cork.
Planning Authority	Cork City Council.
P. A. Reg. Ref.	16/37227.
Applicant	RSV Construction, Ltd.
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	William Kelly and others
Date of Site Inspection	27 th July, 2017.
Inspector	Jane Dennehy.

1.0 Site Location and Description

- 1.1. The site has a stated area of 988 square metres and is that of a vacant single storey dwelling and detached garage with frontage onto Deanrock Cottages, a *cul de sac* to the west side of Togher Road and Tramore Road, a short distance north of the South Ring road in Cork. There are two vehicular entrances, one at each end of the site frontage. At the rear of the dwelling there is open land which can be accessed via a track to the west side of the dwelling and to the west of these lands there are sports playing fields.
- 1.2. To the east side of the dwelling there is a single storey dwelling, (No 1A) which is the property of the appellant party and to the west side there is a row of single storey cottages. Two storey terraced dwellings are located on the opposite side of the road. At the junction with Togher Road roundabout and, to the east side of No 1A Deanrock cottages there is a business park in which there is a range of commercial premises. Apartment development is opposite the business park on the north side of the road. At the north-western end of the *cul de sac* there are sports grounds. A public footpath is located along the northern side of the road.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of an existing dwelling and garage and for construction of a terrace of four, two storey, three bed houses, each with individual vehicular entrances direct onto the public road and with private rear gardens. A new boundary wall is to be constructed along the rear/southern boundary. The boundaries to the west and east side are to be retained.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order, the planning authority decided to grant permission, (further to a request for and receipt of additional information regarding legal interest issues and footpath provision) subject to twenty conditions generally of a standard nature.

- 3.1.2. Condition No 18 has the requirement for vehicular and pedestrian access points to be designed in accordance with the recommendations in, *Design Manual for Urban Roads and Streets* (DMURS) and a compliance submission is also required.
Condition No 19 Is a Bond/Security condition.

Planning Authority Reports

Planning Officer

- 3.2. The planning officer in his original report supplemented by his report on the further information submission indicated satisfaction with the proposed development. In the report he acknowledges that the house type and design contrasts with the adjoining single storey dwellings but he considers the alteration to the street character involved acceptable.

Other Technical Reports

- 3.3. The report of the Environmental Waste Engineer, Roads Design Engineer, and Drainage Section indicate no objection to the proposed development subject to conditions of a standard nature being attached should permission be granted.

Third Party Observations

- 3.4. An observation was received from the Appellant party in which the issues of concern are similar to those in the appeal, relating primarily to traffic and parking, house type, and the impact visual and residential amenities of the area.

4.0 Planning History

According to the planning officer report there is no record of planning history for the appeal site.

5.0 Policy Context

Development Plan

- 5.1. The operative development plan is the Cork City Development Plan, 2015-2021 according to which the site is subject to the zoning objective; ZO 4: *Residential*,

Local Services, institutional uses and civic uses. A central objective in Paragraph 15.10 is to provide for residential use and for protection of residential amenity.

- 5.2. Strategic objectives for residential development are provided for in chapter Six and development management standards are provided for in Chapter Sixteen with quantitative criteria being included in Part C.

6.0 The Appeal

- 6.1. An appeal was received from William Kelly of No 1A Deanrock Cottages on behalf of residents of Deanrock Cottages and Deanrock Villas, Togher on 28th April, 2017.

According to the appeal:

- The proposed development is out of character with the detached cottages. The planning officer mistakenly identified the dwellings on the north side of the street as, 'Deanrock Villas' which is a separate street with separate house types. 'Deanrock Villas' is also at the southern end of the Deanrock estate. Both sides of Deanrock Cottages have their own distinct entities and characteristics. Insertion of a different house style would destroy all the street's character.
- The proposed development, due to the incompatible house type would devalue the existing neighbouring properties.
- The proposed development would be overbearing and obstruct light to the existing neighbouring bungalows. A bedroom in No 1A Deanrock Cottages has a window facing a gable end in the proposed development.
- Rear windows will overlook several of the gardens of the neighbouring dwellings.
- The planning authority failed to take the significant existing traffic volumes and amount of on-street parking that occurs in the area into account. One cause is the GAA club which is located at the end of Deanrock Cottages. There is insufficient parking provided for the proposed dwellings and this will result in overflow onto the main road and additional traffic obstruction. Emergency services vehicles may not be able to pass through.

- Large lorries must be reversed out of the Business Park. Some such vehicles must stop opposite No 2 Deanrock Cottages and reverse into the business park with drivers sometimes having to exit their vehicles to seek help and someone to assist in directing their manoeuvres.
- The site notice was erected two weeks after publication of the newspaper notice.

Applicant's Response to the Appeal.

6.2. There is no submission on file from the applicant.

Planning Authority's Response to the Appeal.

6.3. There is no submission on file from the planning authority.

7.0 Assessment

7.1. The appeal issues which represent the concerns of several of the residents at Deanrock Cottages and central to the determination of the decision can be considered under the following two broad sub-headings.

Visual and Residential amenities.

Traffic and Pedestrian Safety and Convenience.

7.2. Visual and Residential amenities.

7.2.1. A radical change is involved in the proposal by way of replacement of the existing single storey dwelling with a terrace of four two storey dwellings on the site which is positioned between two single storey dwellings. Notwithstanding the fourfold increase in density, it is considered that the site has the capacity to accept the proposed development. This is due to the site width and achievement of sufficient separation distances between the gable walls and boundaries to each side, the achievable insertion of the development into the site with sufficient provision for rear and front curtilage private open space and, on-site parking while retaining consistency with the established front building line.

7.2.2. Furthermore, the scale and form, simple contemporary design, materials and finishes for the four-unit terrace are modest and somewhat understated and this enhances

the scope for integration of development into the existing streetscape. As a result, it is considered that the proposed development would not be visually obtrusive and that it satisfactorily integrates with the existing characteristics of development which has been established in the immediate environs. Furthermore, the proposed development would be consistent with the interests of sustainable development given the availability of the serviced site within an established inner urban location.

- 7.2.3. The rear building line of the dwellings is circa 2.5 metres deeper than the rear building line of the existing single storey cottages at two storey height which, to eaves height is five metres. This height is approximately one metre higher than the ridge of the adjoining single storey dwellings. Given the gabled ends to each end of the terrace and roof slope, and the separation distances from the boundaries it is considered that the proposed development would not overshadow or be overbearing in impact on the adjoining cottages to an undue degree.
- 7.2.4. As the development is a two storey, partial overlooking of adjoining rear gardens from the upper floor rear elevation windows would occur. The degree of potential overlooking, (which, towards the rear of the adjoining dwellings would not be attainable) is normal for residential development in urban areas and considered reasonable. The upper floor room windows are for bedroom accommodation as opposed to the main living space.
- 7.2.5. In view of the foregoing it is considered that the proposed development would not devalue or be seriously injurious to the residential amenities of the adjoining properties.

7.3. Traffic and Pedestrian Safety and Convenience.

- 7.3.1. The proposed development and the majority of existing residential properties have on-site front curtilage parking. On-street parking facilities are available along the roadside, the majority of which were unoccupied at the time of inspection. It took place on a weekday afternoon. It is agreed that on-street parking demand potentially increases in evening times, particularly at times of use of the sports fields accessed from the end of the road. Such occurrences would be occasional and the contention that the proposed development would lead to significant problems of

inconvenience and obstruction with regard to the availability of on-street parking facilities for residents is not accepted.

- 7.3.2. It is accepted that the existing business park may generate large HGV traffic, which, given the limitations of the road width, could cause intermittent temporary obstruction to other road users on the public road close to the junction with Togher Road while these vehicles are accessing and egressing the business park's entrance. This is an existing situation of occasional inconvenience. While the proposed four-unit development would generate more trips along the road than a single unit, some exacerbation of an existing undesirable situation for other road users would arise but it would not be of significance that would be material to the determination of the decision on the proposed development.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the location, nature and size of the proposed development it is considered that no appropriate assessment issues arise. The proposed development would not 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. Given the foregoing, it is recommended that the decision to grant permission be upheld and based on the draft reasons and considerations and conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the urban location close to services and facilities, the established pattern and character of existing development in the area, the site configuration, the proposed site layout, and the scale and form, simple contemporary design, materials and finishes for the proposed four unit terrace of two storey dwellings it is considered that the proposed development would not seriously injure to the visual and residential amenities of the area, would not devalue property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application except as may otherwise be required 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.

Reason: In the interest of clarity

2. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interests of amenity and convenience.

3. Site development and building works shall be carried out between the hours of 0800rs Mondays to Fridays and 0800 hrs – 1400 hrs on Saturdays. 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 interest of residential amenity.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the

Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Details of materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. A comprehensive boundary treatment, planting and hard and soft landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of residential and visual amenity.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

9. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in 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 in respect of the retail unit only and 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. The application of any indexation required by this condition 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.

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.

Jane Dennehy
Senior Planning Inspector
4th August, 2017.