



An  
Bord  
Pleanála

## Inspector's Report PL28.248868

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<b>Development</b>	Permission is sought for the construction of two dwellings with connection to public services and all associated site works.
<b>Location</b>	Ashdene, South Douglas Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	17/37297
<b>Applicant(s)</b>	Claire Powell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sean & Evelyn Falvey Ashdene & Alderwood Residents Association
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> October, 2017
<b>Inspector</b>	A. Considine

## 1.0 Site Location and Description

- 1.1. The site the subject of this appeal is located in a residential area to the south east of the city centre and to the south of South Douglas Road. The area comprises a number of residential estates with a variety of house types including two storey semi-detached houses, detached houses and terraced houses. Access to the existing residential site is via the South Douglas Road through the small residential estate, called Cuasnog. There is a second access to the site via the Ashdene residential estate, to the south.
- 1.2. The subject site comprises the southern part of the larger residential site. The applicants current house, 'Sherwood', is located on the larger site and comprises a large two storey detached house. The overall site is bound by high walls and the subject site comprises part of the landscaped garden associated with the existing house. The site has a stated area of 0.126ha.

## 2.0 Proposed Development

- 2.1. The application to Cork City Council was for the construction of a single storey 2 bedroom dwelling and a two storey 4 bedroom dwelling with connection to public services, all associated site works and utilising existing site entrance.
- 2.2. The proposed development will provide for two houses as follows:
  - 2.2.1. House 1 proposes a single storey flat roofed house with three bedrooms – one identified as a study but including a double bed in the plans, a kitchen / diner and a sitting room. Private open space is provided in the form of a courtyard garden which is separate from the proposed gravel access. The house has a proposed floor area of 126m<sup>2</sup> and the external space is indicated as having an area of 159m<sup>2</sup>.
  - 2.2.2. House 2 proposes a two storey flat roofed house with four bedrooms proposed at first floor level, one ensuite, and a family bathroom. The ground floor will provide for a large open plan kitchen / dining / living area, separate den and sitting room as well as a utility and WC. Four bedrooms, three double with two ensuite and a single bedroom, are proposed on the first floor. Private open space is proposed to the south of the house, in the form of an enclosed garden with further open space proposed to the north of the house. Car parking is proposed to the north of the site.

The house has a proposed floor area of 201.5m<sup>2</sup> and the external space is indicated as having an area of 492m<sup>2</sup>.

Both houses will connect to the public services in the area and both will be accessed via the existing entrance on the southern boundary, and adjacent to the turning area in Ashdene.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant planning permission for the proposed development, subject to 15 conditions. Conditions of note include nos. 12 and 13, which relates to the vehicular entrance and condition 14 which requires the provision of a footpath along the road frontage of the boundary.

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

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

The Planning Officers report formed the basis of the decision and Appropriate Assessment, Environmental Impact Assessment and Flood Risk Assessment are also dealt with within the report. The Planning Officer considered that the proposed development generally complies with the requirements of the City Development Plan and raises no objection. Further information was required with regard to the provision of a footpath, vehicular crossover in accordance with DMURS, boundary wall along the cul-de-sac and the entrance. Following receipt of the response to the further information request, the Planning Officer considered that the development was acceptable and recommended that permission be granted subject to 15 conditions.

The Senior Executive Planners supported the Planning Officers recommendation.

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

Environment Section: No objection subject to compliance with conditions.

Drainage Section: No objection subject to compliance with conditions.

Road Design Section: Notes that the development would constitute an intensification of use of the entrance which currently serves the existing house,

Sherwood, as a rear entrance. The primary entrance to Sherwood is off the South Douglas Road. It is requested that the entrance be designed in accordance with DMURS and further information is required. This report comprised the further information request which issued from the Planning Authority.

### 3.3. Prescribed Bodies

Irish Water: No objection.

### 3.4. Third Party Observations

There are 12 third party objections noted on the Planning Authority file from a number of neighbours, including the Ashdene/Alderwood Residents Association. The objection raised are summarised as follows:

- Residents park their cars on the street and the turning area, due to the lack of parking in the estate, so there will be no access as proposed. Sight distances at the entrance are inadequate.
- The turning circle in the cul-de-sac is an Emergency Services Turning area and is used by children. Their safety would be compromised.
- Any changes to the 2.3m high boundary will impact privacy.
- Clarity is required in relation to the access.
- The existing house already has an access onto South Douglas Road. A second entrance is not needed.
- The development will impact on the road network and would eliminate the cul-de-sac, compromising the safety of residents.
- The development will result in an invasion of privacy by virtue of its size. The proposed roof balcony will invade on the privacy of residents as well as overlooking the common green.
- The development would be out of character with the existing estate and would impact on the level of light enjoyed by residents.

- The development will result in overlooking of adjacent properties and devalue existing properties and would impact on views from existing houses over the green area.
- Details of boundary treatments required.
- Issues raised in relation to the construction phase of the development and the impacts on the estate roads and residents.
- While the entrance has permission, technically, it has never been used as a vehicular entrance since 1990. It is considered that the use has been extinguished due to non-use. Inside the gates, is lawn and therefore it is submitted that the development description should include for a 'new vehicular entrance'. The application should be invalidated.

## 4.0 Planning History

### 4.1. Subject site:

The following is the recent planning history associated with the subject site.

**PA ref 90/15639:** Permission was granted for the retention of double gate vehicular entrance to rear of Sherwood, South Douglas Road, accessing onto Ashdene Estate.

- 4.1.1. A pre-planning consultation was undertaken in relation to the proposed development.

## 5.0 Policy Context

### 5.1. Development Plan:

- 5.1.1. The Cork City Development Plan 2015 – 2021 is the statutory Development Plan for the city of Cork. The subject site is located within an area of Cork City which is zoned ZO4, Residential, Local Services and Institutional Uses, where it is the stated objective of the zoning to 'protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies.'

5.1.2. Chapter 16 of the City Plan deals with Development Management, where Part C deals with Residential Development. The following sections are considered relevant:

- Section 16.58: Single Units Including Corner/Garden Sites

The planning authority will have regard to the following criteria in assessing proposals for the development of single units:

- The existing character of the area/street;
  - Compatibility of design and scale with the adjoining dwelling paying particular attention to the established building line, form, heights and materials etc. of adjoining buildings;
  - Impact on the residential amenities of adjoining areas;
  - Open space standards;
  - The provision of adequate car-parking facilities and a safe means of access and egress to and from the site;
  - The provision of landscaping and boundary treatments;
  - Trees and gardens which make a significant contribution to the landscape character of an area are retained and unaffected by the proposal.
- Section 16.59: Infill Housing

To make the most sustainable use of existing urban land, 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. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. 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.

## 5.2. Natural Heritage Designations

The site is not located within any designated site. Cork Harbour SPA, Site Code 004030, and the Great Island Channel cSAC, Site Code 001058 are the closest Natura 2000 sites.

## 6.0 The Appeal

There are two third party appeals submitted in relation to the proposed development from the following:

1. Mr. & Mrs. Sean & Evelyn Falvey
2. Ashdene & Alderwood Residents Association.

### 6.1. Grounds of Appeal

The grounds of appeal reflect the issues raised during the Planning Authority's assessment of the proposal. The appeals are summarised as follows:

1. Mr. & Mrs. Sean & Evelyn Falvey
  - As part of the further information request the applicant was requested to provide a footpath inside the boundary of the applicants site and that the existing wall along the perimeter be reduced to 1m. These requests were not adhered to.
  - The access to the site will restrict access to appellants property. It is not intended to change parking outside of their home. It is suggested that the entrance be relocated 2.5m to the west.
  - The applicant does not have the legal right to change the cul-de-sac and does not have the legal right of way to the property.

2. Ashdene & Alderwood Residents Association.

- Questions the use of the entrance and submits that the proposed access should be via South Douglas Road.
- The footpath does not accord with the planning authority requirements and will reduce the turning bay which does not accord with DMURS.
- Issues raised in relation to sufficient legal interest to provide the necessary footpath.
- Proposals in relation to the proposed roof top balcony overlooking the amenity area and green space.
- The design would be out of character with and fail to respect the established pattern of development in the long established estate of Ashdene.
- It is considered that the development would be contrary to the proper planning and sustainable development of the area.

A number of enclosures, including photographs are included with the appeal submissions.

## 6.2. Applicant Response

The first party responded individually to both of the third party appeals. The responses, which include a background to the proposed development, are summarised as follows:

1. Mr. & Mrs. Sean & Evelyn Falvey

- Following the request for further information, a meeting was held with the Planning Authority where issues were discussed. The response to further information request addressed those concerns satisfactorily.
- The access to the site is existing and was granted planning permission in 1990.
- The Council has confirmed that the access road has been taken in charge and therefore, the applicant has the right to access her existing entrance.



In addition to the above, the submission seeks to address the issues raised in the original observation made by Mr. Falvey. Concerns are also raised in relation to the use by the appellant of copyrighted drawings.

2. Ashdene & Alderwood Residents Association.

- Following the request for further information, a meeting was held with the Planning Authority where issues were discussed. The response to further information request addressed those concerns satisfactorily.
- The access to the site is existing and was granted planning permission in 1990.
- The Council has confirmed that the access road has been taken in charge and therefore, the applicant has the right to access her existing entrance.
- In terms of the design, it is accepted that the proposed design is in contrast to the design of existing houses in the surrounding area.
- The houses have been designed to ensure no adverse impacts on residential amenity.
- Construction traffic will be guided by the Preliminary Health & Safety Plan, and put in place by the main contractor.

### 6.3. Planning Authority Response

The PA has responded to this third party appeal, advising no further comments.

### 6.4. Observations

None

## 7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards
2. Compliance in Principle with City Development Plan
3. Other Third Party Issues
4. Appropriate Assessment

### 7.1. Compliance with National Guidelines & Standards & Planning History:

Sustainable Residential Development in Urban Areas (DoEHLG, 2008)

7.1.1. Given the fact that the subject site is located within the established development boundaries of Cork City, is zoned for residential purposes and can connect to public services, the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2008 guidelines updated the Residential Density Guidelines for Planning Authorities (1999), and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. The development proposes the construction of 2 dwelling units on a site covering approximately 0.126ha and in terms of the recommendations of the Guidelines, the density could be considered at the lower levels permissible on such zoned lands. However, given the nature of site and its location within the context of the overall area, I have no objection to the proposed density of same.

7.1.2. The subject site comprises part of a larger residential estate which houses a large detached house, Sherwood. The lands in and around this detached house have been developed over the years with the provision of residential estates and access to this wider residential site is available from both the north, off South

Douglas Road, and the south, from Ashdene Residential estate. Planning permission for the access from Ashdene was granted in 1990.

7.1.3. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.1 of this report and I consider it reasonable to address the proposed development against same.

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

In terms of private open space, the Board will note that proposed development layout, as permitted, provides for adequate private open space for both houses. I am satisfied that proposed site layout is acceptable.

With regard to public open space, having regard to the minimal nature of the proposed development, together with the private open space provision and the proximity to a large public open space area, I am satisfied that the development is acceptable.

b) *Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*

The subject site is zoned for residential development and as such, the principle of the development is considered acceptable. In addition, and having regard to the nature of the existing site boundaries, including the walls and trees, I consider that the development will have little or no impact on the existing residential amenities of the area. The proposed development seeks to retain the existing boundary wall and trees. I am satisfied that the proposed boundary treatments are acceptable and appropriate for this setting.

c) *Good internal space standards of development;*

While this issue generally pertains to apartment type developments, it is appropriate to state that the proposed internal spaces provided within the

houses of this proposed development are acceptable and appropriate to the family type homes proposed.

- d) *Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*

Given the design, nature and scale of the proposed development at this location, I am satisfied that the development as presented is acceptable in principle, in terms of height and massing. While I accept that the overall design proposed, bears no reference to the existing estate houses, I do not consider that this is unacceptable. I am satisfied that the development has been designed to address the specific site and can be considered acceptable.

- e) *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;*

Not relevant in this instance as there is no protected structure or Architectural Conservation Area in proximity to the subject site.

- f) *Compliance with plot ratio and site coverage standards adopted in development plans.*

The Cork City Development Plan does not dictate site coverage and having regard to the nature of the subject site, I am satisfied that the proposed development is acceptable in my opinion, in terms of site coverage and plot ratio.

7.1.4. Having regard to the above, I consider that the principle of the proposed development is acceptable, given the location of the subject site within the wider Cork City area and in close proximity to public transport links and the fact that the proposed land use is compatible with existing adjacent uses.

## **7.2. Compliance with the Cork City Development Plan & General Development Standards:**

7.2.1. The development before the Board provides for the construction of 2 residential houses with associated services. The subject site currently comprises part of the open space associated with the detached house, Sherwood, on the wider

site. The Cork City Development Plan 2015 – 2021 is the statutory Development Plan for the city of Cork and the subject site is zoned ZO4, Residential, Local Services and Institutional Uses, where it is the stated objective of the zoning to ‘protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies’. In this regard, it is considered that the principle of the proposed residential development is acceptable and in compliance with the existing policy and objective applicable to the subject site. As such, the issues for consideration relate to the nature of the proposed development in terms of its scale, density and form as it relates to its surroundings, as well as issues regarding amenity.

7.2.2. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surround area and existing residential estates. The development proposes 2 detached residential units in the form of a single storey 2/3 bed house and a two storey 4 bed house.

7.2.3. Relevant sections of the Cork City Development Plan are contained in Chapter 16 which deals with development management control measures. The following sections are considered relevant in this instance:

- Part C deals with Residential Developments:
  - Section 16.58 – Single Units including Corner / Garden Sites
  - Section 16.59 – Infill Housing.

7.2.4. In support of the proposed development, the applicant submitted a visual assessment. It is clear that the applicant has not sought to develop the site as part of the wider Ashdene Estate and therefore, I am satisfied that given the nature and existing boundaries of the site, the development will not detract from the existing built character of the area. I also note the intention to retain existing landscaping features and that the overall design of the houses will not adversely impact on the general amenities of the wider area. I am further satisfied that the development, if permitted will not result in any overlooking or overshadowing of adjacent properties. The Board will note that such issues were raised as a concern by third parties. However, having undertaken a site visit, I am satisfied that the development is of a sufficient distance from existing houses, and located to the north of the boundary

wall, and as such, there is little scope for overlooking or overshadowing of private property.

7.2.5. Having regard to the proposed development and its compliance with the requirements of the Cork City Development Plan, I am satisfied that, in principle, the development generally accords.

### **7.3. Roads & Traffic:**

7.3.1. The third party appellants have raised concerns in relation to the proposed use of the Ashdene Estate road to access the site, as well as the use of the proposed entrance. It is indicated that the access should not be considered acceptable and that there is no legal right to use the roads. The issue of road safety and parking is also raised.

7.3.2. In response to these concerns, I would advise the Board that planning permission was granted for the retention of the double gated access to the site in 1990, PA ref 90/15639 refers. Notwithstanding third party opinions in this regard, the applicant has permission to use this entrance. It is also noted that the Ashdene estate has been taken in charge by the City Council and therefore is public property, over which, the applicant has a right to travel.

7.3.3. With regard to the issue of the footpath, I note that the proposal put forward by the applicant in response to the further information request was deemed acceptable by the City Council. I am also satisfied that the proposal is acceptable. In terms of the current use of the turning circle at the gate entrance to the site, for car parking, I suggest that this is a matter of enforcement. There is an existing vehicular access to the site and I have no objection to its proposed use. I am further satisfied that the proposed amendments to the boundary walls, in terms of the provision of a new louver fence element, will enhance public safety and provide for adequate visibility at the entrance.

### **7.4. Appropriate Assessment**

7.4.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058). Having regard to the nature of the site, being a developed residential site, together with the minor nature and

scale of the works proposed, no Appropriate Assessment issues arise and it is not considered that the proposed 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

I recommend that planning permission be granted for the proposed development for the following stated reasons.

## 9.0 Reasons and Considerations

Having regard to the provisions of the current Cork City Development Plan, 2015-2021, the existing established residential use, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, the Board is satisfied that, subject to compliance with the following conditions, the proposed development generally accords with the policy requirements of the relevant plans as it relates to residential extension, would be acceptable and would not injure the existing visual and residential amenities of properties in the vicinity of the site. It is concluded that the development, would be acceptable in terms of 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 particulars lodged with the application, as amended by the further plans and particulars submitted the 26<sup>th</sup> day of May 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. No surface water shall be permitted to flow onto the public footpath or public road from the site.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 order to safeguard the residential and general amenities of property in the vicinity.

4. All external finishes, including the roof finish, shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on the site.

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

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

6. The site shall be landscaped in accordance with a comprehensive scheme which shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on the site. The landscaping plan shall provide for the full retention of the existing site boundary walls and trees to the south, east and west, and shall also include full details of the proposed boundary treatments to the north.

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

7. 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 interest of sustainable waste management.

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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A. Considine

Planning Inspector

25<sup>th</sup> October, 2017