



An
Bord
Pleanála

Inspector's Report PL04.249136

Development	Demolish the existing structure (disused workshop / storage garage) on site and construct a dwelling house with associated site works.
Location	Bridgeland West, Rathcormac, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/4861
Applicant(s)	Pat O'Leary
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Bill and Majella Browne & Others
Observer(s)	None.
Date of Site Inspection	25 th October, 2017
Inspector	Robert Speer

1.0 Site Location and Description

The proposed development site is located along the southern side of the R614 Regional Road on the south-western fringe of the built-up area of the village of Rathcormac, Co. Cork, where it occupies an infill position within a series of existing roadside development which is predominantly characterised by conventional single storey bungalows. The wider site surrounds include the Páirc an Óir housing development on the opposite side of the R614 Regional Road which comprises conventionally designed suburban housing, a GAA playing pitch and clubhouse to the southwest, and an undeveloped greenfield site to the immediate south of the application site (referenced as having been acquired by the GAA for use as training grounds). The site itself has a stated site area of 0.085 hectares, is rectangular in shape (with its principle dimension aligned along a north-south axis) and is presently occupied by a disused outbuilding / workshop / storage garage. Notably, the site would also appear to form part of a larger 'L'-shaped parcel of land which extends westwards to the rear of the neighbouring housing. It is positioned between 2 No. single storey bungalows to the east and west and in this regard it is notable that whilst the dwelling houses to the west have their principle elevations facing northwards onto the public road, the dwelling house to the immediate east of the subject site has been positioned perpendicularly to the roadway in order to face eastwards.

2.0 Proposed Development

The proposed development, as initially submitted to the Planning Authority, involves the demolition of an existing outbuilding / structure (a disused workshop / storage garage) and the subsequent construction of a conventionally designed detached bungalow-style dwelling house based on a principle rectangular plan with a stated floor area of 184m² and an overall ridge height of 6.536m. External finishes will include black roof slates, a smooth plaster finish and the feature use of grey cladding material. In terms of the site layout, the proposed dwelling house will be located alongside the eastern site boundary and will be positioned perpendicularly to the public road with its front elevation facing westwards. Access to the site will be obtained from the public road via an existing splayed entrance arrangement shared

with the adjacent property to the immediate west. Water and sewerage services are available from the public mains.

In response to a request for further information, amended proposals were subsequently submitted whereby the proposed dwelling house was relocated to a position alongside the western site boundary whilst its internal configuration was also revised in order to face the dwelling eastwards (which necessitated some elevational changes).

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, 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 1st August, 2017 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 17 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, landscaping, construction management, entrance details, infrastructural works and development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report stated that the application site was located within the development boundary for the village of Rathcormac and that permission had previously been refused on site for the construction of 2 No. dwelling houses. In this regard it was noted that as the site measured less than 20m in width and had an overall area of 0.085 hectares, the provision of 2 No. dwelling houses would constitute an overdevelopment of the site. The report proceeded to state that the subject proposal involved an infill site and that a modest dwelling could be accommodated on site. However, it was considered that the dwelling house as originally proposed was sited too close to the eastern site boundary and thus it was recommended that the

applicant submit a revised proposal whereby the proposed dwelling would be moved to a more central position on site.

Following the receipt of a response to a request for further information, a final report was prepared which noted that the proposed dwelling house had been relocated westwards and thus recommended a grant of permission, subject to conditions.

3.2.2. Other Technical Reports:

Area Engineer: An initial report recommended that the proposed entrance arrangement should be relocated to the eastern extent of the site frontage in order to allow for the proposed dwelling house to be relocated to the western side of the site. It was also suggested that the proposed dwelling should be moved forward to follow the building line established by the adjacent property to the east. The report thus recommended that further information should be sought with regard to the aforementioned items in addition to the submission of details of the proposed surface water drainage arrangements.

Following the receipt of a response to a request for further information, a final report was prepared which noted that whilst the proposed dwelling house had been relocated to the western side of the site, the existing entrance had not been moved as it was felt there was sufficient circulation space available. It was also noted that the proposed dwelling house had not been moved forward to at least half the perpendicular distance between the two adjacent dwellings to the immediate east and west. The report subsequently concluded by recommending a grant of permission subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

A total of 3 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, loss of privacy and overshadowing.

- The positioning / orientation of the proposed dwelling house is not in keeping with the surrounding pattern of development.
- The proposed dwelling house will likely exacerbate the traffic hazard at this location.
- There are concerns with regards to the proximity of the proposed dwelling house to the adjacent GAA lands.
- Planning permission was previously refused on site under PA Ref. No. 10/4151 and the reasons for this decision remain applicable.
- The overall design, scale and height of the proposed development is out of character with the surrounding pattern of development.
- Inadequate details have been provided of the landscaping proposed on site.
- The inadequacy of the existing public water supply and sewerage services in the area.
- The submitted plans and particulars do not accurately represent the footprint of the adjacent dwelling house to the immediate east of the application site.

4.0 Planning History

On Site:

PA Ref. No. 104151. Was refused on 24th March, 2010 refusing Peader Scannell outline permission for the demolition of existing shed and construction of 2 no. dwellings and 1 no. garage for the following reasons:

- The proposed development would constitute the undesirable fragmentation of the site, by the establishment of piecemeal development at the rear of existing residential properties which would be out of character in the locality and would be likely to lead to loss of privacy for neighbouring residents and would seriously injure the amenities of property in the vicinity.
- Because of the restricted dimensions of this elongated site and the proximity of the adjoining ribbon of houses, the proposed development would create an undesirable density of development and present an overcrowded and

disorderly appearance and would thereby seriously injure the amenities of other residential property in the vicinity.

- The proposed development, by way of the scale of development proposed, fails to recognise the existing pattern of development which consists of detached single storey dwellings on large sites, and the need to protect the amenities of directly adjoining neighbours as well as the general character of the area. To permit the proposed development in its current form would be contrary to the proper planning and development of the surrounding area.

On Adjacent Sites:

PA Ref. No. 089883. Was granted on 3rd March, 2009 permitting Majella Browne permission for alterations & extensions to dwelling at Digswell, Bridgeland West, Rathcormac, Co. Cork.

5.0 Policy Context

5.1. National and Regional Policy:

The ‘Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities’ acknowledge the importance of smaller towns and villages and their contribution towards Ireland’s identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impact of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

5.2. Development Plan

Cork County Development Plan, 2014:

Chapter 2: Core Strategy:

Section 2.3: *The Network of Settlements*

Section 2.4: *Settlement Strategy*

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:

Fermoy Municipal District Local Area Plan, 2017:

Land Use Zoning:

The proposed development site is located within the 'Settlement Boundary' identified for the key village of Rathcormack.

Other Relevant Sections / Policies:

Section 1: *Introduction*

Section 2: *Local Area Plan Strategy*

Section 4: *Key Villages:*

Section 4.12: *Rathcormack*

5.3. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed development will result in the overlooking of neighbouring properties with an associated loss of privacy.
- The proposed development will deprive the adjacent dwelling house to the immediate east of natural light.
- There are concerns that the subject proposal will set a precedent for further development on the site to the rear of the appellants' dwelling houses.
- Preparatory utility works were undertaken within the adjacent public road prior to any of the third party objectors being notified of the decision to grant permission.
- There are concerns that representatives of Cork County Council were not observed as having inspected the site whilst at no stage did the Planning Authority engage with the appellants despite their objections to the submitted proposal.
- Mr. Bill & Mrs. Majella Browne are not satisfied that the Planning Authority gave adequate consideration to the extension constructed to the rear of their dwelling house in its assessment of the subject application.
- Concerns have previously been raised as regards the capacity of the sewerage system serving the existing housing in the area and in this respect it is submitted that any additional housing could potentially result in the overloading of same.

- The measurements shown on the plans and particulars which accompanied the original planning application (as subsequently granted permission) do not accurately reflect the dimensions of the site in relation to the proposed dwelling house.

6.2. Applicant's Response

- The proposed development site occupies an infill position within a residential area situated within the development boundary of the village of Rathcormac.
- The application site is presently overgrown and in a derelict condition.
- There are existing services on site previously associated with the disused garage / workshop.
- The site is surrounded by solid block walls and is accessed from the public road via an existing splayed entrance arrangement.
- There is a mix of house types in the surrounding area i.e. bungalows, dormers, attic conversions etc.
- The design and layout of the subject proposal has sought to avoid the overlooking of neighbouring properties through its use of rooflights at first floor level and by maximising the available separation distances.
- During the course of the application process, the applicant liaised with the Planning Authority and made the necessary alterations / amendments in order to comply with its request for further information.
- The applicant had no involvement in the repair works carried out within the adjacent public road which were undertaken by the Local Authority.

6.3. Planning Authority's Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. 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 residential amenity
- Appropriate assessment
- Other issues

These are assessed as follows

7.2. **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 key village of Rathcormack as identified in the Fermoy Municipal District Local Area Plan, 2017 wherein it is an objective of the Planning Authority to encourage the development of up to 120 No. houses during the plan period. It should also be noted that the site is located within an existing built-up area and that the immediate site surrounds are primarily residential in character with the prevailing pattern of development along this particular stretch of roadway comprising one-off dwelling houses. Furthermore, I would suggest 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.

Therefore, having considered the available information, with particular reference to the site context and the relevant policy provisions of both the Fermoy Municipal District Local Area Plan, 2017 and the Cork County Development Plan, 2014, I am satisfied that the overall principle of the proposed development 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.

7.3. **Overall Design and Layout / Visual Impact:**

Having conducted a site inspection, and following a review of the submitted plans and particulars, it is clear that the overall design and layout of the proposed dwelling house is generally comparable to the surrounding pattern of development and thus it will not give rise to any significant impact on the visual amenity of the area. In this regard I would further state that whilst the neighbouring housing to the west of the application site is orientated to face northwards onto the public road, it is of relevance to note that the dwelling house to the east of the subject site has been constructed in a position perpendicular to the roadway and thus faces eastwards. Accordingly, in light of the aforementioned site context, and given the restricted width of the application site, in my opinion, the proposal to align the proposed dwelling house perpendicular to the public road in a manner similar to that employed on the adjacent land to the immediate east is generally acceptable and represents an appropriate design response to the on-site constraints, although it will be necessary to ensure that this infill development does not have a detrimental impact on the residential amenity of any neighbouring properties.

7.4. **Impact on Residential Amenity:**

Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overshadowing and overlooking with a consequential loss of privacy. In this regard I am inclined to suggest that the aforementioned concerns would appear

to derive from the proximity of the proposed construction to adjacent housing, the orientation and height of the proposed dwelling relative to neighbouring properties, and the inclusion of a first floor level of accommodation within the submitted proposal.

In response to the foregoing, and by way of clarity, I would advise the Board that whilst the initial proposal submitted to the Planning Authority provided for the proposed dwelling house to be located alongside the eastern site boundary with its front elevation positioned perpendicularly to the public road in order to face westwards, the amended proposal submitted in response to the request for further information has revised the site layout and house design in that the proposed dwelling house has been relocated to a position alongside the western site boundary whilst its internal layout has been amended in order to face eastwards. Accordingly, I propose to focus my assessment on this revised proposal.

With regard to the potential for the proposed development to have a detrimental impact on the residential amenity of neighbouring property by reason of overlooking, it is of particular relevance to note that the orientation of the proposed dwelling house perpendicular to the public road and the inclusion of a first floor level of accommodation is likely to have contributed to the appellants' concerns as regards a possible loss of privacy. However, from a review of the submitted details, in my opinion, it is apparent that the design of the proposed dwelling has taken sufficient cognisance of the need to avoid any undue overlooking of neighbouring properties. For example, in order to minimise the potential for overlooking of those properties to the immediate east and west of the application site, the submitted proposal has sought to utilise gable end windows, where possible, to serve the first floor bedroom accommodation whilst the remainder of the first floor will be served by a number of rooflights. In this regard it is of further relevance to note that the 3 No. rooflights within the western (rear) elevation of the proposed dwelling house will serve a bathroom, landing area and a wardrobe and that the nature of the usage of these areas (as distinct from bedrooms and living areas) is such as not to give rise to any significant concerns as regards overlooking. In addition, it should be noted that whilst the proposed dwelling house will be positioned in close proximity to the western site boundary there will continue to be a separation distance in excess of 12m between the rear elevation of the proposed dwelling and the ground floor window within the

easternmost gable of the adjacent residence. In relation to the potential for overlooking of the neighbouring property to the east, whilst I would accept that there are 2 No. first floor rooflights within the eastern elevation of the proposed dwelling, it is of relevance to note that only one of these rooflights will serve a bedroom area (with the second rooflight serving an en suite bathroom) and that it will not face directly towards any first floor window within the adjacent property. In this respect I would refer the Board to the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'* wherein it is stated that there should be adequate separation (traditionally about 22m between 2-storey dwellings) between opposing first floor windows at the rear of dwellings and that the careful positioning and detailed design of opposing windows can prevent overlooking even with shorter back-to-back distances. (*N.B.* The Guidelines also state that windows serving halls and landings do not require the same degree of privacy as, say, balconies and living rooms). Accordingly, having regard to overall the design of the proposed dwelling house, the absence of any directly opposing first floor windows within the property to the east of the application site, and given the specifics of the site context, I am satisfied that there is sufficient separation distance between the proposed dwelling house and the adjacent property so as to avoid any undue overlooking of same.

In respect of the potential for the proposed development to have a detrimental impact on the levels of sunlight and daylight received by neighbouring property, it is my opinion that, given the separation distances involved, in addition to the likelihood that some degree of overshadowing of the dwelling house to the immediate east of the application site could already be attributed to the existing wall along the intervening site boundary, and as the properties to both the east and west of the site will continue to benefit from a southerly aspect and thus receive a significant amount of direct sunlight / daylight throughout much of the day, any diminution in daylight / sunlight by reason of overshadowing will be limited and would not warrant a refusal of permission.

Therefore, on the basis of the foregoing, it is my opinion that the proposed development is unlikely to give rise to any significant undue impact on the residential amenities of adjacent property.

7.5. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.6. **Other Issues:**

Precedent for Future Development:

With regard to the concerns expressed in the grounds of appeal that the proposed development may set an undesirable precedent for the future development of those lands to the rear of the appellants' dwelling houses, I would suggest that there are clear contextual differences between those backland areas and the subject site which would give rise to different planning considerations. Accordingly, it will be necessary for the planning implications of any future proposal for the development of the aforementioned lands to be assessed on its merits having regard to the applicable planning policies whilst it should also be noted that an opportunity will be afforded in the consideration of any future planning application for any interested third parties to make a submission on same.

Traffic Implications:

It is proposed to utilise the existing splayed entrance arrangement, which is shared with the adjacent property to the immediate west, to serve the proposed dwelling house and in this regard I am satisfied that the sightlines available from same are adequate in both directions and that the submitted proposal will not give rise to a traffic hazard.

Infrastructural / Servicing Requirements:

It has been asserted that concerns have been previously raised as regards the capacity of the sewerage system serving existing housing in the area and thus it has been submitted that the subject proposal could potentially result in the overloading / surcharging of same. In response to the foregoing, I would refer the Board to the final report prepared by the local area engineer which expressly states that *“the*

treatment plant for the village suffers from under-capacity and therefore extra development is of benefit to the treatment system serving the village'. Accordingly, in the absence of any clear evidence to the contrary, it would appear that the appellants' concerns are unfounded.

Procedural Issues:

In relation to the adequacy of the submitted plans and particulars, in my opinion, there is sufficient information on file to permit a balanced and reasoned assessment of the proposed development which in turn supports a recommendation to grant permission.

In respect of the assertion in the grounds of appeal that the Planning Authority failed to give adequate consideration to the appellants' property in its assessment of the subject application, I do not propose to comment on same other than to state that it would appear that the Planning Authority was satisfied that the information available on file was sufficient to allow for a full assessment of the planning implications of the proposed development and that this supported a decision to grant permission. Furthermore, it should be noted that my assessment of the subject appeal has been conducted on a *de novo* basis (i.e. from first principles).

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of

pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of July, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black, slate-grey or dark brown in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, complete details of all proposed boundary treatment within and bounding the proposed development site.

Reason: In the interests of visual and residential amenity.

6. 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 amenities of property in the vicinity.

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

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

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Robert Speer
Planning Inspector

27th October, 2017