



An
Bord
Pleanála

Inspector's Report ABP-300134-17

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| Development | Permission is sought for demolition of existing dwelling and the construction of a new dwelling with access from Model Farm Road at Maretimo, Model Farm Road and all associated site development works |
| Location | 'Maretimo' , Model Farm Road , Cork |
| Planning Authority | Cork City Council |
| Planning Authority Reg. Ref. | 17/37431 |
| Applicant(s) | Tim and Catherine O'Connor. |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | 1. Anthony and Veronica Canty. 2. Paul Canty |
| Observer(s) | None. |
| Date of Site Inspection | 22 nd February 2018. |
| Inspector | Fiona Fair |

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.072ha, is located on the northern side of Model Farm Road to the south western suburbs of Cork city.
- 1.2. The surrounding area is predominantly residential in character, with the lands immediately adjoining to the north, northeast and west comprising a mix of single storey detached and two storey detached dwellings. 'The Beeches' two storey neighbouring dwelling is located to the north east and 'Renmore' a two storey neighbouring dwelling is located to the west (appellants dwelling's).
- 1.3. The appeal site hosts a single storey bungalow, which is currently vacant and in a poor state of repair. It has a flat roof annex to its rear and two small storage sheds on the site. The site is accessed by way of a narrow vehicular access driveway from Model Farm Road, the entrance is located to the south-western boundary. The front garden is large with the bungalow set back in line with adjoining row of dwellings to the west. The rear garden area is shallow with a depth of some 8m.
- 1.4. The boundaries of the site are well defined by block walls, mature hedges and mature plants. The eastern, southern and western boundaries in particular comprise block walls.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of existing dwelling (174.77 sq. m) and the construction of a new dwelling (282.16 sq. m) with access from Model Farm Road at Maretimo, Model Farm Road and all associated site development works.
- 2.2. The proposed dwelling comprises a large five-bedroom dwelling over two storeys and an attic. It is located in a similar position on site to the existing dwelling, although it has a larger footprint.
- 2.3. The dwelling was originally proposed with a ridge height of 10.131m over ground floor. Following an extension of time, revised drawings were submitted that reduced

the ridge height to 9.170m over ground floor level, 0.96m lower. The design of the dwelling is as originally proposed apart from:

- (i) Two first floor windows in the eastern flank elevation being omitted
- (ii) A dormer in the northern rear elevation being replaced with velux roof windows
- (iii) The omission of the proposed bay in the western flank elevation.

3.0 Planning Authority Decision

3.1. Decision

Permission Granted subject to 13 number conditions. The following are of note:

Condition 2. (a) Prior to the commencement of development the applicant / developer shall submit for the written agreement of the planning authority floor plan drawings matching those submitted to the planning authority on 24/05/2017 except where modified by the section and elevation drawing submitted to the planning authority on 23/08/2017.

(b) Prior to the commencement of development the applicant / developer shall submit for the written agreement of the planning authority revised plans reflecting the following: (1) no first-floor windows serving Bedroom One and Bedroom 2 in the western elevation; (2) the omission of the first-floor window serving Bedroom One in the eastern elevation; (3) the first-floor window serving the bathroom in the western elevation shall be finished in obscured glazing and opening sections shall be restricted to tophung pivot; (4) the two first-floor windows serving bathrooms in the eastern elevation shall be finished in obscured glazing and opening sections shall be restricted to tophung pivot.

Condition 10. Restricts noise during site clearance and construction and restricts working hours during site clearance and construction to 0800-1800 hours on Mondays to Fridays and to 0800- 1600 hours on Saturdays.

Condition 11 relates to the management and disposal of waste during construction.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners Report: Report considers the height and scale of the dwellings adjacent to the proposed development site and generally along this portion of Model Farm Road. It is not considered that it would be reasonable to restrict development to single storey only. The proposed revised ridge height would be between the ridge heights of the respective adjoining dwellings to the east and west. The staggered building line in the area is noted.

3.2.2. Other Technical Reports

- Drainage Department: No objection subject to conditions.
- Environment Department: No objection subject to conditions.
- Road Design Office: No objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water (IW): No Objection

3.4. Third Party Observations

Two third Party submissions were received. The issues raised are similar to the issues raised in the two third party appeals summarised in detail below.

4.0 Planning History

None of Relevance.

5.0 Policy Context

5.1.1. Sustainable Residential Development in Urban Areas, 2009

5.1.2. Quality Housing for Sustainable Communities, 2007

5.2. Development Plan

5.2.1. Development Plan

The site is governed by the policies and provisions contained in the Cork City Development Plan 2015-2021.

The site is zoned ZO 4 Residential, Local Services and Institutional Uses with the objective 'to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3'.

Paragraph 15.10 of the Plan states that the provision and protection of residential uses and residential amenity is a central objective of this zoning.

Residential Strategy

Chapter 6 of the City Development Plan comprises the residential strategy. Objective 6.1 lists general residential strategic objectives.

Section 16.46 sets out proposals for Residential Design

Section 16.49 sets out proposals for New Residential Developments

Section 16.58 sets out proposals for Single Units including Corner / Garden Sites'

Section 16.59 sets out proposals for Infill Housing

Section 16.73 sets out proposals for Residential Entrances / Parking in Front Gardens.

5.3. Natural Heritage Designations

- 5.3.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised within the two third party appeal's by Anthony and Veronica Canty, 'The Beeches' and Tom Canty, 'Renmore' have been collated under the following headings:

The appellants are not, in principle, averse to a development incorporating a sensitive design sympathetic to the existing privacy and amenity currently enjoyed by the properties 'Renmore', located to the north, and 'The Beeches', located to the east, of the proposed dwelling.

Design / Visual Impact

- Acknowledge efforts to reduce the impact of the proposed dwelling by way of reducing the ridge height.
- However, the scale, size and mass of proposed three storey dwelling is excessive.
- The proposed house would be 2.2 times larger in floor area with a ridge height 3.57m higher than the existing dwelling to be replaced.
- Significant increase in elevational area and a more than doubling the existing ridge height would result in a c. 17 m long three storey gable wall on the eastern boundary of the appellant's property 'Renmore'.
- Injurious to residential amenity of adjoining property, in particular, 'Renmore' and 'The Beeches'.
- Overdevelopment and visually undesirable form of development when viewed from neighbouring residences and Model Farm Road.

- This design and scale is not appropriate considering it is located as close as 11m from the 'Beeches' which is listed on the National Inventory of Architectural Heritage (Ref No. 20865022) and only 0.6m from the eastern boundary wall.
- Proposed dwelling will detract from the overall character of the 'Beeches' and the grounds upon which it stands.
- New house will project 4.5m beyond the long established building line.
- The proposed dwelling will be only 1.5m with the boundary of 'Renmore' and will extend 1.3m above its ridge height.
- The reduction in open space and the proposed bland 18m long gable wall (visible from The Model Farm Road) will contribute to injurious impact on 'The Beeches' and the streetscape in general.
- No photomontages submitted
- No consideration given to extension / modification of the existing dwelling.
- The dwelling has not been site specifically designed and is a 'copy and paste' exercise.

Loss of Light, Over-Looking & Loss of Privacy

- Concern with regard to the level of overlooking into the private area of 'the Beeches' garden and patio areas and living rooms, bedrooms and bathroom. At least 5 windows that give rise to overlooking.
- Over-shadowing and Loss of Light
- No shadow projection drawings / study, accompanies the proposal.
- The planner is incorrect in determining that the proposed building will not cause any detrimental overlooking or overshadowing on our property.
- Standard of 22m separation distance between opposing first floor windows is deficient.
- Devaluation of property

Procedural Methods adopted by Cork City Council

- As a third party to this application, the appellants submit that they were not formally notified by Cork City Council of the Unsolicited Further Information submission.
- Contend that the changes to the design and layout of the house are material and should not have been accepted by Cork City Council as Unsolicited Further Information as a result.
- No revised plans, site plan, contextual elevations or longitudinal sections have been submitted incorporating 'The Beeches' and 'Renmore' to the west of the proposed dwelling. It is unclear what impact this building will now have.
- Planning Authority has not been consistent in its appraisal of this application in comparison to their appraisal of a previous application for an extension to a dwelling next to "Maretimo" (Planning ref. 13/35768 pertaining to rear extension to 'Renmore' residence)

Issues regarding the construction works.

- Vehicles servicing the site should not be parked on the public footpaths, as this would impede sightlines at multiple adjoining entrances.
- Work hours should be limited to 9-5 on week days and 9 to 1 pm on Saturdays

6.2. Applicant Response

A response was submitted by Bertie Pope & Associates Architects / Planning Consultants on behalf of the applicants Tim and Catherine O'Connor it is summarised as follows:

Overlooking and Loss of Privacy

- In all urban environments a minor degree of overlooking is inevitable.
- The proposed development has been redesigned and amended by way of unsolicited further information which reduced its impact upon residential amenity of surrounding dwellings.

- The design and number of windows was agreed with the area planner.
- Some windows are to be obscure glazed as required by the p.a.
- The dormer to the rear of the attic bedroom was removed and replaced with two roof lights.
- Through amendments proposed and required any overlooking issues and loss of privacy have now been minimised or eliminated.

Over-shadowing and Loss of Light

- Any overshadowing or loss of light would be minimal.
- The p.a. has no concerns in this regard.

Insufficient un-solicited Information.

- Amended drawings were submitted to the p.a. in response to a request for minor changes to the overall proposed development by means of un-solicited further information during the planning assessment process.
- The revisions were not considered significant by the p.a. in terms of Article 35(1) of the Planning and Development Regulations 2001 (as amended).

Visual Impact

- The p.a. consider that the proposed development would not have a significant detrimental impact on the residential amenities or the character of the area.
- The development has been designed in accordance with the proper and sustainable development of this site and careful consideration of the objectives and policies of the City Development Plan.
- The proposed development is in keeping with the existing pattern of development of the area including a number of recently permitted developments in the area which include demolition of an existing structure on site and the construction of a new family home.

- Similar style / designed dwellings have been permitted in the area which form part of the existing built environment. Such developments have integrated well.
- While there may be similarities in the design, this dwelling is site specific and responds to its individual site constraints, layout and client's specific requirements.

Devaluation of Property

- No evidence to suggest this is true.

Impact Upon 'The Beeches'

- While Anthony and Veronica Canty have made an appeal against development at 'Maretimo', which is the replacement of an existing dwelling, they themselves have a current p.a. (Reg. Ref. 17/37543) for the construction of 2 No. additional detached dwellings within their own site at 'The Beeches'.

Consistency in Appraisal by Cork City Council

- The planning application Reg. Ref. No. 13/35768 which was Granted on the 2nd of December 2013 on the adjoining land at 'Renmore' to the appellant Paul Canty includes a number of windows on its eastern elevation overlooking 'Maretimo'.
- The proposed development has been carefully considered to minimise impact to adjoining properties and environment.

Issues regarding Construction Works

- Planning Conditions No.'s 10. and 11 attached to the draft decision overcome this matter.

6.3. Planning Authority Response

- None Received.

6.4. **Observations**

- None received.

6.5. **Further Responses**

- None received.

7.0 **Assessment**

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

- **Principle of the Development on the Site**
- **Design / Visual Impact**
- **Overdevelopment / Impact Upon Residential Amenity**
- **Procedural Issues**
- **Issues regarding the construction works.**
- **Appropriate Assessment**

7.1. **Principle of the Development on the Site**

7.1.1. The appeal site is located within an area zoned with the objective ZO 4 'Residential, Local Services and Institutional Uses' with the objective 'to protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3' of the Cork City Development Plan 2015-2021.

7.1.2. The proposed demolition of an existing dilapidated bungalow of no particular merit or designation and its replacement with a new two-story dwelling with attic space and associated private open space, car parking and services is acceptable in principle within this zoning objective, subject to compliance with development management criteria set out in the Development Plan.

7.2. **Design / Visual Impact**

- 7.2.1. The scale, mass and design of proposed development, is acceptable in the context of bespoke character and design of established development adjoining on Model Farm Road. This is a detached urban site which is well contained both physically and visually, the proposed dwelling is set back from the public road by 18m with high walls and dense screening to its boundaries.
- 7.2.2. Overall, I consider that the design, which is to a high standard, taken together with the size of the site, screening and development in the vicinity, is such that the proposal would not give rise to overdevelopment of the site, would not be visually incongruous or diminish residential amenity so as to warrant a refusal of permission.
- 7.2.3. All existing planting and boundaries are to be retained and supplemented with additional screen planting, regard is had to the landscape plan submitted and the proposal for a 1.8m high boundary wall to the rear / northern boundary.

7.3. Overdevelopment / Impact Upon Residential Amenity

- 7.3.1. Regard is had to concerns raised by third parties, in particular, with respect to over development, loss of light, overshadowing, overbearing and overlooking / loss of privacy.
- 7.3.2. The proposed dwelling comprises a large five-bedroom dwelling over two storeys and an attic (stated GFA of 282.16 sq. m). It is located in a similar position on site to the existing dwelling, although it has a larger footprint.
- 7.3.3. The dwelling was originally proposed with a ridge height of 10.131m over ground floor. Following an extension of time, revised drawings were submitted that reduced the ridge height to 9.170m over ground floor level, 0.96m lower. The layout and design of the dwelling is as originally proposed apart from:
- (iv) Two first floor windows in the eastern flank elevation being omitted
 - (v) A dormer in the northern rear elevation being replaced with velux roof windows
 - (vi) The omission of the proposed bay in the western flank elevation.

- 7.3.4. I do not consider the scale of the proposed development to be excessive in its context. The amended proposal complies favourably with section 16.59 'Infill Housing' of the 2015 – 2021 Cork City Development Plan which states ‘
- ‘The planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc... Infill proposals should:
- Not detract from the built character of the area;
 - Not adversely affect the neighbouring residential amenities;
 - Respect the existing building line, heights, materials and roof profile of surrounding buildings;
 - Has an appropriate plot ratio and density for the site;
 - Adequate amenity is proposed for the development’.
- 7.3.5. I agree with the planning authority that it would not be reasonable to restrict development at this site to single storey. I note the height, scale, orientation and positioning of the neighbouring dwellings and generally along this portion of Model Farm Road. Taking cognisance to all issues raised I am of the opinion that the degree of shadow cast would not be so material in this urban context that planning permission should be refused.
- 7.3.6. The revised ridge height, at 9.1m, while higher than ‘Renmore’ to the west, would respect the ridge height of ‘The Beeches’ neighbouring dwelling to the north east. I also note the variety of architectural style along Model Farm Road, the staggered building line with dwellings set back a significant distance from the road boundary. I am in agreement with the planning authority that the building line as proposed is acceptable. While I note the two bays to the front project forward, the main body of the proposed dwelling respects the established building line. Given the site size and context, with staggered building line established in the area I consider the layout acceptable.
- 7.3.7. There is no directly opposing dwelling to the rear, thereby, 22 m separation distance between opposing rear first floor windows is observed. While ‘The Beeches’ and ‘Renmore’ both have first floor windows facing into the appeal site, the proposed dwelling has been designed and amended by way of condition (draft grant of

permission by the p.a) to ensure that overlooking is ameliorated. The site is located within an urban setting I note the amendments made by way of unsolicited additional information and the amendments imposed by way of condition by the planning authority to omit first floor windows and to ensure others be obscure glazed, in order to protect the residential amenity of the occupiers of adjoining dwellings. The revised design omits first floor bedroom windows to the east and west elevations, obscure glazing is required for en-suite and bathroom windows also the rear attic window is to be replaced with a velux roof light.

7.3.8. Given the design amendments, orientation of the site (north south), site size, the separation distances and orientation of adjoining residential properties I do not agree with the third parties that overlooking, overshadowing, loss of light or overbearing would be so material in this urban context that planning permission should be refused.

7.3.9. Overall I do not consider that the appeal proposal would have an unacceptable adverse impact on the residential amenity enjoyed by adjoining dwellings or would devalue adjoining property.

7.4. Procedural Issues

7.4.1. The applicants sought and received an extension of time from Cork City Council to make amendments to the proposed development on foot of discussion with the area planner. The amendments made to the design and subsequently submitted to the planning authority were not considered / deemed significant and therefore the applicant was not required to re-advertise and the appellants were not notified of the amendments. I agree with the planning authority that the amendments to the design were minor in nature are 'not significant'. Given that the observers to the planning application have both appealed the draft grant of permission I see no evidence that statutory rights were infringed in any way.

7.5. Issues regarding the construction works.

- 7.5.1. Third party appellants have raised concern with respect to construction traffic also concern has been expressed with respect to hours of operation and noise during construction.
- 7.5.2. The site is accessed off the busy Model Farm Road while some disruption would result to neighbouring properties, during the construction period, this would be for a finite period of time, if planning permission was to be forthcoming. I consider that subject to a construction management plan being put in place, that the proposed development would be acceptable from a construction point of view.
- 7.5.3. I see no fundamental impediment to the proposed development from a noise and construction perspective, subject to appropriate conditions in this regard. I note conditions 10 and 11 of the draft grant of planning permission Reg. Ref. 17/37431. I recommend that should the Board decide to grant planning permission in line with my recommendation that similar conditions be attached to the final grant of planning permission.

7.6. **Appropriate Assessment (AA)**

- 7.6.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058).
- 7.6.2. The planning report on file concludes that appropriate assessment is not required.
- 7.6.3. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 **Recommendation**

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

9.0 Reasons and Considerations

9.1. Having regard to the land-use zoning of the site, the existing pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure visual amenities or residential amenities of adjoining properties and is 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 23rd August 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. 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.

Reason: In the interest of visual amenity.

3. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority:

(a) Revised floor plans and elevation drawings, cognisance being had to the amendments proposed in the elevation and section drawings submitted to the planning authority on the 24th November 2017.

(b) Revised plans shall reflect the following:

(1) No first-floor windows serving Bedroom One or Bedroom two in the western elevation;

(2) The omission of the first-floor window serving Bedroom One in the eastern elevation;

(3) The first-floor window serving the bathroom in the western elevation shall be finished in obscured glazing and opening sections shall be restricted to top-hung pivot;

(4) The two first-floor windows serving bathrooms in the eastern elevation shall be finished in obscured glazing and opening sections shall be restricted to top-hung pivot.

(5) The rear attic window shall be replaced with velux roof lights.

Reason: In the interest of residential amenity

4. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass. The use of film is not permitted.

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

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

Reason: In the interest of public health.

6. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

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

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

Reason: In the interests of public safety and residential amenity

8. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials in the interest of protecting the environment.

9. Prior to the commencement of development the developer shall submit the following for the written agreement of the planning authority

(a) A revised layout plan reflecting a modified vehicle entrance in accordance with the following.

- (i) The vehicle entrance gate width shall be no wider than 3m.
- (ii) Gates/doors shall be recessed and / or be incapable of opening outwards, steps and access ramps shall be recessed or contained within the curtilage of the proposed development, in order not to impede or obstruct the public road or footpath.
- (iii) Surface water from the site shall not run across public footpath (or road).

Reason: In the interest of traffic safety.

10. 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.

Fiona Fair
Planning Inspector
08/03/2018