



An
Bord
Pleanála

Inspector's Report 300193-17.

Development	Dwellinghouse, driveway and parking spaces, all site works.
Location	15 Woodbine Lawn, Inniscarra View, Carrigrohane, Ballincollig, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	17/4948.
Applicant	Patricia Daly.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Inniscarra View Residents Association.
Observer	None.
Date of Site Inspection	13 th February 2018.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The subject site comprises the side garden of an end of terrace house at Woodbine Lawn, Ballincollig. The site frontage to the east is bounded by Whitethorn Avenue. The rear boundary is shared with the front garden of no. 31 Whitethorn Avenue. At the opposite side of the road adjacent no. 36 Whitethorn Avenue is a recently constructed dwellinghouse.
- 1.2. The site is laid out as the side garden of the existing house and is sub-divided into a patio area and small garden rooms divided by hedgerows. There is a glasshouse to the rear and the rear boundary is formed by a concrete post and panel wall. To the rear of the site (at no. 31 Whitethorn Avenue) is a single storey garage attached to the main house – the garage contains a small window in the side wall which faces to the site. The side boundary is marked by an evergreen hedge which has been thinned at the outer side of the site.
- 1.3. The existing house has been extended to the side by way of a two-storey extension.
- 1.4. Photos of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought for a detached two storey dwellinghouse of stated area of 104 m².
- 2.2. Modifications undertaken presented by the applicant in further information submissions of 9th October and 26th October include :
 - Modifications to house design and boundary treatment.
 - Revisions to the defined site to increase the area of private open space associated with proposed house.
 - Revisions to entrance and car parking – one entrance to rear with 2 no. parking spaces.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions including:

- 2m high concrete wall to be constructed along western, northern and eastern boundary of proposed rear garden – revised drawings at a scale of 1:250 to be agreed with planning authority.
- Finish to external walls and detail of driveway to be in accordance with drawings of 9th October – no exemption under Class 5 and Class 9 PDR as amended.
- Surface water disposal for proposed and existing houses.
- No exempted development under Class 1, 3 and 5.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the final report are:

- Applicant has demonstrated that a dwellinghouse can be accommodated on the site in accordance with current standards of development management.
- Does not look 'out of place'.

3.2.2. Other Technical Reports

Engineering Report (original) – revised entrance off Whitethorn Avenue required – also proposals for surface water disposal for both houses.

Engineering Report (final) – notes the revised entrance and parking arrangement and the applicant's proposals to construct onsite soakway to dispose of surface water, which would require separate soakways – no objection subject to conditions.

Estates (further information) – no issues of concern to section.

3.3. Prescribed Bodies

Irish Water – no objection subject to conditions.

3.4. Third Party Observations

Observations received from owner / occupier of 29 and 31 Whitethorn Avenue and Inniscarra View Residents Association. The issues raised relate to the building line, entrance, scale, 2m high wall, tenure and it is considered that the proposed development would lead to overshadowing, traffic hazard and constitute overdevelopment.

4.0 Planning History

No relevant site history related to nature of proposed development.

The planner's report refers to a number of cases in the general area including the house at the side garden of no. 36 Whitethorn Avenue. Also includes reference to PL04.222580 – permission refused for a house to the side of 125 Rosewood.

5.0 Policy Context

5.1. Development Plan

Under the Cork County Development Plan 2014-2020 Ballincollig is part of the Cork Gateway (city environs and a number of metropolitan towns including Ballincollig).

The Ballincollig Carrigaline District Local Area Plan adopted in 2017 refers. The vision for Ballincollig is that it will continue to grow as a major centre for population and employment.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal raises the following issues:

- Parking and entrance at Whitethorn Avenue – not in line with house layout. Parking on adjacent street likely.
- Overdevelopment – existing house is extended.
- Long narrow house design not in keeping.

- Traffic hazard due to the new dwellinghouse on the opposite corner of Whitethorn Avenue and reduction in line of sight for adjacent houses.
- Not for owner's occupancy.
- Quality of life impacts on area due to overdevelopment and traffic congestion.

6.2. **Applicant Response**

Requests that the decision to grant permission be upheld.

6.3. **Planning Authority Response**

The planning authority in response to the appeal states:

- There is no technical requirement for the driveway to be in line with layout of house at Whitethorn Avenue
- The entrance will be over 20m from the junction which is sufficient for a residential estate and will be opposite a boundary wall (not an entrance)
- The proposed 2m high section of wall will be behind the onsite car parking spaces (setback from the edge of the footpath by 5m) and the removal and replacement of the existing hedgerow by the new wall will improve sightlines for adjacent houses.

6.4. **Observations**

None.

7.0 **Assessment**

The issues arising in the application and appeal relate to the following:

- house design
- site layout, specifically parking and open space
- surface water drainage.

House design

In terms of the proposed house design I consider that it is modest in scale. Having regard to the simplicity of form and the selection of the roof profile, heights and all external finishes to match the existing houses, I am satisfied that the proposed development would integrate satisfactorily with the streetscape to the front and to the side. There is no prohibition under the development plan to breaches to the side building line and in any case I consider that the setback of the side wall of the house from the eastern boundary adequately reflects the building line established at Whitethorn Avenue.

The Council's planner's original report refers to the proposed development as constituting a case which is marginal in terms of its merits. I agree that this is a small site (254m²) and it is prominently located in terms of views from surrounding properties and streets. However, the proposed development provides adequately for open space and parking, as is considered below and it will not give rise to overlooking of the adjacent house to the north. Modifications to the proposed development addressed not only the external appearance of the building, scale and finishes but also the internal layout of the building was improved. I am satisfied that the proposed development will provide adequately for the needs of future occupants. Further, I am of the opinion that the development would not be deemed to be out of character with the area. In conclusion, I consider that the revised house design is acceptable at this location.

I consider that in principle there is no objection to dwellinghouse at this site notwithstanding the breach of the site building line, which is very minor in nature.

Site layout

The revised site layout (of 9th October 2017) is relevant. In order to comply with the requirement of 60 m² private open space the area defined was modified in this document from the original submission. I agree with the assessment by the council's planner that having regard to the location of the site within an overall holding which is outlined in blue on the application drawings, this is an acceptable modification. The modification to the red line of the site boundary shown in the site layout of 9th of October 2017 was revised again in the site layout of 26th of October. In the interest of clarity I recommend the attachment of a condition referring to the original site map.

The proposal shown provides adequately for the amenity needs in terms of private open space. The existing house on site will retain ample private open space to the rear. In view of the particular constraints of the site I agree with the conditions of the planning authority to de-exempt any development which might otherwise not require planning permission.

I note the assessment in the planning authority reports which concludes that the 20 m separation from the junction to the site entrance is adequate in this case and I agree with this conclusion. This is a relatively low density area and would not in my opinion be subject to levels of traffic which would constitute a hazard to users of the new entrance. Neither would use of the entrance be likely to give rise to hazard to pedestrians, cyclists or other motorists using the existing estate roads. I consider that the development is acceptable in terms of traffic safety and congestion subject to the revised layout presented. The latter indicates also the retention of 2 no. on-site car parking spaces to the front of the existing dwellinghouse.

Surface water

The technical reports on site refer to a requirement for separate soakways further to houses and there is no indication in the technical reports on file that there will be any difficulty with this aspect of the proposal. I recommend this matter be addressed by way of the Board's standard condition regarding surface water and that it be subject to further agreement with the planning authority.

Other issues

The planner's report refers to a Route Protection Corridor affecting the site. There is no such corridor identified on the recently adopted Municipal Plan. I attach an extract from the relevant map in this regard. There are no specific objectives relevant to this proposal.

8.0 Recommendation

- 8.1. I recommend that the decision of the planning authority to grant permission be upheld for the reasons and considerations and subject to the conditions below.

Reasons and Considerations

Having regard to the residential zoning for the site of the proposed development, the pattern of development in the area, the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9th day of October 2017 and by the further plans and particulars received by An Bord Pleanála on the 26th day of October, 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. The site map governing this permission shall be as submitted to the planning authority on the 19th day of April 2017.

Reason: In the interest of clarity.

3. The site layout map and all boundary wall details shall be as shown on the site layout map submitted to the planning authority on 9th day of October 2017.

Reason: To ensure adequate screening and in the interest of the residential amenity of future occupants.

4. The entrance, driveway and parking shall be as indicated on the site layout submitted to the planning authority on the 9th day of October 2017.

Reason: In the interest of traffic safety.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1, Class 3, Class 5 or Class 9 of Schedule 2, Part 1 of those Regulations shall take place without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the proposed dwelling and traffic safety.

6. 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 and to ensure a proper standard of development.

7. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development

Reason: In the interests of visual and residential amenity.

9. 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 the commencement of development. This plan shall provide details of intended access arrangements and of construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities and public 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, as amended. 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 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.

Mairead Kenny
Planning Inspector

20th February 2018