



An
Bord
Pleanála

Inspector's Report ABP-300311-17

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| Development | Demolition of farmhouse and agricultural structures and construction of 6 houses |
| Location | Moneygurney, Douglas, County Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 17/4293 |
| Applicant(s) | David Horgan |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Cora & Denis Mattimoe |
| Observer(s) | None |
| Date of Site Inspection | 27 th March, 2018 |
| Inspector | Kevin Moore |

1.0 Site Location and Description

1.1. The site of the proposed development is located approximately 6.5km from Cork City Centre. The 0.719 hectare site is to the south of Rochestown and east of the N28 in County Cork. It is accessed via a minor road and was formerly the site of a farm house and agricultural outbuildings. One-off houses has developed in a linear pattern to the north and south of the site. The site is flanked to the east by agricultural land and to the west by the public road. Douglas Nursing Home is located on the opposite side of the road and south of this lies a school and sports grounds.

2.0 Proposed Development

- 2.1. The proposed development would comprise the demolition of the former farmhouse and existing agricultural structures and the construction of six four bed detached houses with all ancillary development works, including vehicular access, parking footpaths, drainage, landscaping and amenity areas. The detached houses would extend in a linear form from the public road, with open space located at the eastern end and a single vehicular access onto the local road to the west. Each house would be provided with a back garden and the curtilage to the front would provide two car parking spaces.
- 2.2. Details submitted with the application included a planning report and an engineering report.

3.0 Planning Authority Decision

3.1. Decision

On 31st October, 2017, Cork County Council decided to grant permission for the proposed development subject to 37 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner referred to adjacent planning history, development plan provisions, *Sustainable Residential Development in Urban Areas*, internal and external reports received, and third party objections made. Having regard to the site's location, the proposal was considered acceptable in principle but that revisions to the location of the pumping station (being sited within the Metropolitan Greenbelt) were necessary. The recommendations for further information set out in reports received were accepted. Having regard to Irish Water's submission, it was considered inappropriate to refuse permission on prematurity grounds pending the delivery of a public sewer upgrade at this location. The extent of proposed public open space was regarded as acceptable. With modifications to the site entrance considered necessary, along with the relocation of the proposed pumping station, it was considered that the applicant should be requested to omit house 1 and reconfigure houses 2-6. No residential amenity issues were seen to arise, subject to clarification on boundary treatment and landscaping. A request for further information was recommended.

The Senior Executive Planner noted the reports received and recommended a deferral of the application.

3.2.2. Other Technical Reports

The Public Lighting Engineer requested further information on a lighting scheme and included a schedule of conditions.

An Estates Report referred to the proposed pumping station being outside the development boundary of Cork City – South Environs and, if development is to be restricted within the boundary, there would be a need for a revised layout and the omission of a house. Acknowledging the extent of the overall holding, reference was made to the need to consider the application in that context. It was noted that the foul sewer system on the public road into which the proposed pumping station would discharge has not yet been started and the proposal was seen to be premature. Revisions to the layout to meet road and access requirements were also referenced.

The Area Engineer requested further information on road and access layout and the provision of 2m footpaths. It was noted that there is no public sewer available and a refusal of permission was recommended.

3.3. Prescribed Bodies

Inland Fisheries Ireland had no objection to the proposal as long as Irish Water signifies there is sufficient capacity in existence to accommodate the development.

Irish Water had no objection to the development but noted a requirement to sign a connection agreement prior to the commencement of development, with the connection being subject to the constraints of the Water Capital Investment Programme.

3.4. Third Party Observations

An objection to the proposal was received from Denis and Cora Mattimoe and Tim Dineen. The grounds of the appeal reflect the concerns raised. A further submission was made by Des Morris referring to having unrestricted access to the use of the lane that the proposed development is accessing, incompatible density, proposed House C being out of line with nearby houses, and the need for use of the same access by the proposed houses.

3.5 On 6th April 2017, the planning authority requested further information in accordance with the Planner's recommendation. A response to this request was received on 11th September 2017. The details included a revised site layout, each dwelling being served by individual pumping stations, surface water attenuation proposals, boundary treatment and landscaping provisions, and a lighting scheme.

Following this, the reports to the planning authority were as follows:

The Area Engineer requested clarification on sightlines, access and parking, and location of pumping stations.

An Estates Report noted the proposed foul sewer system in the area was under construction. Clarification was requested on sightlines, and parking and access.

The Public Lighting Engineer considered the design information to be acceptable except for a number of clarifications.

The Planner recommended that clarification be sought in accordance with the Area Engineer's recommendation.

The Senior Executive Planner concurred with the Planner's recommendation.

3.6 A clarification request was issued on 27th September 2017 and a response was received on 5th October 2017. The reports to the planning authority were as follows:

The Estates Report concluded there was no objection and a schedule of conditions were set out.

The Area Engineer had no objection subject to conditions.

The Public Lighting Engineer noted his previous report and stated he had no comment on the submission.

The Planner noted the applicant's clarification and the Engineers' conclusions and recommended that permission be granted subject to conditions.

The Senior Executive Planner concurred with the Planner's conclusions.

4.0 **Planning History**

I have no record of any previous planning application or appeal relating to the appeal site.

5.0 Policy Context

5.1. Cork County Development Plan 2014-2020

Zoning

The site is located within the development boundaries for Cork City South Environs as set out in the Carrigaline Local Area Plan. The site is zoned 'Existing Built-Up Area'. The Plan states that, within the development boundaries of the main towns, in areas that are not subject to specific zoning objectives, proposals for development will be considered in relation to the following:

- the objectives of the plan
- any general or other relevant objectives of the relevant Local Area Plan
- the character of the surrounding area
- other planning and sustainable development considerations considered relevant to the proposal or its surroundings.

Housing

Objectives include:

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.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside immediately to the south of the proposed development. The grounds of the appeal may be synopsised as follows:

- The substandard access proposals would be injurious to public safety by reason of traffic hazard. The proposed sightline to the south from the entrance onto the public road is blocked by an existing boundary with the appellants' property. In addition, the proposed southern splay of the junction with the public road comprises land to the front of the appellants' property. Reference is made to the requirements of Objective TM 3-3 of the Cork County Development Plan.
- The proposed development would be detrimental to existing residential amenity, causing invasion of privacy and the introduction of security concerns. This would result from overlooking of private amenity areas, open views from the internal roadway, and the siting of the public amenity space. Reference is made to ground level differences, inadequate existing boundaries, and utilisation of the agricultural track along the southern side of the site. Non-compliance with design guidelines and development provisions are also highlighted.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The required sightlines to be provided, are achievable, do not require consent from neighbours, and will not result in a traffic hazard.
- In terms of impact on residential amenity, adequate separation distances would be provided, existing boundary hedges would be retained as much as possible and supplemented, and open space measures would ensure no public access to the appellants' property. The subject site is at a similar level, and at times at a lower level, than the appellants' rear garden.
- The proposal is fully in accordance with Cork County Development Plan and national guidance documents.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 **Assessment**

7.1. Introduction

7.1.1 It is considered that the principal planning issues relating to this appeal are the proposed form and layout of the development, impact on residential amenity, and traffic concerns. While I note that there was some uncertainty initially when the application was with the planning authority with regard to access to the public sewer, I note that an upgrade is ongoing at this location and Irish Water has no concerns relating to the proposed development utilising the public system.

7.2 Form and Layout of the Development

7.2.1 It is my submission to the Board that this is the most significant planning issue relating to the proposed development. The applicant has a substantial landholding at this location and proposes to develop lands that are within the development boundary as set out in the Development Plan. In seeking to maximise the extent of achievable development on a constrained site, it is intended to develop a spur road off the public road and run a line of houses to the north of that internal road. It is evident that the pattern of development that has been facilitated at this location comprises ribbon development and one may reasonably conclude that the increased density of development being attained on this site would be somewhat of an improvement. I would question, however, in light of an understanding of the applicant's landholding at this location, whether this proposal is premature when considering the best interests of the development of this land into the future.

7.2.2 I consider that the pattern of development proposed is piecemeal and is somewhat disorderly, a short-term gain in density improvements when compared to the established form of development, while a clear loss in isolation of orderly development of serviceable lands in the immediate vicinity. I ask the Board: is this the manner in which one would want to see the development of serviceable land in suburban Cork City being approached? Slavishly tying oneself to development boundaries and revising and tightening development schemes to fit within these boundaries at this location creates, in my opinion, a most haphazard and incompatible form of development. These are lands that need to be developed as

part of a master plan or framework plan, not on a piecemeal basis. It is my opinion that developing these lands in the manner being approached by the planning authority in this application will lead to a significant underdevelopment of the overall holding in terms of density as new development follows established development and is likely to produce *ad hoc* responses in layout for further development as land is subsumed within an expanding development envelope over time. Now is the time to be planning for orderly development of these lands and for ensuring that best use is made of public investment in infrastructure, that a quality overall residential layout is achieved, that a co-ordinated, phased approach to development of the lands is pursued, and that protection of established residential amenity is maintained.

7.2.3 I firmly maintain that such an approach is wholly in keeping with the recommendations as set out in *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, published by the Department of the Environment, Heritage and Local Government. The role of design is to the forefront of these Guidelines and it is stated: "*Planning authorities should promote high quality design ... in their development management process*" (Section 3.2). It is further stated in Section 5.1: "*Firm emphasis must be placed by planning authorities on the importance of qualitative standards in relation to design and layout in order to ensure that the highest quality of residential environment is achieved.*" The Guidelines are supported by the *Urban Design Manual: A Best Practice Guide*, which addresses key issues for new residential development in matters that include context, connectivity, efficiency and appropriate use of resources, layout, the public realm etc. It is my submission that the present proposal does not respond well to its surroundings, has given little, if any, consideration to connectivity with future development that will result on the applicant's overall holding, does not make an appropriate and efficiency use of the land resource, and establishes an undesirable approach to the public realm, amenity provision, and protection of privacy. In my opinion, this residential development sits poorly with recommended development management guidance. While Objective HOU 3-1 of the Cork County Development Plan espouses support for the Guidelines and Design Manual, it is clear that the proposed development falls very short of basic requirements set out in this guidance.

7.2.4 In conclusion, I submit that the approach to the development of the applicant's landholding is misguided at this time. It creates an uncoordinated response that

seeks to maximise the utilisation of a small plot in isolation of the overall landholding, is evidently a contradiction to the established pattern of development, and is not a satisfactory fit with this established pattern or with national guidance. The proposed development is premature pending the provision of a master plan / framework plan for the overall holding which will allow for the development of this plot to fit in a manner that is compatible with such a plan, one which ultimately should be agreed with the planning authority.

7.3 Impact on Residential Amenity

7.3.1 The proposed development provides six detached two-storey houses in a linear pattern that back onto a detached house to the north and front a service road which adjoins a detached house to the south, i.e. the appellants' property. There is a low stone wall along the southern flank which separates the appeal site from the appellants' property. There are a few trees along this flank also. Overall, one can reasonably state that the appellants' property is exposed to development that would result on the appeal site in the manner proposed.

7.3.2 Having regard to my considerations above in relation to the form and layout of the proposed development, it is clear that the exposed nature of the appellants' property and the lack of any material response to meet serious concerns about impact on established residential amenity reinforces my own concerns about how the piecemeal approach to the development of these lands fails to achieve a satisfactory form of development. The proposed houses would be developed 20 metres and more from the flank boundary with the appellants' property. They would directly overlook the private amenity space of the appellants' property. While one can often expect in an urban environment some degree of overlooking from neighbouring property, it is clear that several proposed houses will directly overlook the appellants' private amenity space. This invasion of privacy is compounded by the siting of a proposed open space/local play area at the end of the site, separated from the appellants' property by the width of the service road. The provision of this space at this location again emphasises how the proposed development of these lands is misguided at this time, meeting quantitative development plan standards for the scheme proposed, while avoiding addressing an appropriate qualitative approach to

development of the overall holding. This culminates in a most unsatisfactory adverse impact on established amenity of neighbouring residents. Further to this, it is apparent that, with the everyday functioning of the proposed houses and utilisation of their frontages, vehicular access, pedestrian movement, visitors, etc., the proposed development has significant potential to generate disturbance and nuisance to the neighbouring residential property.

7.3.3 In conclusion, I note that the applicant has not addressed the adverse impact the proposed scheme would have on the amenity of the appellants' property. One could suggest the development of a high block wall along the southern flank of this site to seek to provide some degree of security and to partly limit impacts on loss of privacy. I, however, contend that this is not a planned approach that merits support because it would fail to adequately protect the amenities of the appellants' property.

7.4 Traffic Impact

7.4.1 The appellants have raised concerns about the potential traffic impact arising from the access arrangements onto the existing public road. This is a matter that has been addressed by the planning authority in its considerations during the application process. Clear sightlines are achievable from the proposed entrance location and the development would access the public road within a controlled speed limit zone. There would be no interference with third party property. I do not consider that the proposed development would result in a traffic hazard.

8.0 **Recommendation**

8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 **Reasons and Considerations**

1. The site of the proposed development forms part of a large landholding that is located within and adjoining the development boundary of the Cork City South Environs, in close proximity to social and community services, and on and in the vicinity of lands that are extensively zoned for residential purposes. It is an

objective of the planning authority to ensure that all new development within the County supports the achievement of sustainable residential communities and, to this end, the Council has regard to the provisions of the *Guidelines on Sustainable Residential Development in Urban Areas* and the accompanying *Urban Design Manual*, in assessing applications for development through the development management process. The Guidelines, under Section 5.1 state that firm emphasis must be placed by planning authorities on the importance of qualitative standards in relation to design and layout in order to ensure that the highest quality of residential environment is achieved. The Design Manual sets out best practice for new residential development in matters that include context, connectivity, efficiency and appropriate use of resources, layout, the public realm, and amenity.

It is considered that the proposed development is premature by reference to the lack of a framework plan / master plan as a guide to the qualitative and orderly development of the overall landholding, offers inadequate consideration of connectivity with the future development of these lands, does not allow for an appropriate and efficient use of the land resource, and establishes an undesirable approach to the public realm, amenity provision, and protection of privacy. The proposed development would, therefore, constitute piecemeal development that would likely undermine the orderly development of the overall holding, would conflict with the provisions of the *Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas* pertaining to qualitative urban design principles and would, thus, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of a poor quality linear layout and orientation of houses in proximity to adjacent residential properties, would be out of character with the pattern of development in the area, would seriously injure the residential amenity of adjoining property to the south by virtue of overlooking, loss of privacy and general disturbance, and would, thereby be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

4th April 2018