



An  
Bord  
Pleanála

## Inspector's Report ABP-300369-17

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<b>Development</b>	Construction of a house
<b>Location</b>	No. 1 The Gardens, Rope Walk, Blackrock, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	17/37315
<b>Applicant(s)</b>	Elaine Coakley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Jason Griffin & Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> March, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The site of the proposed development is located on the west side of Rope Walk in Blackrock Village in Cork. It comprises part of the side garden of a single-storey, semi-detached house set back from the street. Rope Walk is a narrow street where parking is permissible along both sides of the street. The northern section of the road along both sides, including development immediately adjoining the site, comprises two-storey terraced houses with direct frontage onto the road. This is a residential area with a mix of house types, layouts, etc. that forms part of a designated Architectural Conservation Area (ACA).

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the construction of a detached, part single-storey / part two-storey, two bedroom house with direct frontage onto the street. The house would have a floor area of 89 square metres on a stated site area of 0.01 hectares.
- 2.2. Details submitted with the application included a planning report from the applicant's Planning Consultant and a letter of consent from the landowner (the applicant's mother) permitting the making of the application.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 7<sup>th</sup> November 2017, Cork City Council decided to grant permission for the development subject to 14 conditions.

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

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

The Planner noted development plan provisions, reports received and third party submissions. The development was seen to be acceptable in principle having regard

to the site's zoning objective. Open space provision was also seen to be acceptable. The proposal was seen to be satisfactory in terms of impact on the amenity of adjoining residential properties. In design terms, the house was seen to respond well to its context. The proposal not to provide off-street parking was considered reasonable in its context. A request for further information on drainage issues was recommended.

The Senior Planner concurred with the Planner's recommendation.

### 3.2.2. Other Technical Reports

The Environment Engineer had no objection to the proposal subject to conditions.

The Drainage Engineer requested further information on storm drainage.

The Roads Design Engineer had no objection to the development subject to the provision of a deep concrete plinth along the front of the house.

### 3.3. Prescribed Bodies

The Health and Safety Authority had no objection to the proposal.

Irish Water requested further information in relation to connection to the public foul sewer.

### 3.4. Third Party Observations

Third party objections to the proposal were received by the planning authority from Lucy and Jason Griffin, Ruth White, Chloe Loughnan, Deirdre Burchell, and Alan Burchell. The grounds of appeal reflect the concerns raised. The applicant submitted a letter to the planning authority in response to the third party submissions on 12<sup>th</sup> April 2017.

3.5 A request for further information was requested by the planning authority on 4<sup>th</sup> May 2017 in accordance with the Planner's recommendation and a response was received from the applicant on 11<sup>th</sup> October 2017. Further to this, the reports to the planning authority were as follows:

Irish Water had no objection to the proposal.

The Drainage Engineer had no objection to the proposal subject to conditions.

The Planner considered the response to be acceptable and recommended a grant of permission subject to conditions.

The Senior Planner concurred with the Planner's recommendation.

## 4.0 Planning History

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

## 5.0 Policy Context

### 5.1. Cork City Development Plan 2015-2021

#### Zoning

The site is zoned 'Residential, Local Services and Institutions' 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."

#### Development Management

##### *Single Units Including Corner/Garden Sites*

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

- The existing character of the area/street;
- Compatibility of design and scale with the adjoining dwelling paying particular attention to the established building line, form, heights and materials etc. of adjoining buildings;
- Impact on the residential amenities of adjoining areas;
- Open space standards;
- The provision of adequate car-parking facilities and a safe means of access and egress to and from the site;
- The provision of landscaping and boundary treatments;

- Trees and gardens which make a significant contribution to the landscape character of an area are retained and unaffected by the proposal.

### *Infill Housing*

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of, developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Has an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

### *Private Open Space for Residential Development*

The requirements for the provision of private open space for residential developments are set out in Table 16.7. A detached, two bedroom house in an Inner Urban Area is required to provide a minimum of 30 sq.m. of private open space.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The appeal was received from Jason and Lucy Griffin, No. 3 Rope Walk, Ruth White, No. 1 Ursuline Cottages, and Allan and Deirdre Burchell, No. 2 Rope Walk. There were three submissions making up the appeal.

The grounds of the appeal submitted by Jason and Lucy Griffin may be synthesised as follows:

- The proposal would seriously impinge on privacy currently enjoyed, with 5 windows directly facing the appellants' property and looking into main living areas.
- The proposal will dominate the appellants' outward view from their house, will result in overshadowing, will be overbearing, will block afternoon sunlight and will reduce daylight.
- The number of cars on the road is at a congested and dangerous level. The lack of parking off-street would adversely affect the safety and convenience of road users. There is concern about the resulting health and safety impacts on the appellants' children, as well as construction impacts arising.

The grounds of the appeal submitted by Ruth White may be summarised as follows:

- The house is positioned where it causes the least interference with the existing property but has a very negative impact on the appellant's property.
- Overshadowing of the appellant's property will have a negative impact on quality of life, impacting on the appellant's personal space, southerly light, affecting light to main bedrooms, and overshadowing the garden.
- The development will have a huge visual impact on the view the appellant has enjoyed for the last 25 years.
- There will be insufficient screening.
- Another property on the narrow Rope Walk will be hazardous as parking is at capacity.
- There is concern about the lack of clarity on the proposed relocation of an existing street lamp.

The grounds of the appeal submitted by Alan and Deirdre Burchell may be summarised as follows:

- Rope Walk is a mere lane, parking is at a premium, and there are no footpaths.

- There is concern about noise, dirt and debris at the construction phase and the impact on sleep on the appellant Alan Burchell, who is a shift worker.
- The development will be an eyesore and will negatively impact on the value of the appellants' home.

## 6.2. Applicant Response

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

### Loss of Privacy and Overlooking

- The Board is asked to acknowledge the site's inner urban location and context. Given this, it is expected there would be a degree of overlooking.
- In terms of No. 1 Ursuline Cottages, no overlooking can occur at first floor level and there is good existing screening at ground level.
- In terms of No. 1 The Gardens, the same screening applies and the applicant is happy to comply with the requirement to provide obscure glazing on the bedroom window on the southern elevation.
- With respect to No. 3 Rope Walk, this dwelling is on the opposite side of the public street, there is no requirement for a setback, and, in design terms, it would be inappropriate. The proposal is in keeping with the prevailing pattern of development with comparable separation distances. It is noted that the appellants were granted permission for a first floor bedroom in a two-storey side extension directly opposite the appeal site. Reference is also made to greater impact by way of overlooking arising from recent development at Rope Walk Place, Rope Walk, Buckley's Meadow and Ursuline Cottages.
- Reference is made to development on the appellant's site not being carried out in accordance with planning permission issued, with the view expressed that this should not dictate the suitability of a proposal nearby.

### Overshadowing and Loss of Light

- The Board is asked to acknowledge the inner urban location and the unavoidable impacts of some degree of overshadowing. Reference is made to a number of previous decisions by the Board in support of this.
- The appellants' properties are located west, north and east of the proposed house. A shadow analysis is submitted. The analysis demonstrates that there is only minimal overshadowing of neighbouring properties, with the majority of this occurring in the early morning and late afternoon. The analysis shows that there will be no impact on No. 3 Rope Walk, no impact on the bedroom windows of No. 1 Ursuline Cottages, and minimal impact on its rear garden. The garage at No. 1 Ursuline Cottages cannot be considered a habitable space.
- With regard to obstruction of views, they are contained, short distanced and are not identified as being in the public interest or worthy of preservation. Furthermore, there is no right to private views under planning legislation.

#### Traffic and Parking

- The traffic associated with a single dwelling will be extremely low. Due to the narrow width at the southern end, the street has almost no through traffic.
- On-street parking is the only option for the vast majority of residents in the immediate area. There is a requirement for six dwellings to park on the street and there is availability on both sides. The street is capable of comfortably accommodating parking, being 8.4m wide at the location of the subject site.
- The applicant already lives on the street and there will be no net increase on existing car parking.

#### Construction Impact

- The proposal will be carried out in accordance with a detailed construction management plan and will be informed by consultation with neighbours.
- There have been several construction projects carried out to dwellings on the road without disruption in the recent past.



- The suggestion that moving a lamp post a short distance is exaggerated. It will be relocated a distance of approximately 6m and will remain on the same side of the street.

The response to the appeal includes a letter from the applicant setting out her need for the house and approach to making the application, a letter of support signed by a number of residents in the area, an architectural design statement, and a shadow analysis. The applicant submits that she is willing to consider alternative window arrangements to the front if deemed necessary.

### 6.3. **Planning Authority Response**

The planning authority stated that it had no further comments to make.

### 6.4 **Further Responses**

The appellants were afforded the opportunity to respond to the applicant's response to their appeal and they reiterated their concerns about the negative impact on their properties that would arise as a result of the proposed development proceeding.

## 7.0 **Assessment**

7.1. The proposed development comprises a house in the side garden of No. 1 The Gardens, Rope Walk. Having regard to the provisions of the existing Cork City Development Plan, this development requires to be assessed with regard to the criteria set out in the Development Management provisions of the Plan as they relate to "Single Units Including Corner/Garden Sites".

7.2. My considerations on the proposal relative to those criteria are as follows:

- There are a range of house types and designs on Rope Walk. The proposed small two-storey house, with a building line proposed to adjoin the public road carriageway, would not be out of character in terms of its building line, having regard to housing flanking it to the north and terraced housing on the opposite side of the street. Furthermore, the building height, scale, footprint and use of materials associated with the development would also be in character with the higher density residential development on this street.

- In terms of impact on residential amenities of adjoining properties, the following considerations are offered:
  - The proposed house has been designed to ensure there would be no significant issue arising from overlooking, with upper floor windows to the rear being provided in the form of rooflights and with a bathroom window on the rear elevation being glazed in opaque glazing.
  - The proposed development is sited on the opposite side of the public road from the house occupied by Jason and Lucy Griffin and their family. Why the development should be considered to have any significant impact on residential amenity over and above other housing opposing each other along this street cannot reasonably be understood. It is accepted that the proposed development would impact on views from within their property towards the site. However, impact on private views are not matters of planning concern. I note that this is a built-up, urban location and the proposed development would follow the pattern of established development. There is no particular concern about the proposed development facing the appellants' property, in the same manner as that which prevails at present on the street elsewhere.
  - A shadow analysis was submitted in response to the appeal and it is notable that there would be no significant increase in overshadowing of windows of neighbouring houses as a result of the new development. I note the orientation of the site and the likely impact for adjoining development. This proposal is clearly following the building line of adjoining property to the north. Its limited scale, narrow depth and controlled building height is respectful of adjoining property. It must also be understood again that this is a built-up, urban location and that new development will ultimately have some degree of impact by way of overshadowing on nearby properties. It is concluded that the proposal has been designed to cause minimal impact on adjoining properties by way of overshadowing.
- The proposed two bedroom house would meet the private open space standards required to be met in accordance with development plan provisions

for such development, providing in excess of 30 square metres of open space within the confines of the site.

- The proposed development would not provide off-street parking. It is acknowledged that for most housing on this street parking is accommodated on the street. To this end, the proposed development would be compatible with established residential properties on the street. This is a quiet residential street and there is ample space available to accommodate the parking that would be required with the occupation of the proposed small dwelling. Furthermore, I note that the applicant is a resident at present in her adjoining family home and I do not consider that the proposal would greatly affect traffic generation and vehicular turning movements on this street as a consequence. I do not see the proposal generating any significant traffic hazard.
- The proposal seeks to provide a patio area as private open space to the rear. This space will be enclosed by hedging. The development would otherwise be developed up to site boundaries. Landscape and boundary treatment is considered sufficient in this built-up urban location.
- The site does not comprise a garden or contain trees which make a significant contribution to the landscape character of the area.

7.3. Having regard to the above, it is my conclusion that the proposed development is in keeping with development provisions as they relate to residential development in side gardens and it would not cause any undue or notable adverse impact on adjoining residential properties.

7.4. Further to the above, there are two other miscellaneous issues raised by the third parties relating to the relocation of a street lamp and the construction impact. The proposed street lamp is to be relocated a short distance from where it is sited at present and this will have no known impact on the use of the street by residents. In relation to the construction impact, the period for the construction of the development proposed would be short-term and would most likely avoid sensitive periods of the day. The applicant proposes to provide a construction management plan and I do not accept that the construction phase would result in any significant intrusion on residents in this area.

7.5. Finally, I consider that it would be appropriate, having regard to the restricted site size, that a condition should be attached with any grant of planning permission prohibiting any extension of the new development or provision of sheds or other such structures without a further grant of planning permission.

## 8.0 **Recommendation**

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the current Cork City Development Plan and to the design, character and layout of the development proposed, it is considered that the proposed dwelling would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact and traffic safety, and would otherwise be in accordance with the provisions of the current Cork City Development Plan. 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 drawings and details submitted to the planning authority on the 11<sup>th</sup> 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the of the proposed dwelling without a prior grant of planning permission.

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

3. 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.

4. The proposed first floor window serving the bathroom shall be glazed in obscure glazing.

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

5. 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.

6. 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.

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Kevin Moore  
Senior Planning Inspector

16<sup>th</sup> April 2018