



An  
Bord  
Pleanála

## Inspector's Report ABP-300971-18

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<b>Development</b>	The construction of a two storey detached dwelling, plus off-street parking and new entrance to existing dwelling and associated site works.
<b>Location</b>	17 Delford Drive, Rochestown Road, Maryborough, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	17/7100
<b>Applicant(s)</b>	Niamh Dalton
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First party -v- Decision
<b>Appellant(s)</b>	Niamh Dalton
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> May 2018
<b>Inspector</b>	Hugh D. Morrison

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## **1.0 Site Location and Description**

- 1.1. The site is located to the SE of Cork City in the Delford Housing Estate, which lies off the Rochestown Road (R610) to the WNW of its junction with N28. This site is situated at the end of a short meandering cul-de-sac, which runs on a roughly east/west axis and is composed, predominantly, of pairs of two storey semi-detached dwelling houses with front and rear gardens. To the east of the site lies a two storey detached dwelling house, which has been the subject of a two storey extension on its southern side, and to the east, on the opposite side of the turning head to the said cul-de-sac, lies another two storey detached dwelling house. To the south of the site lies a public footpath that connects the aforementioned turning head to the one that serves the roughly parallel cul-de-sac to the east. Beyond this footpath lies an area of grassland and a hedgerow, beyond which again lies Rochestown Road.
- 1.2. The site coincides with the existing house plot at No. 17 Delford Drive. This plot accommodates a two storey semi-detached dwelling house (80 sqm of floorspace) with front and rear gardens. A shed lies to the side of this dwelling house, forward of which is a drive-in, which is accessed off the turning head to the cul-de-sac. The overall area of the site is 0.03069 hectares, of which 0.0147 hectares would be the subject of the proposal.

## **2.0 Proposed Development**

- 2.1. The proposal would entail the development of the southern portion of the site to provide a detached two storey dwelling house. This dwelling house would provide two-bedroom accommodation over a floorspace of 81.42 sqm. It would be sited in a position whereby it would be recessed behind the front and rear building lines of the existing dwelling house on the site. A passageway would separate the existing and proposed dwelling houses and this passageway would be reserved for the use of the existing dwelling house.
- 2.2. The proposed dwelling house would be served by a double car width drive-in to the front and a rear garden (60 sqm). The existing dwelling house would have its front

garden replaced by a double car width drive-in and it would be served by a residual rear garden (63.5 sqm).

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for the following reason:

*It is considered that the proposed development would represent over development of a very restricted site having regard to the deficient proportion of private open space to serve the existing/proposed dwellings, it would have an overbearing impact on neighbouring property and would represent a sub-standard form of development which would contribute to the devaluation of property in the vicinity. Furthermore, to permit the proposed development would set a most undesirable precedent for similar proposals in the area. It is, therefore, considered that the proposed development would be contrary to the proper planning and sustainable development of the area.*

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

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

See reason for refusal.

##### **3.2.2. Other Technical Reports:**

Area Engineer: No objection, subject to conditions.

### **4.0 Planning History**

No recent planning history.

### **5.0 Policy Context**

#### **5.1. Development Plan**

Under the Ballingcollig Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the development boundary around the southern environs of Cork City and in an existing built up area.

Under the Cork County Development Plan 2014 – 2020 (CDP), Objective ZU 3-1 addresses existing built up areas as follows: “Normally encourage through the LAP’s development that supports in general the primary land use of the surrounding built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.”

## 5.2. Natural Heritage Designations

- Cork Harbour SPA (site code 004030)
- Douglas River Estuary pNHA (site code 001046)
- Great Island Channel SAC and pNHA (site codes in each case 001058)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Elsewhere on the estate there are examples of substantial extensions. The application site encompasses an existing end of row two-storey dwelling house, which provides the opportunity for a separate dwelling house to be constructed alongside it.
- The proposed dwelling house would be of two-storey form, too, and it would not be sub-standard.
- The proposed dwelling house would be detached and so it would not devalue neighbouring dwelling houses.
- In the light of the foregoing, the proposal would not establish an adverse precedent. (Similar sized dwelling houses were provided to the rear of No. 123 Rochestown Road, under permitted application 05/1653).
- The absence of access to the proposed rear garden would be capable of being remedied by a further application for a pedestrian gate off the public footpath along the southern boundary to the site. (Precedent for this exists at No. 26 Delford Drive).

- No objection was raised to the proposal from an engineering perspective. Under this proposal, the existing dwelling house would be served by 2 off-street car parking spaces, rather than just 1 as at present, and the proposed dwelling house would likewise be served by 2 spaces.
- No objection was raised by the public and the case planner acknowledged that there is no land use objection to the proposal.

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None

## 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning advice, the CDP, the submissions of the parties and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and development standards,
- (ii) Amenity,
- (iii) Access and parking,
- (iv) Water, and
- (v) AA.

### **(i) Land use and planning policies**

7.2. Under the CDP, the site lies within the development boundary around the southern environs of Cork City and in an existing built up area. Objective ZU 3-1 addresses

development within such areas and it advises that the continuation of existing land uses is appropriate.

- 7.3. The application site coincides with an existing house plot, No. 17 Delford Drive, in the Delford Housing Estate. The proposed sub-division of this house plot to facilitate the introduction of an additional dwelling house would represent an intensification of residential usage rather than any departure from the same and so it would be appropriate in principle.
- 7.4. Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines sets out space provision and room sizes for typical dwellings. The proposed dwelling house would be a 2-bed/4-person one and so the target gross floor area of 80 sqm would be applicable. This dwelling house would have a gross floor area of 81.42 sqm and so it would be compliant in this respect. It would also be compliant with respect to minimum main living room and aggregate living area gross floor areas. However, its aggregate bedroom and storage gross floor areas would be in need of some attention. In these respects, the second double bedroom needs to have its area increased from 10.5 sqm to a minimum of 11.4 sqm and the provision of ideally 4 sqm of internal storage is outstanding. These twin concerns could be addressed if the 4.88 sqm room denoted as a study were to be sub-divided to contribute floorspace to the second double bedroom. Its residual area could then be re-designated as internal storage.
- 7.5. The proposed dwelling house and the existing dwelling house would be served by rear gardens that would be, variously, 60 sqm and 63.5 sqm. The Planning Authority deems these areas to be too small. It cites a “recognised minimum standard of 60 – 75 sqm” in this respect. Both gardens would come within this range and so I am unclear as to what the issue is.
- 7.6. I recognise that, under the proposal, the existing rear garden would contract considerably and that its initial portion would be overshadowed to a greater extent than at present by the proposed dwelling house. Nevertheless, both gardens would be of easterly orientation and of coherent rectangular shape and, insofar as some loss of amenity would result, this would be to the applicant’s existing dwelling house only. I, thus, do not share the Planning Authority’s concern over private open space provision.

7.7. I conclude that, subject to some re-apportionment of floorspace to the first floor of the proposed dwelling house, it would accord with development standards and the quantity and quality of the private open space that would be available to the existing and proposed dwelling houses would be adequate.

**(ii) Amenity**

7.8. The site is at the southern end of a short cul-de-sac, which meanders on a roughly north/south axis. The existing dwelling houses on this cul-de-sac reflect its form and so they have a staggered layout. Consequently, these dwelling houses do not have regimented front and rear building lines.

7.9. Insofar as the parameters of size and a detached form allow, the design and appearance of the proposed dwelling house would reflect that of existing dwelling houses on the cul-de-sac. This dwelling house would be recessed in relation to the immediately adjacent pair of semi-detached dwelling houses, at Nos. 16 and 17. It would also be sited in a position closer to the existing dwelling house at No. 17 than comparable detached dwelling houses within the vicinity. Nevertheless, given the site's position at the southern end of the cul-de-sac and given, too, the aforementioned staggered layout of existing dwelling houses, I consider that the proposed dwelling house would be capable of being absorbed visually into the existing streetscape.

7.10. I note that elsewhere on the cul-de-sac some front gardens have been laid out entirely as drive-ins for the purpose of car parking. The associated loss of vegetation has a deleterious impact upon the streetscape. I note, too, that, under the current proposal, similar drive-ins would be laid out, albeit with a small area of greenery between them. In these circumstances, the quality of this area would be of importance and so it should be conditioned.

7.11. The proposed dwelling house would be sited in a position whereby its rear elevation would correspond to the rear elevation of the existing detached dwelling house to the east, No. 9, over distances of between 15 and 15.665m. Normally, such distances would be deemed to be too tight for a suburban location. However, in this case, no habitable room window would be inserted at first floor level in the rear elevation. (Instead the needed window would be inserted in the southern side elevation, which overlooks public open space adjoining Rochestown Road).



- 7.12. During my site visit, I observed that existing landscaping mainly on the applicant's side of the common boundary with No. 9 mitigates overlooking at present. This landscaping should thus be retained and augmented.
- 7.13. During my site visit, I also observed that there appear to be very few if any comparable sites to the existing one in the Delford Housing Estate and so I consider that the Planning Authority's concern over precedent is mis-placed.
- 7.14. I conclude that, subject to judicious landscaping, the proposal would be compatible with the visual and residential amenities of the area.

**(iii) Access and parking**

- 7.15. The proposal would entail the extension of the existing drive-in from the turning head off the cul-de-sac to the side of the existing dwelling house and the addition of a new drive-in within the front garden to this dwelling house. Both drive-ins would be capable of accommodating two cars, a level of provision that would accord with CDP standards.
- 7.16. The proposal would not include a passageway between the front and rear of the proposed dwelling house, as distinct from the existing dwelling house. In these circumstances, the applicant has invited a condition that would require that planning permission be obtained for a pedestrian gate to be inserted in the southern boundary wall to the proposed rear garden. This wall abuts a public footpath and so such a gate would afford the needed external access to this garden.
- 7.17. I conclude that, subject to planning permission being obtained for a pedestrian gate to the proposed rear garden, proposed access and parking arrangements for the site would be satisfactory.

**(iv) Water**

- 7.18. The proposal would be serviced by the public mains and the public sewer. The applicant states that there is a storm water sewer in front of the site and she proposes that excess surface water be re-directed into a soakaway in the proposed front landscaped area.
- 7.19. The proposal does not comment on the construction of the proposed drive-ins but these should both be constructed/re-constructed with permeable paving. This should be conditioned.

- 7.20. The OPW's draft PFRA (Figure No. 2019/MAP/38/A) shows the site as lying within an area, which is the subject of indicative 1% AEP (100 year) pluvial flood events and 0.5% AEP (200 year) coastal flood events. The wider locality of Douglas is identified as a probable area for further assessment. The OPW's flood maps website does not show any flood events either on the site or within its vicinity.
- 7.21. Notwithstanding the aforementioned indicative flood risks, as the proposal is for an additional dwelling house on an existing house plot only and in the light of the advice set out in Circular PL 2/2014 with respect to the application of such risks to sites for minor development in existing built-up areas, I am not minded to object to the proposal on the grounds of flood risk.

**(v) AA**

- 7.22. The site is an urban one, which is served by the public sewerage system. The proposal would entail the construction of a single dwelling house only. Accordingly, I do not consider that any significant effects upon the Conservation Objectives of the Natura 2000 sites in Cork Harbour would arise.
- 7.23. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

That the proposal be permitted.

## **9.0 Reasons and Considerations**

Having regard to the Cork County Development Plan 2014 – 2020 and the Ballingcollig Carrigaline Municipal District Local Area Plan 2017 and the pattern of development in the area, it is considered that, subject to conditions, the proposal would be appropriate in land use terms, it would afford an adequate standard of amenity to future residents, and it would be compatible with the visual and residential amenities of the area. The proposal would be capable of being satisfactorily

accessed and serviced and no Appropriate Assessment issues would arise. It would thus accord 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, 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 proposed development shall be amended as follows:
  - (a) The proposed study shall be sub-divided and its floorspace shall be re-apportioned to supplement the adjoining double bedroom so that it has a minimum of 11.4 square metres of floorspace. The remaining floorspace shall be re-designated as a store.
  - (b) The existing drive-in, its extension, and the proposed new car parking area in the existing front garden shall all be formed of permeable paving.
  - (c) Details of the proposed soakaway and on-site surface water drainage arrangements shall be made explicit.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to afford a satisfactory standard of amenity to future residents and in the interest of good water management.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) A plan identifying and showing –
    - (i) Existing trees and shrubs adjacent to the eastern boundary of the site and measures to ensure their retention insitu during the construction phase.
    - (ii) Proposed additional trees and shrubs for planting adjacent to the

eastern boundary of the site and shrubs for the soft landscaped areas to the front of the existing and proposed dwelling houses on the site.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

4. Prior to the commencement of development, planning permission shall be obtained for a pedestrian gate in the southern boundary wall to the proposed rear garden.

**Reason:** To ensure that the rear garden is capable of being satisfactorily accessed.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. 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.

7. 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 any of the proposed dwelling houses without a prior grant of planning permission.

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

8. 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.

9. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

**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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Hugh D. Morrison  
Planning Inspector

8<sup>th</sup> June 2018