



An  
Bord  
Pleanála

## Inspector's Report 302392-18

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<b>Development</b>	Construction of single detached two storey dwelling, and all associated works.
<b>Location</b>	The Yard, Fynamore, Mounthovel, Rochestown Road, Co. Cork..
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	18/05477.
<b>Applicant(s)</b>	Nigel Baker.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of permission.
<b>Type of Appeal</b>	First Party v Refusal.
<b>Appellant(s)</b>	Nigel Baker.
<b>Observer(s)</b>	Luke Sullivan & Jenny Monks Gary & Kerry Collins.
<b>Date of Site Inspection</b>	3 <sup>rd</sup> December 2018.
<b>Inspector</b>	Des Johnson.

## **1.0 Site Location and Description**

- 1.1. The site is to the north side of Rochestown Road, a short distance east of the Bloomfield Interchange roundabout linking Rochestown Road with the South Ring Road, and opposite the junction with Clarkes Hill. The Rochestown Road is heavily trafficked along this stretch with a public footpath and lighting on the northern side of the carriageway. There is a yellow box at the junction with Clarkes Hill and a broken white line along the centre of Rochestown Road.
- 1.2. The appeal site is towards the end of a narrow, surfaced laneway with no footpaths. There is a small car parking area towards the end of this laneway opposite a boarded-up entrance to the appeal site. The site appears overgrown and has a metal container in the north-east corner.
- 1.3. To the north of the appeal site is a modern two storey dwelling fronting south. To the west of this is a dormer type dwelling. To the east of the appeal site is a two storey dwelling (first floor accommodation is in the roof space) with a couple of rooflights facing west in the steeply sloping roof; this dwelling is served by a separate laneway. To the south is a single storey dwelling and the appeal site appears to form part of the garden attaching to this. There is a long single storey garage like structure along the eastern boundary of this site, which also adjoins the southern appeal site boundary.
- 1.4. Sightlines at the entrance on to the Rochestown Road are restricted in a westerly direction. There is a 50kph speed limit along this stretch of Rochestown Road.
- 1.5. I attach photographs taken at the time of inspection showing the appeal site and its surrounds.

## **2.0 Proposed Development**

- 2.1. Two storey, 3 bedroom dwelling with gross floor area of 180.2 square metres and all associated site works on a stated site area of 0.03 hectares. It is proposed to connect to public water supply and sewer. Access would be via an existing shared laneway. It is stated that it is proposed to sell the house/site.

## 3.0 Planning Authority Decision

### 3.1. Decision

By Order No. 18/5427, dated 30 July 2018, the planning authority refused permission for 2 reasons, summarised as follows:

1. Overdevelopment of a restricted site. Serious injury to the residential amenities of nearby property by reason of overbearing impact and overshadowing. Depreciation in the value of property in the vicinity and undesirable precedent for substandard development.
2. It has not been demonstrated that access to the site can be achieved by means of a safe entrance. Traffic hazard.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

##### ***Area Planner***

1. The site is within the development boundaries of the Carrigaline LAP (2017) and is zoned as an 'existing built up area'. It is an infill site between established residential properties. Permission was granted to the applicant for a one and a half storey dwelling on a larger site (Ref: 07/8954) and this was subsequently extended up to 12 November 2014. The principle of development is considered acceptable subject to site suitability and other planning considerations.
2. The site is very restricted in area and the proposed footprint takes up the majority of it. The private amenity space proposed is below recognised minimum standards. This is a substandard form of development.
3. Subject to the retention of trees on the southern boundary and additional planting, there are no residential amenity issues with the property to the south, which is at a higher level. There is a high wall on the northern boundary and this mitigates against any overlooking issues at GFL. The proposed

rooflights would not overlook the property to the rear/north. There would be no undue overlooking of neighbouring property.

4. There is potential for overshadowing of the property to the north given the minimal separation distance and height differential, and there would be an overbearing impact.
5. Concern that the proposed development would set a most undesirable precedent for similar substandard proposals, and would depreciate the value of property in the area.
6. It has not been demonstrated that a safe means of access can be provided to the site. The proposal is unacceptable on traffic grounds.
7. The applicant should be requested to submit a detailed site landscaping plan if consideration is given to the application.

### ***Senior Executive Planner***

This proposal amounts to overdevelopment of a restricted site and will have a negative impact on the residential amenity and value of property in the vicinity and set an undesirable precedent. The proposal is unacceptable.

### ***Objection***

An objection was submitted by Luke Sullivan and Jenny Monks, whose property is adjoining to the north of the appeal site. In summary this is as follows:

1. Overshadowing and reduction of light. The proposed dwelling is substantially higher than the previously permitted dwelling, and 1.8 metres higher than and nearer to the objectors' house.
2. Negative impact on the objectors' front garden and enjoyment of its amenity.
3. The full site should be utilised in order to achieve a balanced development.
4. Minimal amenity space is proposed.
5. Absence of a specific landscape plan. Most of the vegetation shown to be retained is in neighbouring properties.

#### 3.2.2. Other Technical Reports:

***Irish Water*** – No objection

**Roads and Transportation** – the application may be premature pending the upgrade project for Clarke’s Hill (The proposed development would use an existing entrance on to the public road opposite Clarke’s Hill at the junction with the R610 Rochestown Road).

**NNRDO** – No conflict with the junction upgrade scheme and no objection.

## 4.0 Planning History

**PL 04.218280** – Permission refused on appeal for demolition of existing dwelling house and outbuildings and construction of 7 no. single-storey dwellings for the elderly at this location. Applicant Nigel Baker. Three reasons for refusal relating to traffic hazard and overdevelopment of the site giving rise to sub-standard development.

**PL 04.240020** – Permission granted on appeal for the construction of dwelling house and associated site works at Mounthovel, Rochestown. Applicants Pat and Carol Sullivan.

**Reference 07/8954** – Permission granted for the construction of a one and a half storey dwelling house and double garage at this location. The permission site appears to be significantly larger than, but includes, the current appeal site. The dwelling is sited centrally on the larger site and set back from the northern boundary.

## 5.0 Policy Context

### 5.1. Development Plan

The site is within the development boundaries as set out in the Carrigaline LAP (2017) and is zoned as an “existing built up area”.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

These may be summarised as follows:

1. The usable outside space is 272 square metres and this exceeds outside space in other approvals on the same private road – 051653, 045603, 076126. County Council guidance requires a minimum of 60 square metres and this is exceeded.
2. The proposed ridge height is considerably lower than nearby existing properties. At 1<sup>st</sup> floor level there are only rooflights facing the northern and eastern boundaries with no prospect of overlooking. The distances of approximately 26 metres and 27 metres to existing houses on the southern and western boundaries exceeds the Council's acceptable standard. There are only ground floor windows on the northern and eastern boundaries.
3. A sun path study for various times of the day shows no overshadowing of other properties. The Board can form its own independent opinion on the sun path study using a viewer at the following link [www.sketchup.com/products/sketchup-viewer](http://www.sketchup.com/products/sketchup-viewer)
4. A report from a certified auctioneer indicates no adverse property depreciation resulting. The proposed development is likely to have a positive impact.
5. There were 2 previous permissions granted using the same entrance and no material changes have taken place in the interim.

## 6.2. Planning Authority Response

None on file.

## 6.3. Observations

### ***Luke Sullivan & Jenny Monks***

1. The proposed development is being squeezed on to a very restricted site.
2. Quoting the *Residential Estates Design Guide* in respect of amenity space is not relevant. This proposal is for a one-off house on a private site with shared access. The 272 square metres quoted includes car parking areas and pathways and is not amenity space. The usable amenity space is minimal.
3. The proposed ridge height exceeds the ridge height of the observers' property by 1.8 metres. The sunlight survey confirms that there would be a reduction

in the quality of natural daylight to all of the lower floor and have an extremely negative effect on the observers' front garden and its amenity value.

Photographs are submitted.

4. Using the full site as per previous applications would provide for a more balanced development in keeping with the surrounds.
5. The proposed access is on to a very busy road.
6. The original objection submitted to the Planning Authority should be considered together with this response.

***Gary and Kerry Collins***

1. This proposal represents overdevelopment of a very restricted site.
2. The access lane is very busy with cars passing and turning. Adding another access would have an overbearing impact.
3. There is potential for depreciation in the value of existing property.
4. The provision of minimal amenity space is at variance with surrounding properties.

**6.4. First Party Response to Observers**

***Response to Luke Sullivan and Jenny Monks***

1. Reference to the use of the "full site" is inaccurate as the land between the applicant's house and the appeal site is in constant use by the applicant as a garden. No further application will be made for a further dwelling on that portion of the garden.
2. Private amenity space proposed exceeds the minimal requirement.
3. The ridge height of the observers' property is 12.135 metres to the porch ridge compared with the proposed ridge height of 7.7 metres above FFL.
4. No adverse overshadowing would take place especially across the ground floor of the observers' property and there would be no further overshadowing of their driveway.

5. The reason for refusal raises no objection to access from the main road. The existing access is established and in constant use.

### ***Response to Gary and Kerry Collins***

1. The private access road is not a private turning circle or amenity space for the observers. No further access would be provided; the existing access was there prior to the observers building their house and is in constant use.
2. No further applications will be made for further new dwellings in the applicant's garden between his house and the proposed site.
3. The proposed development utilises existing amenities, an existing entrance and it is on a site that previously received approval for a single dwelling.

## **7.0 Assessment**

- 7.1. The site is in an 'existing built up area' within the development boundaries for Cork City South Environs as indicated in the Ballincollig Carrigaline Municipal District LAP 2017. It is not subject to specific zoning objectives. Proposed development is to be considered in the context of other objectives of the Plan, the character of the surrounding area, and other planning and sustainable considerations. This area is predominantly characterised by detached residential development. The planning history indicates that planning permission was previously granted for a dwelling at this location on a larger site but encompassing the current appeal site. Having regard to this background, I consider that there is no objection to the principle of an additional dwelling at this location subject to amenity considerations in respect of existing adjoining and adjacent residential development and the provision of satisfactory access arrangements.
- 7.2. I consider that the key issues to be addressed in this appeal are those contained in the planning authority's reasons for refusal – namely residential amenity and public safety issues.
- 7.3. The proposed dwelling shows a ridge height of 13.85 m relative to a ridge height of 12.135 m for the existing two storey dwelling directly to the north. This existing dwelling is shown as 11.78 metres from the northern boundary of the appeal site, which is marked by a high block wall. The northern two storey elevation of the



proposed dwelling (4.2 m high) is shown as set back 3.54 m from the boundary, and the proposed ridge would be set back approximately 8.5 metres from the boundary. Having regard to the proximity of the existing dwelling to the north, the siting of the proposed dwelling to the south of that existing dwelling and to the siting and orientation of the proposed dwelling, I consider that the proposed development would present a visually overbearing impact on the existing dwelling to the north seriously injuring the residential amenities of that property.

- 7.4. A sun path study has been prepared by the applicants which indicates that the proposed development would not overshadow the existing dwelling to the north. The sunpath is shown for “6.00am to 6.00pm”. I am unclear as to the day of the year to which the sunpath relates although, given the shadows shown, it would appear to be summertime. The First Party provides a link to “the necessary viewer and CAD files to view this independently”. Based on the information on file I am not satisfied that no significant overshadowing would arise at other times of the year, having regard to the separation distance to the existing property to the north, site levels and the orientation of the proposed dwelling relative to existing residential property to the north.
- 7.5. The issue of overlooking is to be considered. Having regard to the design of the proposed dwelling, including rooflights to the rear elevation, and to the separation distances to existing properties to the east and west, I conclude that significant overlooking of existing residential property in the vicinity would not arise.
- 7.6. I submit that this is a very restricted site. The applicant is the owner of the existing dwelling and lands adjoining to the south of the appeal site. The restricted nature of the appeal site is reflected in the fact that there is no useable amenity space to the rear of the proposed dwelling and the landscaped area to the front is minimal. A hardstanding area including car parking is proposed to the front and side of the proposed dwelling. I concur with the planning authority’s view that the proposed development represents overdevelopment on a very restricted site.
- 7.7. The access on to Rochestown Road is at a point where sightlines are restricted in a westerly direction. However, it is an existing access and permission was previously granted by the planning authority for an additional dwelling using the existing access. While I accept that no information has been submitted to indicate that there has been

a material change in circumstances since the previous permission was granted by the planning authority, I consider that the proposed development, by reason of the additional traffic turning movements it would generate on to and off the busy Rochestown Road, at a point where sightlines are restricted and opposite a busy junction. would endanger public safety by reason of traffic hazard and obstruction of road users. The Board should note that, in considering this issue, the second reason for refusal by the planning authority refers to a “safe entrance” to the site. In this regard I note that there is an existing entrance gate from the laneway to the site.

#### **7.8. Environmental Impact Assessment**

Based on a preliminary examination of the nature, size and location of the proposed development there is no real likelihood of significant effects on the environment and an EIAR is not required.

#### **7.9. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment, the proposed development individually or in combination with other plans or projects would not give rise to any adverse impacts on the qualifying interests and conservation objectives of European sites in the vicinity.

### **8.0 Recommendation**

8.1. I recommend that planning permission be refused.

#### **9.0 Reasons**

1. The proposed development would represent overdevelopment of a restricted site with an unacceptable provision of useable private amenity space and, as such, would constitute a substandard form of development out of character with existing development in the area would be contrary to the proper planning and sustainable development of the area.
2. By reason of its height and design and siting in close proximity to the northern site boundary, the proposed dwelling would have an overbearing visual impact on adjoining property to the north. As such, the proposed

development would be seriously injurious to the residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development would generate additional traffic turning movements on to and off the busy Rochestown Road at a point where sightlines are restricted in a westerly direction and opposite a busy junction; as such, the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

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Des Johnson  
Planning Inspector

18 December 2018