



An
Bord
Pleanála

Inspector's Report ABP-302720-18

Development	Construction of . 2 dwellinghouses, connection to existing shared site entrance and all associated site works
Location	Poulacurry North, Glanmire, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	1707378
Applicant(s)	Pramulch Gogineni
Type of Application	Permission
Planning Authority Decision	GRANT
Type of Appeal	Third Party
Appellant(s)	Maurice and Winifred Thornhill.
Observer(s)	None
Date of Site Inspection	1/12/18
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application site is located on the west side of the village of Riverstown, within Glanmire, just outside the northeast of Cork city. The area is mixed in character, with small historic village centres and late 20th century suburban style housing including one-off development and expansive modern suburban housing. The area is dominated by substantial areas of woodlands and greenspace within a moderately deep valley of varying slopes and a relatively narrow valley floor on the banks of the Glashaboy River, along which the R638 (former N8 to Dublin) winds.
- 1.2. The application site of 0.104ha stated area forms part of an existing residential development site of 0.232ha. The land to the north accommodates a one-off bungalow within an estimated c.5.5m of the party boundary. To the east is a local road. To the south is the balance of the development site, accommodating 2no. detached houses and site access, beyond which is the local road connecting to the R638. To the west the site abuts a residential development site of similar style detached housing.
- 1.3. The site is situated on elevated lands, well above the valley floor and above Riverstown village. The land rises from east to west and application site, which has been cleared and mostly excavated, has a levelled area close to 4-5m above the public road to the east. A retaining wall has been erected along its western boundary and the modern stone walls erected along the roadside boundaries would appear to also have a retaining function. The site of the neighbouring dwelling to the north is elevated above the current excavated level of the application site by perhaps 1.5m. I estimate that the development site to the west is elevated by c.3m above the excavated level of the application site.
- 1.4. The application site access is shared with the existing residential development.

2.0 Proposed Development

- 2.1. It is proposed to erect 2no. 2-storey, 4-bed dormer-style bungalows. The floor area of each dwelling is calculated at 164.4-sq.m.

Further information received 17/08/18.

Unsolicited further information received 04/09/18.

Unsolicited further information received 06/09/18.

3.0 **Planning Authority Decision**

3.1. **Decision**

To **GRANT** permission subject to 8no. conditions.

Condition no.3 requires a natural, indigenous stone finish to the retaining wall to the west and north of the site, the details to be agreed prior to commencement of development.

Condition no.4 requires agreement of a comprehensive landscaping scheme to include the planting of the northern boundary.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **final report (11/09/18)** and stated recommendation and conditions are consistent with the decision of the planning authority. However, the assessment, which considered the existing finish to the western retaining wall, being 'Tobermore' retaining block (an aggregate block material), to be acceptable which is inconsistent with the attaching of condition no.3, as per recommendation, to the decision.

The **first report (21/02/18)** supported by the **SEP report (22/02/18)** is consistent with the decision of the planning authority to seek further information on 6no. points, concerning potential impact on residential amenities of the adjacent property to the north, boundary structures, open space usability, site surface water disposal and storm-water drainage to public road. The report includes AA screening report.

3.2.2. **Other Technical Reports**

Area Engineer final report (04/09/18) no objection subject to 8no. standard conditions.

Area Engineer initial report (15/02/18) recommended that further information be sought in relation to surface water and storm-water drainage.

Planning Department (31/01/18) S.97 Exemption Certificate.

3.3. **Prescribed Bodies**

Irish Water (31/01/18) no objection subject to standard conditions.

3.4. **Third Party Observations**

1no. letter of observation received 15/01/18. The grounds of objection are repeated in the grounds of appeal and are set out in section 6.1, below.

4.0 **Planning History**

PL04.245820 / Reg.Ref.15/5485: Permission **GRANTED** by the Board (11/04/16), upholding the decision of the planning authority, for the demolition of an existing semi-detached cottage and the construction of 3no. dwellings, a new shared entrance and all ancillary site development works, all at Poulacurry North, Glanmire, Co. Cork, subject to 12no. conditions.

Condition no.2 requires dwelling C (i.e. the northernmost dwelling) to be relocated by 4m to the south and its northern elevation windows to be of obscure glazing.

Condition no.3 requires a natural, indigenous stone finish to the retaining wall to the west and north of the site, the details to be agreed prior to commencement of development.

5.0 **Policy Context**

5.1. **Development Plan**

Cork County Development Plan 2014 –

Policy ZU-2-2 requires new development to be located within the development boundary.

Cobh Municipal District Local Area Plan 2017 –

Within the Metropolitan Expansion Area defined for Glanmire.

Zoned '*existing built up areas*'.

5.2. Natural Heritage Designations

Cork Harbour SPA site code 004030 c.1km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has submitted two letters. The main grounds of appeal be summarised as follow:

Validity-

- Invalid / misleading public notices. Application is a revision to existing permission reg.ref.15/5485 but makes no reference to same.

Residential amenity -

- Impact on residential amenity of neighbouring dwelling to north, within 6m of the boundary, with a small rear garden providing sunlight throughout the day.
- Erection of 2no. dwellings within 5.5m of boundary completely disregards our dwelling and significantly affect the appellant's enjoyment of sunlight and privacy, with detrimental impact on their residential amenity.
- Inadequate usable private open space due to significant level changes, as is acknowledged by all parties, and abuts the public road with no mitigating screening proposed.
- Concern regarding undermining of appellants' boundary wall, which is unsafe and in danger of collapse due to site excavations. This needs to be replaced or repaired to a standard acceptable to the neighbours.
- Overdevelopment.
- The impact on adjoining residential amenity was a concern of the Area Planner, the Senior Planner. It was also a concern of the Board's inspector under the previous appeal.

Access to site – health and safety -

- The site entrance does not meet guidelines for access/egress to residential estates and there is no truck /fire truck turning area.
- The junction on Barnavara Hill, within 20m of entrance, is extremely busy and serves as the primary feeder road between Glanmire and Cork city.

Inaccurate / altered information -

- The finished floor level permitted for the dwelling to southeast under reg.ref.15/5485 (FI 09/10/15) was 39.05mOD, which is altered under the current application.

Character of the surrounding area

- The principle of the development runs contrary to the character of the surrounding area, which has been ignored in this application and in the previous decision.
- Heretofore the location was predominantly of single storey bungalows.
- Piecemeal development.
- 0.1ha site lends itself more to an individual a single storey unit as was envisaged by the Board initially in its previous deliberations.
- The proposed dwelling, at 7.2m ridge height, far exceeds the height of 6.1m previously permitted.
- Inappropriate and unsustainable development that would undermine the Board's previous decision.

6.2. Applicant Response

The main points of the applicant's response may be summarised as follow:

- The application does not seek to amend but to supersede the existing grant of permission.
- The existing permission provides for a large cube style dwelling with flat roof (6.3m) and a higher FFL than those proposed, which was conditioned to be moved 7.2m from the existing boundary.

- The dormer style and dropped floor levels will largely reduce the right to light issues and general effect on the appellants' dwelling compared to the permitted bulkier structure.
- The proposed private gardens, at 155.5-sq.m and 174.2-sq.m, exceed the standards of the County Development Plan and the space is largely flat due to use of retaining walls.
- The engineering report by James Corcoran, Chartered Engineer, CEA Engineers is attached which suggest poor construction issues.
- The site entrance was granted under the previous permission and does not fall under the remit of this application.
- The Council engineers assessed the previously proposed development, required the then proposed entrance to be redesigned to Council specification and recommended a grant of permission on foot of the submitted further information.
- Density proposed is 18uph based on four houses on the larger site and is more ethical in view of Ministerial guidelines.
- The changes to FFL were in response to site conditions to comply with engineer's specification but fall outside the remit of this application.
- Positive redesign, with more appropriate density, more properly addressing the adjacent houses and their residential amenity.

Attachments

- Sun study drawings.
- Local private amenity drawing.
- Cork Co.Co. schedule of conditions reg.ref.15/5485 and reg.ref.17/7378.
- Board decision PL04.245802.
- Civil Engineer's assessment of boundary wall.
- PL.11 Guide to the Building Control System.
- Safety and Health on Construction Projects.

6.3. **Planning Authority Response**

None.

7.0 **Assessment**

The main issues arising under this case can be addressed under the following headings:

7.1 Principle

7.2 Impact on residential amenities

7.3 Roads issues

7.4 EIA Screening

7.5 Appropriate Assessment Screening

7.1. **Principle**

- 7.1.1. The site is within the development boundary of Glanmire, within the extensive built up suburban area surrounding Riverstown village and the principle of residential development was accepted on the extended site previously. Similar development is taking place on surrounding lands.
- 7.1.2. The existing permitted development (3no. units on extended c.0.232ha site), at c.13uph, is low density suburban development. The applicant correctly points out that it is Government policy to encourage higher density development. With the increase in dwelling numbers on this site to four, the proposed density would increase to c.17uph. This is within the range of 15-20uph for villages or town sites located outside central areas, although given the proximity to Cork (the site is within the city's metropolitan zone), there is a reasonable argument for increased densities in the range of 35-50uph under the *Sustainable Residential Development in Urban Areas Guidelines* (2009). Given the terms of the existing permission, the proposed density is acceptable in principle.

7.2. Impact on residential amenities

- 7.2.1. Under the previously permitted development on the extended site, three dwellings were proposed; two to the south facing north into the site and the third in the northwest corner with its principle frontage facing east.
- 7.2.2. Under the previous decision the Board granted permission subject to amendments of the northernmost dwelling by condition (no.2), which required it be relocated south by 4m away from the appellants' property, which would achieve 10.4m separation between the main body of the permitted dwelling and the northern boundary (or c.7.2m between the single-storey attached garage and the boundary); and that the windows on the northern elevation of that dwelling be obscure glazed, in the interest of residential amenity.
- 7.2.3. The current proposed development is for two dwellings on the northern section of the site. The main body of the easternmost proposed dwelling would be c.7.5m from the northern boundary (c.5.4m for the single-storey element), which would be located directly south of the appellants' dwelling. The westernmost dwelling would be located c.11m from the north boundary.
- 7.2.4. Overshadowing – The proposed development would increase overshadowing on the neighbouring property above that resulting from the permitted development. However, I am satisfied, based on the shadow diagrams submitted, the difference in ground levels and the height of the proposed dwellings that the impact would not be such as would seriously injure the amenities of the existing dwelling.
- 7.2.5. Overlooking - The rear elevation of the proposed 2-storey, dormer-style dwelling, would be within 13m of the rear elevation of the opposing dwelling to the north. The existing neighbouring dwelling, a single-storey bungalow, is only c.5.5m from the shared boundary and has 4no. windows. Some, if not all of these windows can be assumed to be sensitive to overlooking. There is potential for significant overlooking of the windows of the neighbouring property from the upstairs windows of the proposed easternmost dwelling given the short distance therefrom. This is most obvious from site section drawing no.1518 (20/12/17). I consider the level of overlooking to be such as would seriously injure the amenities of the existing property to the north. Overlooking of the private open space to that dwelling would be significant also.

7.2.6. Overbearing – The proposed dwellings are not of excessive height and/or scale, however their proximity to the dwelling to the north will mean that they have a significant visual presence on the existing property to the north. This is particularly so for the easternmost proposed dwelling and will be exacerbated by the proposed first floor fenestration to that dwelling.

7.2.7. Conclusion – The proposed development would seriously injure the residential amenities of the existing neighbouring residential property to the north by way of overlooking and overbearing. These issues were evidently of concern to the Board under its previous decision reg.ref.15/5485 in its attaching of condition no.2 in the interest of residential amenity. The proposed development would have an even more significant adverse impact on the residential amenities of the neighbouring property to the north than that previously proposed, contrary to the provisions of condition no.2 (and reason for) attaching to the existing permission. The proposed development does not appear to have been designed cognisant of the need to protect the residential amenities of the neighbouring property to a reasonable degree. In comparison, the proposed dwellings achieve in excess of 23m separation distance from the dwellings to the south, within the extended site.

7.3. Roads issues

7.3.1. The entrance to the local road to the east was permitted under the previous application reg.ref.15/5485. The Council's Engineering Section raised no objection to the proposed development on roads grounds.

7.4. EIA Screening

7.4.1. The proposed development is development of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 10. Infrastructure projects, (b)(iv) Urban Development. However, at little over 0.1ha development area (or 0.232ha taken cumulatively with the extended development), it is significantly subthreshold the 10ha limit (outside of CBD land) provided under that part and the site is not of particular environmental sensitivity, therefore EIA is not required.

7.5. **Appropriate Assessment Screening**

- 7.5.1. Having regard to the small-scale nature of the development proposed within an existing built-up area of Riverstown and Glanmire, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 **Recommendation**

- 8.1. I recommend that permission be **REFUSED** for the reasons and considerations set out under section 9.0.

9.0 **Reasons and Considerations**

The proposed development, by reason of the location and arrangement on site of the proposed easternmost dwelling, and the arrangement and location of first floor fenestration on the north-facing elevation of that dwelling, within close proximity to the existing neighbouring dwelling and directly opposing fenestration to that existing dwelling to the north, would seriously injure the residential amenities and depreciate the value of the existing property in the vicinity, and would contravene materially condition no.2 attaching to the existing grant of permission PL04.245802.

John Desmond
Senior Planning Inspector

10th December 2018