



An
Bord
Pleanála

Inspector's Report

ABP302755-18

Development

Permission for 10 no detached residential dwellings at Woodhill Park, Tivoli, Cork The proposed development includes work including landscaping, boundary treatments and all ancillary site development works, including part demolition of an existing stone boundary wall and grassed area at the junction of Woodhill Park access and Lovers Walk to improve sightlines.

Location

Lands at Woodhill Park, Tivoli, Cork.

Planning Authority

Cork City Council.

Planning Authority Reg. Ref.

18/37991.

Applicant

Michael Corbett.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party -v- Refuse.

Appellants

Michael Corbett

Observers

Marie O'Brien

Colm Henry

Prof Don Ross & Dr Nelleke Bak

Kevin & Myriam O'Connor.

Liam & Marion O'Regan.

Date of Site Inspection

1st December, 2018.

Inspector

Rachel Kenny

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1.0 Introduction

ABP 302755-18 relates to a first-party appeal by Michael Corbett against the decision of Cork City Council to issue notification to refuse planning permission for the construction of 10 no three storey dwellings on a site at the uppermost northern end of the Woodhill Park Estate, Lovers Walk, Tivoli, Cork. The grounds of appeal argue that the proposal respects the Area of High Landscape Value zoning character of the site, and subject to road improvement works would not give rise to pedestrian or traffic safety issues and that the proposal's design complies with the Cork City Development plan and would not set a negative precedent for similar development in the future.

2.0 Site Location and Description

- 2.1. The subject site at Woodhill Park is located within a residential cul-de-sac containing 13 dwellings all of which are detached. The main entrance to the estate is from the south where it merges onto Lovers Walk, a steep high walled and narrow road which connects ultimately to the Lower Glanmire Road via Trafalgar Hill. The site is at the end of this cul-de-sac on the eastern side of the end of the estate. The subject site has an area of 1.8 hectares characterised by a mix of steeply sloping ground, filled ground, woodland and cut ground. It is evident that extensive fill has been deposited on site and that some clearance of scrub has occurred recently
- 2.2. The houses within Woodhill Park are characterised as large 2 storey detached houses. The architectural style of dwellings within the estate is eclectic with additions and extensions and differing finishes evident from my site visit.

3.0 Proposed Development

The application seeks permission for the construction of 10 no detached residential dwellings and includes associated site works including landscaping, boundary treatments and all ancillary site development works. It is also proposed to demolish

part of an existing 18th century stone boundary wall and grassed area at the junction of Woodhill Park and Lovers Walk in order to improve severely restricted sightlines.

The proposal includes 4 different house types A, A1, B and B1. The layout proposes to divide the site in two, with five dwellings to the south and five to the north of the access road. The northern houses are cut into the landscape while the five to the south are to be constructed in part on filled ground.

The dwellings have four bedrooms and measure approx. 300m² in area over three floors. The ground floor of all house types includes an independent granny flat. The external elevations are to incorporate a mixture of brick/stone and render finish with a wide variety of options for the fenestration including wood, aluminium and uPVC.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Cork City Council's decision dated 18th September, 2018 issued notification to refuse planning permission for three reasons as outlined below.
- 4.1.2. *1. The proposed development site is located on lands designated 'Areas of High Landscape Value' (AHLV) in the Cork City Development Plan 2015 2021. Having regard to the scale and design of the proposed development on the Montenotte / Tivoli Ridge, it is considered that the proposed development would result in a building rather than a landscape dominated development which would cause unacceptable harm to the intrinsic character of the AHLV and its important landscape assets and features and would cause undue visual intrusion in the landscape. Consequently, it is considered that the proposed development would contravene materially Objective 10.4 and Objective 10.10 of the Cork City Development Plan 2015-2021 and would therefore be contrary to the proper planning and sustainable development of the area.*
- 4.1.3. *2. Having regard to the substandard nature of the road network, lack of proper pedestrian provision to serve the development and traffic likely to be generated, it is*

considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users. It would therefore be contrary to the proper planning and sustainable development of the area.

- 4.1.4. *3. Having regard to the pattern of development in the area, the level differences between proposed and existing adjacent dwellings and proximity of dwellings to the site boundaries, it is considered that the proposed development, would seriously injure the residential amenities of the area by reason of excessive overlooking and visual obtrusion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.2. Assessment by Planning Authority

- 4.2.1. The case planner considered that the proposed development would have a dominating effect on the landscape which is considered to be under threat and that the proposal would have a negative impact on the landscape character of the ridge especially as seen from the Marina side of the River Lee. The number and repetitiveness of the houses was cited and the lack of landscaping or supplementary tree planting. A smaller number of houses and more tree cover was considered appropriate. No survey of the existing trees was submitted with the application and no proposals submitted to protect the existing trees. The proposal to provide a tennis court was considered problematic in terms of impacting on the sloping character of the site. Furthermore, the overall amount of cut and fill required was a serious concern.
- 4.2.2. The planner considered that the built form should be secondary to the overall objective of the site as part of an Area of High Landscape Value and it would not be appropriate to apply normal density requirements. The site is not appropriate for a standard suburban layout and rather a more integrated approach required.
- 4.2.3. Concerns were also raised regarding the layout of open space and the risk of anti-social behaviour on residual lands.
- 4.2.4. Serious concerns raised about impact on residential amenities of adjoining properties due to excessive overlooking and visually overbearing appearance of three storey houses on site. Separation distances considered inadequate given the

steeply sloping nature of the site. Ridge heights excessive at 9.4 m. Proposed houses would be seriously overlooked from Woodlands estate to North. It is considered that a significantly reduced number of houses responding to the landscape would be more appropriate.

- 4.2.5. The provision of granny flats is considered unacceptable and would lead to additional traffic concerns.
- 4.2.6. Private open space is not considered functional given the topography of the site. Size of dwellings too large for the sloping nature of the site.
- 4.2.7. On access and parking it was noted that pedestrian connectivity was poor and that the transport and mobility dept. recommended refusal and considered that the lack of pedestrian provision on Lovers Walk (outside the applicants control) would endanger public safety by reason of traffic hazard and obstruction of road users.
- 4.2.8. Whilst no improvement to the pedestrian environment on Lovers Walk is possible the Roads Dept considered it possible that improvements could be made to the estate road including footpaths and resurfacing however details of these matters and details regarding the taking in charge of the estate would have to be submitted.
- 4.2.9. The planner concluded that the number of units proposed would lead to a significant increase in trip generation within the estate which could not be accommodated.
- 4.2.10. In conclusion it was considered that the scheme was unacceptable and would cause significant harm to the AHLV and that the site was not capable of absorbing the quantum of development and had serious concerns about the traffic and pedestrian issues.

4.2.11. **Internal and referral Reports**

- A report from the Transport and mobility Section recommended refusal.
- A report from the Roads Dept sought further information.
- No comment from Water services
- Drainage Dept had no objections
- Environment Dept had no objections.

- No report was received from Irish Water.
- It was considered that no AA issues arose.

4.3. Observations

- 4.3.1. A number of observations were submitted, including the current observations to the Board objecting to the proposed development. The grounds on all observations have been read and noted.

5.0 Planning History

- 5.1. The relevant planning history files are outlined below.

17/37510. Permission was refused for 10 no two storey detached houses to current appellant Michael Corbett

05/29516 ABP PL28.216953. Permission granted in 2006 for construction of 10no. detached houses. Permission was originally sought for 14 houses reduced to 10 by condition. Applicant Marie O'Mullane.

97/21375. Permission was refused for 14 no two storey detached houses. Applicant Marie O'Mullane.

96/20617 ABP PL28.100501. Permission was refused for 21 no detached houses. Applicant Marie O'Mullane.

79/78588 Permission was refused for 14 no detached houses.

6.0 Grounds of Appeal

- 6.1. The decision of Cork City Council to issue notification to refuse planning permission for the proposed dwellinghouse was the subject of a first-party appeal by Micheal Corbett. The grounds of appeal are outlined below:

Ground 1.

- The appellant disagrees with the Planning authority's assessment regarding the visual impact of the scheme and considers that the photomontages demonstrate the acceptable and minimal impact of the proposed scheme on

the landscape of the Tivoli Ridge. It is put forward that the significant boundary planting including a 1.8m high beech hedge and groundcover planting will soften the impact of the built form.

- The site is framed by residential development and it is considered that the proposed development provides for a modern and pleasing development which retains the sites contours.
- Existing trees are being retained and protected with a significant increase in woodland planting proposed in areas of public open space.
- It is suggested that the quantum of 10 units was accepted by the Board in a previous decision and that the site as laid out can accommodate that number.
- The proposal is in accordance with one of the City Development Plan's Key objectives to facilitate sensitive residential development whilst preserving existing mature trees.
- Precedent of larger units with greater ridge heights is cited in terms of density, design and scale concerns. Carrigmahon under 12/35159 and house granted under 11/35130 with a FA of 545 m² (5 bedrooms). The development is therefore consistent with the pattern of development in the area and the height and footprint of neighbouring dwellings.
- Open space is acceptable and a safe amenity pathway / public viewing area has been provided that can be easily surveyed to avoid anti-social behaviour.

Ground 2.

- Revised drawings submitted which indicate the concerns of the road engineers can be overcome with regard to restricted sightlines which would be in accordance with DMURS.
- Additional pedestrian priority can be provided within the site as the estate road is controlled by the applicant.
- Revised drawings submitted with the appeal to lower the boundary wall with Lover's Walk to allow for improved sightlines. It is considered that this measure combined with the improved internal pedestrian measures will be acceptable in terms of the increase of up to 20 cars using the estate road.

- The applicant is willing to accept a condition from the Board to carry out a Stage 1 RSA if permission is granted.

Ground 3.

- The development has been designed not to overlook neighbouring properties, Additional set backs were designed to avoid overlooking. Site sections demonstrate no direct overlooking.
- The Sustainable Residential Development Guidelines are cited in terms of a balance being struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of the established character and the need to provide residential infill. Due to the nature of the site the development cannot avoid a significant difference in ridge levels. However, it is considered that adequate separation distances has been achieved.

6.2. Response from Cork City Council

- 6.2.1. The Planning Authority request that the Board uphold the decision of the Planning Authority to refuse permission.

6.3. Observations.

- 6.3.1. A number of observations were received and will be summarised below by theme. The observers support the decision of the planning authority to refuse permission.
- 6.3.2. The planning history is cited and the significant number of refusals. It is considered that the current proposal does not overcome the previous reasons for refusal.
- 6.3.3. The prominence of the proposed houses is self-evident from the submitted photomontages and would have a significantly negative impact of the AHLV creating a building dominated landscape.
- 6.3.4. The houses are too large and the granny flats are unacceptable.

- 6.3.5. Open space is poorly designed and unusable. It is not a sensitive residential development. The proposed development is incompatible and out of character with the pattern of development within the estate.
- 6.3.6. The offer of a RSA is not acceptable. An independent RSA should be carried out to inform the project. The applicant is only willing to do the bare minimum to secure planning permission.
- 6.3.7. The applicant has included revised proposals for the junction with Lovers Walk in their appeal. There is a lack of engineering detail regarding the viability of this option. Without proper analysis the current proposal cannot be considered workable.
- 6.3.8. Serious concern is expressed regarding construction stage traffic. Lovers Walk has very limited capacity for large vehicles. Two cars cannot pass let alone large trucks. Photos are submitted in support of the argument.
- 6.3.9. The observers challenge the applicants legal right to carry out part of the proposed improved pedestrian upgrades within the estate.
- 6.3.10. The observers express serious concern about the potential for overlooking of existing houses in Woodhill Park and consider that 3 storey houses are inappropriate. The site sections demonstrate there will be a significant loss of privacy.
- 6.3.11. Concerns regarding storm water are also raised.
- 6.3.12. The land to the northwest which is not included within the current application is of concern given the lack of detail as to the future use of this strip particularly in light of the site layout which seems to indicate access is being facilitated for future development in this area.
- 6.3.13. The fact that the site has been entered on the VSR should have no bearing on the proper planning assessment of the site.
- 6.3.14. Concern over the attempt to circumvent the normal planning process with revised information not included in the original application being submitted to the Board.

7.0 Development Plan Policy

- 7.1. The site is governed by the policies and provisions contained in the Cork City Development Plan 2015 – 2021.
- 7.2. The subject site is part zoned '**R3'-Residential, Local Services and Institutional Uses** the objective of which is *'To protect and provide for residential uses, local services, institutional use and civic uses'*
- 7.3. It is part zoned '**G3' Open Space**, the objective of which is *'To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space for alternative purposes, including public open space within housing estates'*.
- 7.4. The site is also afforded the designation of an **Area of High Landscape Value** as set out in Objective 10.4
- 7.5. **Objective 10.4. Cork City Development Plan 2015-2021.;** *"To conserve and enhance the character and visual amenity of AHLV through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape: protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape."*
- 7.6. **Objective 10.10 Trees and Urban Woodland seeks;**
- *To protect and enhance the city's tree and urban woodlands;*
 - *To protect, survey and maintain existing important individual groups of trees;*
 - *To make use of tree preservation orders to protect important trees or groups of trees which may be at risk*
 - *To ensure that new development benefits from adequate landscape structure / tree coverage, particularly in areas of the city with inadequate tree coverage.*

- *To develop an urban woodland strategy and to provide a resource to protect trees and tree groups of significance, to manage areas with high tree coverage and to plant new urban woodlands in areas deficient in tree coverage;*
- *To promote the planting of native deciduous trees and mixed forestry in order to be benefit biodiversity.*

7.7. Natural Heritage Designations

The subject site is not located within any designated site and the closest Natura 2000 site is located approximately 3.5km to the south, being Cork Harbour SPA, Site Code 004030.

8.0 Assessment

I have read the entire contents of the file, visited the site and its surroundings, have had particular regard to the issues raised in the grounds of appeal and the planning history. I consider that the pertinent issues in determining the current application and appeal are as follows:

- Principle of development.
- Visual Impact and landscape sensitivity.
- Pedestrian and Traffic Safety
- Residential amenities and character of the area.
- AA.

8.1. Principle of development

- 8.1.1. The subject site is part zoned '**R3**'-Residential, Local Services and Institutional Uses the objective of which is *'To protect and provide for residential uses, local services, institutional use and civic uses'* and part zoned '**G3**' Open Space, the

objective of which is *'To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space for alternative purposes, including public open space within housing estates'*.

The site is also afforded the designation of an Area of High Landscape Value

- 8.1.2. The vision is to ensure that any new development in the area would have a minimal impact on and enhance existing residential amenity and fully take into account the sensitivity of the landscape. The principle of development of this site is therefore accepted subject to normal planning considerations in terms of the proper planning and sustainable development of the area. These considerations will be addressed below.

8.2. Visual Impact and landscape sensitivity

- 8.2.1. The first reason for refusal states that the proposed development would result in a material contravention of two objectives of the City Development Plan on the basis that the proposed development through its scale and design will result in a building rather than a landscape dominated development.
- 8.2.2. I would have significant concerns about the proposed development in terms of its visual impact on the Montenotte / Tivoli Ridge especially when viewed from the opposite side of the River Lee and as evident from the photomontages accompanying the application. The site currently represents a significant component of the Area of High Landscape Value and it is my opinion that any development within the site must be compatible with the sites objectives under the Development Plan notwithstanding its partial residential zoning. The site given its location and elevation represents an important landscape feature on the ridge. It is considered that the current proposal does not achieve an acceptable response to the challenges of the sites location, topography and visual sensitivity. Refusal is therefore recommended on the basis that the proposed development represents an overdevelopment of this sensitive landscape which is at odds with the landscape designation of the site. It is considered that the proposed development constitutes a material contravention of the Cork City Development Plan and would be contrary to the proper planning and sustainable development of the area.

8.3. Pedestrian and Traffic Safety

- 8.3.1. Access to the site is through Woodhill Park which is a steeply inclined estate climbing up from an access point at the junction with Lovers Walk / Traflagar Hill. From a site inspection it is clear that Lover's Walk is a very narrow lane with poor horizontal and vertical alignment. The junction to Woodhill Park Estate is currently almost blind in terms of sightlines from the eastern approach and is poorly designed. It is considered that a full Road Safety Audit would be required to investigate if the shortcomings of the road network and pedestrian environment could be overcome. It is considered that the current proposal does not demonstrate that the concerns raised by the Planning Authority can be addressed. Furthermore, the site provides no pedestrian linkages within the wider area. Refusal is recommended on the basis of poor pedestrian connections and on traffic safety grounds.

8.4. Residential amenities and character of the area.

- 8.4.1. With regard to the issue of density and having regard to the nature and zoning of the development site it is considered that it would not be acceptable in this instance and would not be in accordance with the pattern of development in the area. It represents an unacceptable density having regard to Objective 10.4 of the Cork City Development Plan.
- 8.4.2. I consider that having regard to the scale height and quantum of the proposed dwellings, the sites context and the level differences, that the proposed development would lead to significant levels of overlooking and would represent an overbearing and visually discordant element within the landscape. Refusal on the grounds of impact on the residential amenities of the area is recommended.

8.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Other Matters.

The site is part of a larger landholding as indicated on the site layout maps submitted with the application. I have concerns about the site layout which appears to leave open the option to access the remainder of these lands in the future through open space proposed to the west of the proposed development. It is considered that this land has limited development opportunity and would be best suited to use as a landscaped and planted area to augment and consolidate the landscape character of the ridge in the context of any future application.

10.0 Conclusions and Recommendation

Arising from my assessment above I consider the decision of Cork City Council to refuse permission should be upheld in this instance as it is considered that the proposed development will adversely impact on the high amenity landscapes character of the Tivoli Ridge and on the adjoining residential amenities, and therefore would seriously injure the character of the area and would set a negative precedent for similar developments in the area. Furthermore, having regard to the substandard nature of the road network, lack of proper pedestrian provision to serve the development and traffic likely to be generated, it is considered that the proposed development would endanger public safety by reason of traffic hazard and it is considered that the proposed development would through its design and scale and layout have a negative impact of the residential amenities of adjoining properties by reason of visual obtrusiveness and overlooking and would therefore, be contrary to the proper planning and sustainable development of the area.

11.0 Reasons and Considerations.

- 1 Having regard to the proposed development site is located on lands designated 'Areas of High Landscape Value' (AHLV) in the Cork City Development Plan 2015 2021, to the scale and design of the proposed development on the Montenotte / Tivoli Ridge, it is considered that the

proposed development would result in an unacceptable and negative visual impact on the intrinsic character of the AHLV and its important landscape assets and features and would cause undue visual intrusion in the landscape. Consequently, the Board considered that the proposed development would materially contravene Objective 10.4 and Objective 10.10 of the Cork City Development Plan 2015-2021 and would therefore be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the substandard nature of the road network, lack of proper pedestrian provision to serve the development and traffic likely to be generated, it is considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users. It would therefore be contrary to the proper planning and sustainable development of the area.
- 3 Having regard to the pattern of development in the area, the level differences between proposed and existing adjacent dwellings and proximity of dwellings to the site boundaries, it is considered that the proposed development, would seriously injure the residential amenities of the area by reason of excessive overlooking and visual obstruction. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Rachel Kenny,
Director of Planning.

3rd December 2018.