



An  
Bord  
Pleanála

## Inspector's Report ABP-303408-19

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<b>Development</b>	Permission to construct a dwelling house and ancillary site works.
<b>Location</b>	Adjacent to Tir Na Greine Derrigra Enniskeane, Co Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/6702
<b>Applicant(s)</b>	Declan O'Mahony
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Declan O'Mahony
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	12 <sup>th</sup> April 2018
<b>Inspector</b>	Fiona Fair.

## 1.0 Site Location and Description

- 1.1.1. The appeal site (0.0358ha) comprises part of the rear garden of a property to the north side of Main Street in the center of the village of Enniskeneane. Enniskeneane is located approximately 12 kilometres west of Bandon in County Cork.
- 1.1.2. The long narrow site forms the rear garden of a two storey building on the Main Street, currently vacant, but was formerly used as a licensed premises. Residential properties flank the former pub on both sides. Land uses on the opposite side of Main Street include a mixture of commercial and residential uses, including a post office, Centra supermarket and pubs. About 30 metres to the west, at the end of the terrace and at the junction with the Copeen road, there is a small single-storey building currently used as a take-away.
- 1.1.3. There are some concrete steps at the north western boundary of the site that provide pedestrian access to a pathway that exits onto a gated entrance on the Copeen road, just in front of a cul-de-sac of town houses, known as Tir na Greine. At present there is no vehicular access to the site from the north / Tir na Greine. A car parking area, which serves the Tir na Greine town houses, is located abutting the boundary of the site to the northeast.
- 1.1.4. The appeal site slopes gently upwards in a northerly direction. With a steeper slope to the north of the site. There is a change of some 5.2m between the ground level of the existing dwelling on Main Street and the ground level of the car parking area to the north of the site serving Tir na Greine. Boundaries between the gardens are marked by low walls and fences. The northern / rear boundary is defined by a high block wall.
- 1.1.5. The applicant has recently been granted planning permission, on foot of Reg. Ref. to redevelop the vacant pub building on Main Street to provide two street side dwellings.

## 2.0 Proposed Development

- 2.1. The proposal comprises:
  - Construction of 3 bedroom two storey dwelling house 113 sq. m

- 2 number car parking spaces
- Ancillary site works

The supporting documentation submitted with this application sets out that it is proposed to construct a dwelling in the rear garden, of a property, in the ownership of the applicants family home. The proposed dwelling would be accessible via a public cul de sac serving seven dwellings – the development known as Tir na Greine. The northern boundary of the appeal site represents the southern boundary of the Tir na Greine. The applicant owns an enclosed pathway that affords access, independent of Tir na Greine, to the rear of his property. The development proposal proposes to remove the boundary wall with Tir na Greine and open up the access and to provide two car parking spaces within this area, intended for the proposed dwelling. The new dwelling would be accessed via steps.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

**Permission Refused** for one number reason, summarised as follows:

1. Having regard to the existing pattern of development in this village and the site location and characteristics it is considered that the proposed development would result in disorderly backland development, would be seriously injurious to the residential amenity of and depreciate the value of property in the vicinity and would set an undesirable precedent for similar disorderly backland development on neighbouring lands...it is considered that by reason of its proposed access, scale, height, massing, site coverage and separation distances to neighbouring dwellings, the proposed dwelling would represent haphazard development and over development of a restricted site, which would be out of character with surrounding development...

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

##### 3.2.1. Planning Reports

The Planners Report sets out that while the p.a. generally takes a positive outlook on the development of any new housing within the development boundary of its towns and villages, the p.a. was clear in its previous decision (18/4019) that it was opposed to the development of a detached dwelling in the rear garden of a mid-terraced property, where there is serious concern that this could set a precedent for other similar proposals. It is considered that this current application which is a revised version of the previously refused application does not sufficiently address the concerns raised.

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

Area Engineer: Recommends Refusal

Irish Water (IW): No objection

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

Two number objections on file. Issues raised include:

- Overlooking
- Impact upon residential amenity
- Backland nature of the development
- Undesirable precedent
- Access unsuitable
- Site notices
- Development description

## 4.0 Planning History

### 4.1.1. On the Appeal Site

**Reg. Ref. 18/4019** Planning Permission Refused for the demolition of existing commercial premises with living accommodation above and for construction of 3 no. dwelling houses along with all ancillary site works for Declan O'Mahony.

### 4.1.2. On the Adjoining Site to The South

**Reg. Ref. 18/4910** Planning Permission granted for part demolition of existing commercial premises with living accommodation above and for construction of 2 no. dwelling houses incorporating retained elements of the existing commercial premises with living accommodation above, along with all ancillary siteworks for Declan O'Mahony.

**Reg. Ref. 08/7667** Planning Permission granted for modification and upgrading of licensed premises / dwelling consisting of change of use of ground floor from licensed premises to 2 no. commercial units and 1 no. apartment and change of use of first floor living accommodation to 1 no. apartment (change of plan from development permitted under PI Reg. No. 06/11249) for Declan O'Mahony.

**Reg. Ref. 06/11249 / PL04.223843** Planning Permission was granted for modification and upgrading of licensed premises / dwelling consisting of change of use of licensed premises to new restaurant and kitchen at ground floor level, change of use of existing first floor living accommodation to facilitate 2 no. apartments and construction of one additional apartment at first floor level for Declan O'Mahony.

### 4.1.3. Other relevant applications:

**Reg. Ref. 04/8549** Planning Permission was Granted for demolition of shed and construction of 6 number dwelling houses on the adjoining land to the north for Declan O'Mahony.

## 5.0 Policy Context

### 5.1.1. Development Plan

The site is located within the existing built up area of Ballineen / Enniskeneane, a key village, as identified in the Blarney Macroom Municipal District LAP 2017.

The Cork County Development Plan 2014 is also of relevance.

The appeal site is not located within a flood risk zone.

### 5.2. Natural Heritage Designations

The site is located approx. 11.2 Km east from the Special Area of Conservation: Bandon River SAC (Site Code: 002171)

### 5.3. Environmental Impact Assessment (EIA)

- 5.3.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The issues raised are summarised as follows:

- The proposal is for a mews style dwelling
- Sustainable use of the site in the context of a village setting.
- Is in line with policy for compact urban form, sustainable urban infill
- Proposed dwelling would enhance the existing housing development Tir na Greine and act as a catalyst to other such development
- Remove an unused area vulnerable to anti-social behaviour

- A reduction of the footprint and relocation is proposed to address concerns of area planner and area engineer.
- The proposal does not overlook adjoining properties.
- The dwelling could be scaled down further to 900 sq. ft. Welcome the opportunity to develop a scaled down solution should the Board deem it appropriate.
- Such a scaled down approach could increase separation distances.
- The site area is some 0.09 acres (dept of some 33 meters and a width of c. 8.3m)
- The southern boundary to Tir na Greine is unsightly and unkempt. Its removal visually and physically increases the mouth opening to the overall development.
- Proposals includes a new metal powder coated fence

Appeal Accompanied with:

- A revised optional site layout – Drawing no. 1181/PL/01 rev E
  - Dwelling is moved north on the site by some 3.5m, rear garden depth increased from 7.65 m to 11.1m

## 6.2. Planning Authority Response

None received.

## 7.0 Assessment

The issues of the subject appeal case can be dealt with under the following headings:

- **Principle of the Development on the Site**
- **Overdevelopment / Impact Upon Residential Amenity**
- **Access and Car Parking**
- **Appropriate Assessment**

### 7.1. Principle of the Development on the Site

- 7.1.1. The appeal site is located within an 'Existing Built up Area', as identified, in the Blarney Macroom Municipal District LAP 2017. Ballineen / Enniskeane is a key village, as identified in the LAP.
- 7.1.2. I note the planning authority are generally supportive of applications for infill residential, this is subject to proposals being satisfactory in terms of all other planning and development considerations. It is their opinion that the proposal would result in an inappropriate, haphazard and cramped form of piecemeal development and would also set a negative precedent for other similar backland proposals on adjoining lands.
- 7.1.3. While the principle of a two storey dwelling with associated private open space, car parking and services is acceptable within an area designated as 'Existing Built up Area' and within the village core. I agree with the planning authority that having regard to the existing pattern of development in this village, the site location and characteristics, it is considered that the development comprises a piecemeal inappropriate, haphazard and cramped form of development on a seriously constrained sloping, backland site, with poor access.

### 7.2. Overdevelopment / Impact Upon Residential Amenity

- 7.2.1. Regard is had to concerns raised by the objectors and the planning authority in this regard. The amendments proposed by way of revised plans submitted with the



appeal and the proposal to reduce the scale of the dwelling further, should the Board decide same necessary, are duly noted.

- 7.2.2. The planning authority consider that by virtue of the separation distances along with the differences in levels between the proposed dwelling and neighbouring properties, the proposed dwelling would give rise to undue overlooking and would adversely impact upon the residential amenities of the neighbouring properties at a lower level to the south of the subject site.
- 7.2.3. Concern is also had that the eastern elevation of the proposed dwelling by reason of its scale, height and massing along with its siting along the eastern site boundary would adversely impact upon the residential amenity and outlook of the neighbouring property to the east / south-east.
- 7.2.4. It is acknowledged that the site comprises a generous rear garden within the existing built up area. However, the proposal when taken together with the size of the site, screening and development in the vicinity would represent an unimaginative and inappropriate response to the constraints of this site and constitute haphazard, piecemeal development.
- 7.2.5. I consider that any development of the site would be premature pending amalgamation of the backlands and a plan led proposal for safe access to and development of the overall backlands at this location.
- 7.2.6. Overall, in its current form the proposed development would diminish residential amenity so as to warrant a refusal of permission.

### **7.3. Access and Car Parking**

- 7.3.1. At present there is no vehicular access to the site from the north / Tir na Greine. A car parking area, which serves the Tir na Greine town houses, is located abutting the boundary of the site to the northeast. There are some concrete steps at the north western boundary of the site that provide pedestrian access to a pathway that exits onto a gated entrance on the Copeen road, at the junction of the cul-de-sac and Copeen road.
- 7.3.2. It is proposed to demolish this gated private pedestrian access to the rear of the site, including the dividing boundary wall with Tir na Greine and to replace it with a new

1.5m high metal powder coated fence with an access gate. It is proposed to provide planting along the entrance to Tir na Greine (the housing development which the current applicant got planning permission for in 2004) along with 2 number additional car parking spaces along the estate road and new pedestrian gate off the estate to the proposed house. This access arrangement includes concrete steps at the north western boundary of the site that provide pedestrian access to the proposed new dwelling.

- 7.3.3. The area engineer has recommended refusal of the proposal on traffic and access grounds. It is his opinion that it is not practical to expect that an existing pedestrian access could be replaced with a new vehicular access at this location. The proposed access and parking arrangement would represent a potential conflict of use between the existing users of Tir na Greine and the proposed dwelling.
- 7.3.4. I agree that the access arrangement proposed is unsatisfactory and unacceptable, it would give rise to traffic conflict and hazard and therefore should not be permitted.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and to nature of the receiving environment being an existing industrial site and to the lack of connectivity to a 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

### **8.0 Recommendation**

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

1. Having regard to the existing pattern of development in this village, the sites backland location and characteristics, it is considered, that development of the kind proposed on the land, would represent an unimaginative and inappropriate response to the constraints of this site and constitute haphazard, piecemeal development. Development of the kind proposed would be premature pending an amalgamated backlands plan pled approach for the overall backlands at this location. The proposed development, would therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the car parking, traffic turning movements and access arrangement proposed, would interfere with the safety and free flow of traffic at the junction of Copeen road and the Tir na Greine cul de sac road.

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Fiona Fair

Planning Inspector

06.06.2019