



An  
Bord  
Pleanála

## Inspector's Report ABP-303632-19

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<b>Development</b>	Demolition of a garage, construction of a house, alterations to vehicular access arrangements, decommission a septic tank and installation of 2 no. waste water treatment units.
<b>Location</b>	10 Beverley Court, Grange, Ovens, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/6897
<b>Applicant(s)</b>	Rebecca and Colin Cronin.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Refusal
<b>Appellant(s)</b>	Rebecca and Colin Cronin.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> April 2019.
<b>Inspector</b>	Elaine Power

## 1.0 Site Location and Description

- 1.1. The subject site is located in Ovens, approx. 4km south west of Ballincollig and 8km west of Cork City. This Ovens is suburban in character, with one-off houses and low-density housing estates.
- 1.2. The site is approx. 1.7 ha and currently accommodates a 2-storey detached dwelling with an attached garage. The existing house forms part of a small housing estate 'Beverly Court' which comprises of 10 no. detached houses, all houses within the estate are of similar scale and design. The existing house has a gross floor area of 223sqm.
- 1.3. The site is bound by public roads, Grange Terrace to the south and Beverly Court to the west, and by detached houses to the north and east. The site boundaries with the public roads consist of a low stone wall, a wooden fence and mature trees and shrubs along while the boundaries with adjoining neighbours comprise block walls.
- 1.4. Access to the existing house is from Grange Terrace.

## 2.0 Proposed Development

- 2.1. The proposed works comprise the demolition of an existing garage (gross floor area 44sqm) which is attached to the side of the existing house and the construction of a new house (gross floor area 218 sqm). The proposed house is to be located in the north east section of the site. It is a contemporary design and is part single, part two storey with a flat roof. The house has a maximum height of 6m. The external materials include brick, render, aluminium and glass.
- 2.2. It is also proposed to decommission an existing septic tank and provide 2 no. separate waste water treatment units and sand polishing filters in the south section of the site to serve the existing and proposed house.

- 2.3. The existing vehicular entrance on Grange Terrace will serve the proposed house and a new vehicular entrance onto Beverley Court is proposed to serve the existing house.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was refused for the following reason:

1. *It is considered that the proposed development be reason of its prominent location at one of the entrances to Beverley Court, its scale, design, position / siting and contextual relationship with adjoining properties, would represent overdevelopment of this site resulting in substandard level of functional private open space and poor standard of amenity for future occupiers of the proposed dwelling. The proposed development would give rise to a haphazard form of development which would have a poor visual relationship with the adjoining dwellings, would have an overbearing effect on same and would be out of character with the surrounding development. The proposed development would, set an undesirable precedent for other inappropriate developments in the locality and would be contrary to the proper planning and sustainable development of the area.*

#### 3.2. Planning Authority Reports

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

The Area Planners report (3rd January 2019) and the Senior Executive Planners report (4<sup>th</sup> January 2019) raised concerns regarding the proposed development and recommended that permission be refused.

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

**Area Engineer** report (30<sup>th</sup> November 2018) recommended that further information be sought regarding details of the new proposed vehicular access onto Beverly Court.

**Liaison Officer** (3<sup>rd</sup> January 2019): No comment.

### 3.3. Prescribed Bodies

*Irish Water* (6<sup>th</sup> December 2018), No objection.

### 3.4. Third Party Observations

A third-party submission was received from the residents of Beverly Court. The submission represented all 9 no. households in the estate. The concerns raised are summarised below.

- The proposed new vehicular access would result in a traffic hazard due to its proximity to the junction with Grange Terrace and substandard sightlines.
- The proposed house is out of character with the existing properties
- The proposed development would set an undesirable precedent.

## 4.0 Planning History

### ***Subject Site***

None

### ***Surrounding Sites***

***PL04.224953, Reg. Ref. 06/12722:*** Permission was granted in 2008 for the demolition of a house and storage shed and the construction of 165 no. residential units and a creche and all associated site works including a foul water pumping station on a 7.25 ha site. The site is located approx. 150m to the east of the subject site and comprised lands to the rear of 'Beverly' Court housing estate.

An Extension of Duration was refused (Reg. Ref. 13/04337) in 2013.

An Extension of Duration was granted (Reg. Ref. 13/4725) in 2013 and further extended (Reg. Ref. 18/4980) in 2018.

***Reg. Ref. 07/11996:*** Permission was granted in 2008 for 45 no. houses and a creche with all associated site works including a foul water pumping station located approx. 300m east of the subject site.

An Extension of Duration was granted (Reg. Ref. 12/6410) in 2013 and further extended (Reg. Ref. 18/5900) in 2018

## 5.0 Policy and Context

### 5.1. Blarney Macroom Municipal District Local Area Plan, 2017

- 5.1.1. Killumney / Ovens is identified as a Key Village in the Local Area Plan. The vision for Killumney / Ovens is to *‘encourage the consolidation of the village within its rural setting, to protect and enhance the range of community facilities and commercial facilities within the village and to promote sympathetic development in tandem with the provision of services’*.

The subject site is located with the settlement boundary for the village. There is capacity within the Killumney / Ovens Waste Water Treatment Plant however there is no foul sewer network in the village.

**Objective DB-01:** Within the development boundary encourage the development of up to 251 additional dwelling units during the plan period.

### 5.2. Cork County Development Plan, 2014

- 5.2.1. The Development Plan does not set out any specific guidance for the provision of houses in inside gardens. Relevant policies of the Cork County Development Plan are set out below.
- HOU 3-2: Urban Design.
  - SC 5-8: Private Open Space Provision
  - ZU 2-1: Development and Land Use Zoning
  - ZU 2-2: Development Boundaries
  - ZU 3-2: Appropriate Uses in Residential Areas

Cork County Councils ‘Making Places: A Design Guide for Residential Estate Development’ is also considered relevant.

### 5.3. National Planning Framework (2018)

5.3.1 The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 10
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

#### 5.4. **National Guidance**

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Urban Design Manual, A Best Practice (DOEHLG, 2009)

#### 5.5. **Natural Heritage Designations**

There are no relevant designated areas in the immediate vicinity of the site.

#### 5.6. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

6.1.1. A detailed first party appeal against the Planning Authority's decision to refuse permission was submitted including a revised site layout plan, which shows the proposed house relocated approx. 3m south, away from the rear boundary with no. 9 Beverley Court.

6.1.2. The main grounds of the appeal can be summarised as follows: -

- Relevant National, Regional and Local planning policies have been provided.
- A detailed planning history for Ovens has been included, which shows that the houses within Beverly Court have been altered and extended resulting in a variety of house styles and designs in the estate. Therefore, there is not a consistent character to the estate. Details of larger planning permissions for residential developments shows that a variety of house types have been permitted in the surrounding area.
- This is not a speculative development. One of the applicants grew up in the existing house, where his father still lives. The applicants have familial ties to the extended area and their children attend the local school.
- The house has been designed to protect the existing residential amenities of adjoining properties.
- The site is located in a long-established residential area. The house is set back approx. 20m from the public road and the site is screened by mature trees and hedging. The site is not considered to be visually prominent or out of character with the area.
- The existing house fronts onto Grange Terrace and not Beverly Court. The proposed house will also front onto Grange Terrace which is similar to the existing pattern of development along the road.
- The proposed house is a contemporary design however it respects the heights, proportions and materials of surrounding properties.
- The proposed development would not result in an undesirable precedent. It is the most efficient use of urban land and is an alternative to a one-off house in the countryside.
- There is insufficient space for the other houses in 'Beverly Court' housing estate to construct addition houses in the side / rear gardens. Therefore, the proposed development is not setting a precedent.
- The site has been set back from all boundaries and a new block wall and planting are proposed to future screen the development and protect residential amenities. The house has been designed to ensure it does not result in undue overlooking.

- The size of the house is not excessive. It is in accordance with guidance set out in 'Quality Housing for Sustainable Communities'. The design, layout and siting of house is not overdevelopment of the site. It will not result in undue overshadowing. Some overshadowing already occurs due to the height of the mature trees. The siting and design ensures that the house will not have an overbearing impact on adjoining properties.
- The Development Plan does not set out specific open space requirements for houses. The Councils 'Residential Estate Development Guidelines' is referenced which requires 60sqm of rear private open space. A sufficient quantity and quality of open space has been provided for both the existing and proposed house. In this regard 720sqm of open space is provided for the existing house and 583sqm of open space for the proposed house. The relocated house, as shown on drawing no. 1785-110 submitted with the appeal shows the provision of 97sqm of open space to the rear of the house.
- A splayed entrance has been provided onto Beverley Court. Having regard to the context of the development it is considered that appropriate site lines have been provided and the development will not result in a traffic hazard.
- Appropriate Assessment has been screened out. There are no relevant designated areas in the immediate vicinity of the site.
- It is proposed to connect to the public water mains. Soakpits are proposed on site to cater for surface water.
- The Planning Authority and Irish Water had no objection to the waste water treatment proposal and the development is in compliance with the EPA's Code of Practice. Irish Water are currently progressing a design for a new / upgraded foul sewer network in the Killumney area.

## 6.2. Planning Authority Response

None

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. In the appeal the applicant presented an alternative location of the house for the Board for consideration. The revised location seeks to address concerns regarding a lack of

rear private open space and potential for an overbearing impact and overlooking of adjacent private properties.

7.1.2. The main issues in this appeal relate to the design approach, open space and traffic. Issues relating to water services and Appropriate Assessment are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Design Approach
- Open Space
- Water Services
- Traffic
- Appropriate Assessment.

## 7.2. ***Design Approach***

7.2.1. The Planning Authority refused permission on the basis that the proposed house would result in overdevelopment of the site and would have an overbearing impact on adjoining properties by reason of its scale, design, siting and relationship with adjoining properties. It was also considered that the proposed development would be out of character with the surrounding environment.

7.2.2. The proposed house is part single, part two-storey. The ground floor has a gross floor area of 137sqm. It is L-shaped with a projecting entrance porch on the western elevation. The first floor has a gross floor area of 80sqm. It is rectangular in shape with a projecting window feature on the eastern elevation. It has a flat roof with a maximum height of 6m. The house is a contemporary design. The external materials include brick, render, aluminium and glass. While it is noted that the houses in the surrounding area are traditional in design it is considered that the high-quality contemporary design provides for a distinctive residential development, which in my view, will enhance the suburban character of the area.

7.2.3. The reason for refusal related to the proximity of the proposed house to the site boundaries. As part of the appeal a revised siting for the house has been submitted. This shows the ground floor of the house located approx. 5.5m, and the first floor

located approx. 10m, from the northern boundary with no. 9 Beverly Court. The house is located approx. 2m from the eastern boundary with an adjoining neighbour on Grange Terrace and approx. 11m from the house. With regard to the western boundary the ground floor of the proposed house is located approx. 4m, and the first floor is located approx. 9m, from a proposed 2m high fence / hedge. The front (south) building line is set back approx. 20m from the public road. Having regard to the distance from the boundaries, the high-quality design and height of the house and the suburban character of the area, it is considered that it would not result in an overbearing impact.

7.2.4. To address potential overlooking the house has been design with no first floor windows on the north (rear) elevation which adjoins no. 9 Beverly Court. On the eastern (side) elevation, which adjoins the existing house on Grange Terrace, there are 3 no. windows at first floor level. 2 no. windows are opaque and serve bathrooms and 1 no. window serves a bedroom. The window is a projecting feature and clad in aluminium. Due to the design of the window it has a southern orientation and, therefore, will not result in undue overlooking. On the western (side) elevation which adjoins the existing house, there are 2 no. windows at first floor level. 1 no. large feature window serves the stairs and landing, and 1 no. window serves a bedroom. The bedroom window has been provided with timber louvres to reduce the potential for overlooking. The window is located approx. 9m from the boundary with the existing house. Having regard to the distance from the boundary and the proposed screening it is considered that the proposed window will not result in undue overlooking.

7.2.5. It is noted that the revised drawing submitted with the appeal also indicates additional openings at ground floor level on the northern (rear) elevation. No floor plans or elevational drawings have been submitted, however, I have no objection in principle to the provision of additional opening.

7.2.6. In conclusion, having regard the suburban character of the area, the pattern of development, both existing and permitted, and the high-quality contemporary design of the house, it is considered that the proposed house would not be out of character

with the surrounding area or negatively impact on existing residential amenities in terms of overlooking or overbearing impact.

### 7.3. **Open Space**

- 7.3.1. The reason for refusal also considered that the proposed development would be overdevelopment of the site which would result in a substandard level of functional private open space and a poor standard of amenity for future residents.
- 7.3.2. The overall site has a stated area of 0.1727ha. It is intended that the site will be subdivided evenly with each house will have an area of approx. 864sqm. The proposed house has gross floor area of 217sqm. Therefore, the proposed development would have a site coverage of 25%. The original house, to be retained, has a gross floor area of 179sqm. Therefore, it would have a site coverage of 20%. Having regard to the site coverage for both sites and the distance of the proposed house to the site boundaries it is considered that it will not result in overdevelopment of the site.
- 7.3.3. The Development Plan does not set out any specific guidance in relation to open space requirements for houses. However, the County Council's guidance document 'Making Places: A Design Guide for Residential Estate Developments' recommends a minimum of 60sqm of rear private open space per dwelling. The revised drawing (drawing no. 1785-110) submitted with the appeal shows 130sqm of rear private open space provided for the existing house and 97sqm of rear private open space provided for the proposed house. In my opinion a sufficient quantity and quality of private open space has been provided for both houses.

### 7.4. **Water Services**

- 7.4.1. The subject site is located approx. 1km west of the River Bride. It is not located in an area liable to flooding in the OPW Flood Maps. With regard to surface water disposal it is proposed that a new soak pit be provided in the rear garden of the existing house and in the front garden of the proposed house. I am satisfied that that the proposed surface water attenuation and disposal arrangements for the site are sufficient.

- 7.4.2. It is proposed to decommission an existing septic tank which serves the existing house and install 2 no. packaged wastewater treatment systems to serve the existing and proposed houses. The treatment systems are located in the southern section / front gardens of the houses. They are located a minimum of approx. 7m from the houses with the percolation areas located approx. 11m from the houses. Table 6.1 of the 'EPA Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances. The proposed system reaches and exceeds the recommended separation distances.
- 7.4.3. The submitted Site Suitability Assessment Form states that a trial hole, with a depth of 3m recorded the following: 350mm of sandy gravel / clay; 750mm of sandy gravel with clasts dispersed through the soil; and 2.15mm of sandy gravel . With regard to the percolation characteristics of the soil 3 no. trial holes were examined. They resulted in T values of 15.25 minutes / 25mm, 7.5 minutes / 25mm and 6.5 minutes / 25mm. The average result was 9.75 minutes / 25mm. This indicates that the site is suitable for the installation of an on-site domestic waste water treatment system. In this regard, the proposed system once installed and maintained to the required specifications in conjunction with a sand polishing filter would be acceptable and would not give rise to public health concerns.
- 7.4.4. Notwithstanding the suitability of the site for a waste water treatment system and the fact that there is an existing septic tank on site, I would have serious reservations regarding the potential for groundwater contamination given the increasing proliferation of individual waste water treatment systems in the immediate area, the cumulative impact of which has the potential to negatively impact on the water quality of the River Bride. It is considered that the proposed development is premature pending an upgrade of the foul sewer network and would set an undesirable precedent for similar types of development. It is therefore recommended that permission be refused on this basis.

## 7.5. **Traffic**

- 7.5.1. It is proposed that the existing vehicular access on Grange Terrace will serve the proposed house and a new vehicular access onto Beverly Court will serve the existing

house. It is noted that the Planning Authority's Area Engineer had some concerns regarding the proposed access arrangements. The revised drawing submitted with the appeal shows a splayed entrance onto Beverly Court. The proposed access is located approx. 10m from the junction with Grange Terrace. Having regard to the layout of the access and the nature of the surrounding road network, it is considered that the provision of a vehicular access at this location would not result in a traffic hazard.

## 7.6. ***Appropriate Assessment***

- 7.6.1. Having regard to the nature and scale of the proposed development and the distance from 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

## 8.0 **Recommendation**

- 8.1. I recommend that permission be refused for the reasons stated in the attached schedule.

## 9.0 **Reasons and Considerations**

1. The proposed development would be premature pending the availability of a public sewer to serve existing development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Elaine Power  
Planning Inspector

13<sup>th</sup> May 2019