



An  
Bord  
Pleanála

## Inspector's Report ABP-303771-19

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<b>Development</b>	Permission to construct a 2 storey over Basement, 4 bedroom detached residence.
<b>Location</b>	1 Roger Casement Park, Glasheen, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	18/37978
<b>Applicant(s)</b>	Kevin Neiland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Glasheen Residents Association
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> June 2019
<b>Inspector</b>	Fiona Fair.

## 1.0 Site Location and Description

- 1.1.1. The appeal site (0.051ha) is situated in Roger Casement Park to the south west of Cork City centre. The site is situated west of Cork Lough, north of Glasheen Road with Cork University Hospital located to its west and St. Finbars Cemetery located to the south. The Presentation Brothers sports / rugby grounds bound the site to its immediate north.
- 1.1.2. The appeal site forms part of the existing, rear garden serving 1 Roger Casement Park, a two storey, end of terrace dwelling.
- 1.1.3. There are two storey dwellings located to the rear (Sheare's Park) dwellings back onto the houses on Roger Casement Park and an access to a narrow laneway serving the rear gardens of some of the dwellings in Roger Casement Park abuts the south-eastern corner of the site.
- 1.1.4. The rear garden (38m in length x 12.5m in width), forming the subject appeal site, has trees and boundary fencing located along the northern, southern and north-eastern boundaries.

## 2.0 Proposed Development

- 2.1. The proposal comprises permission to construct:
  - A two storey over basement 4-bedroom dwelling house (260 sq. m)
  - Two car parking spaces

## 3.0 Planning Authority Decision

### 3.1. Decision

Subsequent to a request for further information with respect to (1) drainage (2) proposed vehicular entrance and car parking (3) length of the first floor excessive and should be reduced by 5 m, planning permission was granted subject to 9 number conditions. Conditions of note include:

C2. (a) The proposed vehicular entrance serving 1 Roger Casement Park shall be omitted from the development. Prior to the commencement of development, a

revised site layout shall be submitted for the written agreement of the p.a. omitting reference to this entrance.

(b) Gates / doors shall be recessed and / or be incapable of opening outwards, steps and access ramps shall be recessed or contained within the curtilage of the proposed development, in order not to impeded or obstruct the public road or footpath

C3. External finishes shall be in accordance with details on drawings received on 19/12/2018.

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

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

The Planners Report sets out that the proposed dwelling is acceptable in principle on the site, which is zoned Residential, Local Services and Institutions in the City Development Plan. It is noted that the suitability of the proposed dwelling for this site shall be assessed against the criteria set out in Section 16.58 Single Units Including Corner / Garden Sites of the City Development Plan.

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

Environment: No objection subject to condition

Drainage: No objection subject to condition

Roads: No objection subject to condition

Irish Water (IW): No objection

### **3.3. Prescribed Bodies**

None.

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

Eight number objections on file. Issues raised include:

- Excessive scale
- Overdevelopment

- Negative impact upon residential amenity of the area
- Negative precedent
- Services are problematic
- Unclear boundary line between the field and the property along the north-western side.

## 4.0 **Planning History**

### 4.1.1. **On the Appeal Site**

None

## 5.0 **Policy Context**

### 5.1.1. **Development Plan**

The Cork City Development Plan 2015 – 2021 is the relevant statutory Plan.

The site is located on lands zoned for residential, local services and institutional uses, where it is the policy of the Council:

‘To protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlined in Chapter 3.

The following sections of the Cork City Development Plan are of relevance:

Chapter 16 Standards for residential development

Section 16.58 Policy on single units including corner / garden sites

Section 16.73 Residential entrances / parking in front gardens

### 5.2. **Natural Heritage Designations**

The site is located approx. 4.7 Km west from the Special Protection Area (SPA) Cork Harbour (Site Code: 004030) and approx. 6Km west of Special Area of Conservation: Great Island Channel SAC (Site Code: 001058)

### 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 would constitute backland development
- Overdevelopment of a small site, scale of the dwelling
- Negative precedent
- Negative impact upon residential amenity of adjoining dwellings - light, noise and visual intrusion.
- Devalue property in the area
- Car parking congestion on a narrow cul de sac
- Negative visual impact
- Concern that the property would be used as a rental property for multiple occupancy
- Out of character with the surrounding area.
- The proposed development is contrary to policy by reason of its backland location, contemporary design, does not reflect the character of the existing area.
- Concern construction of the basement would lead to structural problems to adjoining property

## 6.2. Planning Authority Response

Response received, no further comments to make.

## 6.3. First Party Response

6.3.1. A response was received it is summarised as follows:

- Additional dwellings within inner suburban areas, proximate to existing transport corridors, revitalises areas by utilising the capacity of existing social and physical infrastructure.
- Sustainable use of existing urban lands in compliance with National, Regional and Local Policy
- The gardens to the rear of Roger Casement Park are generally large - extremely long (c. 38m).
- The average garden extends to c. 216 sq. m
- The rear garden of 1 Roger Casement Park is considerably larger by virtue of it being a corner / end site and extends to an area in the order of 475 sq. m
- There is precedent for similar development in the immediate area, e.g. Planning Ref. 08/33040, consists of 3 no. residential units to the rear of an existing house.
- Another example of precedent is cited as that located at Hartlands Road Reg. Ref. 04/28774
- The proposed dwelling is site specifically designed to a high architectural standard. Modern design which is considered and sympathetic of the neighbourhood's privacy.
- No windows proposed overlooking neighbours
- No overshadowing or loss of day light
- Ample separation has been provided and the first-floor element has been set back by c. 22m from the neighbouring properties.
- Two car parking spaces are proposed therefore the proposal will not impact upon on-street car parking.

- The proposed basement is located 15m from the nearest dwelling and will be excavated to a depth of c. 3m
- Ground stabilising measures will be used as part of the excavation process to ensure excavations are done in a controlled safe manner.

## 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**
- **Other issues**
- **Appropriate Assessment**

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

- 7.1.1. The proposed infill dwelling is acceptable in principle on this serviced urban site within Cork City, which is zoned 'Residential, Local Services and Institutions in the City Development Plan', with the policy: 'to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3.
- 7.1.2. 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. In the subject appeal case it is their opinion that the proposal would result in an appropriate level of development given this is a generous end of terrace site with large rear garden.
- 7.1.3. Densification within the city on appropriate sites, in proximity to public transport network is critical to support sustainable growth, this is strongly supported by recent Government policy. Regard is had to Urban Development and Building Height,

Guidelines for Planning Authorities' (Dec 2018). It is pertinent to refer to section 2.14 of the Guidelines which state that 'in the interests of achieving national policy objectives for significantly increased urban housing delivery, there is a need for planning policy to ensure that an appropriate quantum of residential developments is included as part of significant development proposals for individual sites and urban neighbourhoods'. I note also The National Planning Framework (NPF) and Regional Spatial and Economic Strategy (RSES) which support compact growth, densification and consolidation. Densification is appropriate on this site.

## **7.2. Overdevelopment / Impact Upon Residential Amenity**

- 7.2.1. Regard is had to concerns raised by the objectors with respect to backland nature of the development, overdevelopment, negative precedent, devaluation of property, negative visual impact and light, noise disturbance. The amendments proposed by way of revised plans (further information) submitted to the planning authority reducing the length of the first floor to reduce visual overbearing to property to the south east, is noted.
- 7.2.2. The roof of the dwelling has been kept flat to reduce its height, scale and visual impact. The first floor has been positioned 3.1m from the south / eastern boundary. The first-floor element is located 22m from the first-floor bedroom window of No. 2 Roger Casement Park. Similarly, the north elevation is located 22.5m from the nearest neighbouring bedroom window. The windows proposed on the upper north elevation and one on the south first floor elevation are not bedroom windows. These windows have been designed to be small with opaque glazing. Due to the orientation of the proposed house and the separation distance from other dwellings, the proposed house does not over shadow or obstruct daylight. There are no windows that over look the neighbouring properties and the house has been designed to incorporate contemporary high-level windows on the south / eastern façade. The north / western elevation is heavily glazed at first floor to maximise daylight. This façade faces onto the Presentation College sports grounds, which is zoned for such purpose and the desirability of overlooking for passive surveillance purposes is considered desirable and appropriate. I agree with the planning authority that the



contemporary, modern design approach with a metal frame / zinc, flat roof, natural timber cladding, natural stone and painted render finish to the walls is acceptable.

- 7.2.3. The dwelling has been site specifically and architecturally designed to a high standard. Cognisance being had to the backland nature of the site and surrounding existing development. The dwelling would not have a negative impact upon existing residential amenity or visual amenity of the area, given its design, massing, scale, height and proposed finishes.
- 7.2.4. Overall, in its current form the proposed development would not diminish residential amenity so as to warrant a refusal of permission.

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

- 7.3.1. I consider that the shared access as proposed and provision of two new off-street car parking spaces to serve the proposed dwelling is appropriate in this instance.
- 7.3.2. The road design report on file, has no objection to the proposal subject to condition.
- 7.3.3. I consider that the access arrangement proposed is satisfactory and acceptable, it would not give rise to traffic conflict or hazard and is therefore considered acceptable.

### **7.4. Other issues**

- 7.4.1. Third party concern is expressed that the construction of the basement could lead to structural problems and undermine adjoining property.
- 7.4.2. The first party response states that the proposed basement is located 15m from the nearest dwelling and will be excavated to a depth of c. 3m. Ground stabilising measures will be used as part of the excavation process to ensure excavations are done in a controlled safe manner.
- 7.4.3. I am of the opinion that the construction of the basement subject to proper construction and environmental management and engineering practices, is appropriate and would not pose risks or would not give rise to structural damage to surrounding houses.

## 7.5. **Appropriate Assessment**

- 7.5.1. 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**

- 8.1.1. I recommend that the decision of the planning authority be up-held and planning permission be Granted to the proposed development subject to conditions set out below.

## 9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the land-use zoning of the site, the existing pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to a traffic hazard, be injurious to visual amenity of the area or injure residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19<sup>th</sup> December 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The host dwelling and the new dwelling permitted by way of this grant of planning permission shall both be used solely as single residential dwelling units.

**Reason:** In the interest of residential amenity.

3. (a) The proposed vehicular entrance serving 1 Roger Casement Park shall be omitted from the development. Prior to the commencement of development, a revised site layout plan shall be submitted for the written agreement of the planning authority omitting reference to this entrance.

(b) Gates / doors shall be recessed and / or be incapable of opening outwards, steps and access ramps shall be recessed or contained within the curtilage of the proposed development, in order not to impeded or obstruct the public road or footpath

**Reason:** In the interest of traffic safety.

4. (a) The hall / landing first floor window on the southwestern elevation and the en-suite and wardrobe windows on the north eastern elevation shall be permanently fitted and maintained with obscure or stained glass.

(b) External finishes shall be in accordance with details on drawings received on 19/12/2018. Prior to the commencement of development full details (specifications) for these external finishes shall be submitted for the written agreement of the planning authority.

**Reason:** In the interests of proper planning and sustainable development of the area

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Proposed boundary walls shall be solid block, rendered on both sides and capped.

**Reason:** In the interests of residential and visual amenity.

7. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

8. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interests of public safety and residential amenity

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or,

in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Fiona Fair

Planning Inspector

26.06.2019