



An
Bord
Pleanála

Inspector's Report ABP-303800-19

Development	To construct a house with an incorporated garage and all associated site works.
Location	Coronea, Newbridge Park, Skibbereen, Co. Cork.
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	18/258
Applicant(s)	John and Bernadette Cahalane
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First v. Refusal.
Appellant(s)	John and Bernadette Cahalane
Observer(s)	None
Date of Site Inspection	9 th May 2019.
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located approx. 1km north west of Skibbereen town centre. It comprises a vacant plot, within a cul-de-sac, in the Newbridge Park housing estate. There are 3 no. existing houses and 2 no. vacant plots in the cul-de-sac.
- 1.2. The subject site is irregular in shape and has a stated area of 1,000sqm. It slopes away from the public road to the rear boundary, with a level difference of approx. 3m. The site is bound by existing detached residential dwellings of a variety of styles. The site boundaries include block walls and a timber panel fence.
- 1.3. There is a 3m wide way leave located along the western boundary of the site, adjacent to no. 38 Skibbereen Park.

2.0 Proposed Development

- 2.1. The proposed development originally lodged for planning permission comprised the construction of a new house and an attached garage with a gross floor area 348 sqm. The two-storey house was a traditional double fronted design. A first-floor balcony was proposed on the front elevation. The house had a hipped roof with a maximum height of approx. 7m.
- 2.2. The site is serviced by public water mains and foul and surface water sewers.
- 2.3. ***Unsolicited Further Information lodged on 30th November 2018***

An informal response to the request for further information was submitted, which addressed concerns regarding the design and scale of the proposed house.

- 2.4. ***Further Information lodged on 21st December 2018***

In response to the further information request an alternative house layout was submitted which reduced the gross floor area of the house to 288sqm with an attached garage with a gross floor area of approx. 29sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons: -

1. Having regard to the pattern and character of development in the area, it is considered that the proposed development, by reason of its height, design, bulk, scale prominent location and contextual relationship to the adjoining properties, would seriously injure the residential amenities of the area and of the adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the pattern of development in the area, the restricted nature of the site, the scale and height of the proposed development and its position immediately adjacent to residential property, it is considered that the proposed development would constitute overdevelopment of the site and would seriously injure the amenities of nearby dwellings by reason of overbearing impact, overlooking and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The initial Planners report raised concerns regarding the proposed development and recommended that 3 no. items of further information be sought which related to the following: -

- Details of the foul and surface water sewer on site and details of the maintenance agreement in place for the foul sewer.
- The scale of the house was considered excessive.

- Site sections were required, in the context of the public road and adjoining houses.

The final Planners report considered that concerns regarding the height, bulk, form and footprint of the house had not been addressed and recommended that permission be refused.

3.2.2. **Other Technical Reports**

Area Engineers Report recommended that further information be sought to clarify the exact location of the foul and surface water sewers. Final report recommended that permission be granted subject to conditions.

3.3. **Prescribed Bodies**

Irish Water recommended that further information be sought to clarify the exact location of the foul and surface water sewers on site and details of the wayleave agreement for the foul sewer.

3.4. **Third Party Observations**

Submissions were received from (1) Brian Daly and Eileen Whooley whose property is located to the rear of the appeal site and (2) Carmel Daly whose property is located to the north of the appeal site. The concerns raised are similar to those in the third-party appeal submission.

4.0 **Planning History**

Subject Site

Reg. Ref. 07/57010: Permission was granted in 2007 for a dormer style house.

Adjoining Sites

Reg. Ref. 06/57043: Permission was granted in 2006 for a house at no. 40 Newbridge Park.

Reg. Ref. 06/57031: Permission was granted in 2006 for a house at no. 38 Newbridge Park.

5.0 Policy and Context

5.1. *Skibbereen Town Plan, 2009*

The subject site is located within the town boundary of Skibbereen and is zoned for residential use. Policy UD3 – Urban Design Principles and Objective H4, which relates to the provision of high-quality homes, are considered relevant.

5.2. *Cork County Development Plan, 2014*

The Development Plan does not set out any specific guidance for infill residential developments in suburban areas. Relevant policies of the 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 Guidance**

- National Planning Framework (2018)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Urban Design Manual, A Best Practice (DOEHLG, 2009)

5.4. **Natural Heritage Designations**

The site is located approx. 6km north of Lough Hyne Nature Reserve and Environs Special Area of Conservation (site code 000097) and Sheep's Head to Toe Head Special Protection Area (site code 004156), 7km north west of Castletownshend Special Area of Conservation (site code 001547) and 8km east of Roaringwater and Islands Special Area of Conservation (site code 0101).

5.5. **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**

The first party appeal against the Planning Authority's decision to refuse permission has been submitted which addresses the 2 no. reasons for refusal. Concerns are also raised that the Planning Authority did not have due consideration to the further information submitted on the 21st December 2018. As the Notification of Decision to Refuse to Grant makes reference to documents submitted on the 30th November 2018, which was unsolicited information and was not the formal response to further information.

The appeal is summarised as follows: -

- The original application is an appropriate architectural solution for the restricted nature of the site and request that the Board assess this house design and layout.
- The proposed house has been sited to respect the established front building line within the cul-de-sac.
- The modern design and layout of the house ensures it does not impact on the existing residential or visual amenities or impact on the character of the area.
- There are a variety of house types and sizes immediately surrounding the appeal site. Permission was recently granted by the Planning Authority for similar developments.
- Details relating to the applicants current living arrangements and the history of the site acquisition have been provided.
- The revised layout addresses concerns raised by the third-party objectors.
- It is clarified that the proposed development does not require the provision of a retaining wall and does not impact on the wayleave.
- A photographic survey of the site and adjoining properties has been included.

6.2. Planning Authority Response

The Planning Authority have confirmed that the response to further information received on the 21st December 2018 was fully considered in the assessment of the proposed development.

7.0 Assessment

- 7.1. As indicated, the appeal refers to the original proposed layout and design of the house. However, in my opinion the revised layout and design submitted by way of further information is a more appropriate design approach, having regard to the size of the

site and the surrounding suburban context. The following assessment therefore focuses on that proposal with reference to the original proposal, where appropriate.

7.2. The main issue in this appeal relates to the design and layout of the proposed house and its impact on existing residential amenities. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise.

7.3. ***Design and Layout***

7.3.1. The Planning Authority refused permission on the basis that the height, design, bulk, scale, prominent location and contextual relationship to the adjoining properties, would seriously injure the residential amenities of the area. Permission was also refused on the basis that the scale and height of the proposed development and its position immediately adjacent to residential property on a restricted site would constitute overdevelopment and would seriously injure the amenities of nearby dwellings by reason of overbearing impact, overlooking and overshadowing.

7.3.2. The applicant notes in the appeal that the design of the house ensures it does not impact on the existing residential or visual amenities of the area and a photographic survey has been submitted which shows a variety of house types and styles in the surrounding area.

7.3.3. The proposed house, submitted by way of further information on the 21st December 2018, is part single storey and part two-storey. It is approx. 17.8m in width by 11.4m in depth. The ground floor has a gross floor area of approx. 194sqm, including an incorporated garage. It is generally rectangular in shape with a projecting feature on the front (north-west) elevation and on the side (south west) elevation. The first-floor level has a gross floor area of 123sqm. It is U-shaped with a balcony feature on the front (north west) elevation. The house is traditional design with a hipped roof with a maximum height of approx. 7.2m. A mono-pitched roof is provided over the rear ground floor level with a maximum height of approx. 3.4m. The front building line of the house is set back approx. 12.5m from the public road and respects the established building line within the cul-de-sac.

7.3.4. The site is irregular in shape with a maximum width of approx. 33m and a maximum length of approx. 45m. The width of the site narrows to approx. 10m at the boundary

with the public road. The proposed house is located a minimum of approx. 1.2m from the boundary with, no. 40 Newbridge Park and approx. 6m from the house. It is located a minimum of approx. 3m from the boundary with no. 38 Newbridge Park and approx. 6m from the house. Having regard to the overall size of the site, approx.0.128ha and the distance of the house from the site boundaries it is my view that the proposed development would not result in the overdevelopment of the site.

- 7.3.5. The site is elevated and slopes away from the public road. There is a level difference of approx. 3m on site. Drawing no. JBC/SS/03A submitted, as further information, provides a cross section of the site which shows that the ground floor level of the site will be lowered. This results in the ridge height of the proposed house being approx. 1m higher than the adjoining site no. 40 Newbridge Park and approx. 1m lower than no. 38 Newbridge Park. Having regard to the height and siting of the house and the orientation of the site it is considered that it would not result in an overbearing impact or overshadowing of adjoining properties.
- 7.3.6. It is proposed to provide 2no. first-floor bedroom windows on the side (south west) elevation, approx. 3m from the boundary with no. 38 Newbridge Park, and 1 no first-floor bedroom window on the side (north east) elevation, approx. 5m from the boundary with no. 40 Newbridge Park. I would have concerns that the location of these windows would result in undue overlooking of adjoining properties. However, as there are additional windows located on the front (north west) and rear (south east) elevations, to serve these bedrooms, it is considered that this issue could be dealt with by way of condition. The first-floor rear bedroom windows are located a minimum of 12m from the rear boundary wall. Therefore, it is considered that undue overlooking would not occur from these windows.
- 7.3.7. In conclusion, having regard the location of the site within an existing residential estate, the variety of house types and styles in the area and the design and layout of the house it is considered that subject to conditions the proposed development would not be out of character with the surrounding area, result in overdevelopment of the site or negatively impact on existing residential amenities in terms of overlooking, overshadowing or overbearing impact.

7.4. *Appropriate Assessment*

7.4.1. Having regard to the nature and small scale of the proposed development within a serviced urban area 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 granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the residential zoning objective for the site, the provisions of the Cork County Development Plan, 2014, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. 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 further plans and particulars submitted on the 21st December 2019, 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 2 no. bedroom windows on the first-floor side (south west) elevation and the 1 no. bedroom window on the first-floor side (north west) elevation shall be permanently omitted.

Reason: In the interest of privacy.

3. The formation of the vehicular access to the site shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

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

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 order to safeguard the residential amenities of property in the vicinity

6. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Elaine Power
Planning Inspector

6th June 2019