



An  
Bord  
Pleanála

## Inspector's Report ABP 303874-19

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<b>Development</b>	Dwellinghouse
<b>Location</b>	91 Radharc an Bhaile, Knockbrogan Hill, Bandon, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/7341
<b>Applicant</b>	Jonathan Desmond
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Appellant</b>	Jonathan Desmond
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25/04/19
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.065 hectares, forms the side garden area of No.91 Radharc an Bhaile which is a detached, two storey dwelling at the end of a cul-de-sac within an estate comprising a mix of detached, semi-detached and terraced dwellings. The estate which has in the region of 96 dwellings is to the north of Bandon town centre.

The site is roughly rectangular in shape and slopes steeply from north to south towards the rear of the dwellings on Knockbrogan Terrace with falls of approx. 4.6 metres over a distance of 14 metres. A retaining wall delineates the southern site boundary. A hedge delineates the front boundary onto the turning area at the end of the cul-de-sac.

## 2.0 Proposed Development

The proposal entails the construction of a two storey dwelling with attic accommodation with a stated floor area of c.280 sq.m.

The dwelling is to have a finished floor level (FFL) of 99.250mOD which is marginally lower than that of No.91 which has a stated FFL of 100mOD. The ridge height of the dwelling is 9 metres.

Due to the site levels stepped foundations with retaining walls are proposed. A patio/balcony is proposed to the ground floor level with windows serving habitable rooms proposed in the southern elevation.

Access is to be from the turning area at the end of the cul-de-sac with off street parking for two vehicles proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse permission for 1 reason which can be summarised as follows:

By reason of the location and topography of the site and design and scale of the dwelling the proposal would seriously injure the amenities of adjoining properties by

reason of overlooking, loss of privacy and overbearing. It would not visually integrate with the existing dwelling and estate. It would result in a haphazard and non-integrated form of development and would set an undesirable precedent. The proposal would be contrary to County Development Plan objective ZU 3-2.

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

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

The Assistant Planner's report notes the previous refusal of permission for a dwelling on the site under ref. 18/4580. There are a number of constraints resulting in a challenging site. The southern building line is at least 12 metres from the site boundary and is comparable to that of the dwellings on lands to the east. The proposed retaining wall, when viewed from the south, is c.4 metres high over a length of 14 metres. The scale and massing of the dwelling is not in keeping with the existing pattern of development and will not integrate satisfactorily into its setting. It will be imposing and obtrusive and would impact negatively on the visual amenities of the area. It would have a significant negative impact on the properties to the south. To remove windows and the balcony is not a solution in this regard as there is also an issue with the proposal being overbearing and imposing. It is possible that the original residential scheme was designed in such a way so as to protect the amenities of these properties to the south. It could be presumed that if this portion of ground was suitable for development it would have been provided for. The area of private open space is inadequate. The proposal would set an undesirable precedent. A refusal of permission for one reason recommended.

The Senior Executive Planner notes the above concerns and concurs with the recommended reason for refusal.

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

The Area Engineer recommends further information on the gradient of the access, levels of the driveway and parking area and connection to services.

Estates Section expresses concern about the design and construction of the retaining walls in relation to the topography of the site and existing ground conditions. Further information required comparable to that set out in the Area

Engineer's report summarised above in addition to details required on the proposed front wall and pillars.

### **3.3. Prescribed Bodies**

Irish Water has no objection subject to conditions.

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

An objection from residents in Knockbrogan Terrace to the south of the site is on file for the Board's information. Issues raised relate to suitability of site for development, adverse impact on residential amenities, visual impact, access via the cul-de-sac, and precedent set.

## **4.0 Planning History**

Reference made in Planner's report to refusal of permission for a dwelling on the site under ref. 18/4580.

## **5.0 Policy and Context**

### **5.1. Development Plan**

Bandon Kinsale Municipal District Local Area Plan 2017 refers.

The site is within the existing built up area of Bandon town.

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

The site is over 10km to the north of the nearest point of Courtmacsherry Bay SPA.

### **5.3. Environmental Impact Assessment**

Having regard to the nature and extent of the proposed development within Bandon town centre there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an 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 submission by PHF Associates on behalf of the appellant which is accompanied by supporting detail can be summarised as follows:

- The site is large and the proposal is compatible with the existing estate. It can avail of its services, amenities and facilities.
- The construction of a dwelling on the site can be resolved by using stepped foundations and retaining walls.
- The retaining wall to the west of the house will be screened by planting to the south. The wall to the south of the driveway will prevent lights from vehicles shining into the rear of Nos. 13 and 14 Knockbrogan Terrace. The retaining wall to the east of the house will also be screened by planting.
- The ridge of the dwelling would be the same as No.91. The finished floor level of the dwelling is lower than No.91.
- The house design, size and proportions complement the existing houses in the estate and would not adversely impact its visual amenities or those of the area.
- The proposed separation distance to No.91 at 2.9 metres is comparable to that elsewhere in the estate.
- The distance between the dwelling and the houses in Knockbrogan Terrace would be approx. 28 metres.
- Nos. 62-69 Radharc na Bhaile have a separation distance of approx. 32 metres to the houses on Knockbrogan Terrace. Precedent has been set by these dwelling units in terms of overlooking of the terrace.
- Access would be from the turning area on the cul-de-sac with adequate off street parking provided.

- There are only two other comparable sites within the estate which could potentially be developed for housing.
- The proposed dwelling would not impact on daylight, sunlight or privacy of any property.
- There is no undertaking evident that the developer of the original estate agreed that no dwelling would be closer to Knockbrogan Terrace.
- There is a chronic shortage of houses. It is an objective of planning authorities to discourage one off housing in rural areas.

## 6.2. Planning Authority Response

None

## 6.3. Observations

Submission from Knockbrogan Terrace residents received outside the appropriate period.

## 7.0 Assessment

The site is within the development boundary of Bandon within an established residential estate. Whilst the site is not subject to specific zoning provisions it is reasonable to assume that development should have regard to the character of the area and amenities of adjoining property. Whilst a dwelling is acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicant seeking to maximise accommodation with the need to ensure that such works maintain the visual amenities of the area whilst not compromising the residential amenities of adjoining property.

I consider that the substantive issues arising in the case pertain to the suitability of the design solution having regard to the site characteristics and impact on amenities of property in the vicinity.

The site constitutes the side garden of a detached dwelling at the end of the cul-de-sac within a housing estate of approx. 96 dwellings units of varying sizes and of a

standard architectural design. The site area, when viewed in isolation, is relatively large and, in principle, could accommodate a further dwelling however the site strictures in terms of the steep falls to the south present a significant challenge. Currently the site falls are approx. 4.6 metres over a distance of 14 metres with a retaining wall along the shared boundary with the properties on Knockbrogan Terrace.

As is evident from the maps for the area the housing layout in the western portion of the Radharc an Bhaile estate has a significant setback from the southern site boundary and there is merit in the Council Planner's view that this may have arisen from the challenging topography and slopes in this portion of the site.

Notwithstanding, and as noted by the agent for the applicant, dwelling nos. 62 and 69 within the Radharc an Bhaile estate, which have equivalent finished floor levels as No. 91, have been developed closer to the shared boundary with Knockbrogan Terrace each backing onto same and served by c.11 metre long gardens. There is a site level differential of approx. 7 metres between the said houses and the houses on Knockbrogan Terrace and it is not disputed that the dwellings on the higher ground overlook those on the lower.

The proposed design solution in this case entails a stepped foundation construction with retaining walls to allow for a finished floor level of 99.00mOD. The retaining wall to the front of the driveway, as viewed from the south, would be in the region of 3.7 metres high. The dwelling would be set back 7.334 metres from the shared boundary with the properties in Knockbrogan Terrace. The latter dwellings have rear gardens of over 19 metres thus the separation distance between opposing windows would be in the region of 26 metres.

However the substantive concern relates to the design of the dwelling. Certainly at c.280 sq.m. it is larger than the houses prevailing in the estate and presents as 3 storey to the cul-de-sac. Again, this is not necessarily problematic with its overall height similar to that of No.91. However, I consider that the scale, bulk and massing of the structure is excessive. The dichotomy is evident in the relevant contextual drawing accompanying the application. Of greater concern are views of the proposal from the south from Knockbrogan Terrace. The proliferation of windows in the southern elevation and the balcony/patio area to the rear elevation accentuate the bulk, whilst the height differential would accentuate the perception of overlooking.

This is not assisted by the retaining wall to the driveway which will be 3.7 metres in height when viewed from the south over a length of 14 metres.

I submit that the design solution is unsuccessful in its context and would be overbearing with respect to the properties to the south whilst its integration into the estate is also inept. Whilst I acknowledge the interface between Nos. 62 – 69 Radharc an Bhaile and Knockbrogan Terrace this cannot be considered sufficient justification for the proposal. A fundamental reconsideration of the house design with full cognisance given to the site constraints and setting is recommended.

#### *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.

## **8.0 Recommendation**

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.



## 9.0 Reasons and Considerations

Having regard to the topography and prominent location of the site and the established pattern of development on adjoining lands it is considered that the proposed development by reason of its scale, form and design would constitute an inappropriate form of development, would be overbearing on properties to the south and would be visually obtrusive and out of character with development in the vicinity. The proposed development would therefore seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**May, 2019**