



An
Bord
Pleanála

Inspector's Report ABP-304016-19

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| Development | The construction of 1 no. detached dwelling house and all associated site works, to be serviced by site entrance, access road and services currently under construction as permitted under 17/5626. |
| Location | Agharinagh, Model Village, Dripsey, Co. Cork. |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 18/7427 |
| Applicant(s) | 2D Properties |
| Type of Application | Permission |
| Planning Authority Decision | Refusal |
| Type of Appeal | First Party -v- Decision |
| Appellant(s) | 2D Properties |
| Observer(s) | None |
| Date of Site Inspection | 31 st May 2019 |

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the eastern extremity of Model Village, which is the western of the two “Model Villages” in County Cork. This Village is some 1.2 km north of Dripsey and the R618, which runs between Ballincollig and Macroom on the northern side of the Lee Valley. It is a small residential settlement laid out around a cross roads, known as Halissey’s Cross, on the local road network and set within hilly terrain.
- 1.2. The site lies on elevated land above frontage residential development to O’Brien Place, a residential road that runs to the north of the site. To the east lies a housing construction site and to the west lies a bungalow, which is likewise on elevated land to the rear of frontage residential development. To the south lies farmland. Access to the site is from O’Brien Place via the housing construction site.
- 1.3. The site is of regular shape and it extends over an area of 0.057 hectares. This site is bound to the north by an earthen bund, to the east its boundary is undefined, to the south by a combination of stone wall, post and wire fence, and trees, and to the west by a hedgerow.

2.0 Proposed Development

- 2.1. The original proposal was for a detached four bedroomed dwelling house with a floorspace of 189.46 sqm. This dwelling house would be of the same “Type B” design as the three dwelling houses approved under condition 2 attached to permitted application 17/05626 for the southern portion of the adjoining housing construction site. It would be orientated on a north/south axis and it would be served by a forecourt to the front and gardens to the sides and rear.
- 2.2. At the appeal stage, the applicant has revised its proposal, which is now for a detached four bedroomed dwelling house with a floorspace of 130.14 sqm. Essentially, this dwelling house would be shorter in width than the originally proposed one. Its siting would be similar to the originally proposed dwelling house, but, due to its shorter width, it would be setback more so from the side boundaries to the site.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

- Excessive density and excessive contribution to haphazard development, overlooking and obtrusiveness, and contrary to the Sustainable Rural Housing Guidelines.
- Overdevelopment, overbearing and overlooking, and contravention of Objective RCI 6-1(a) of the CDP.
- Overdevelopment, residential amenity, adverse precedent, and contravention of Objective ZU 3-2 of the CDP.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See the planning decision.

3.2.2. Other Technical Reports

- Irish Water/Water Services: No objection, standard observations.
- Archaeology: Site lies within the Zone of Archaeological Potential around a ringfort (Recorded Archaeological Monument CO072-024): No objection, subject to condition.
- Area Engineer: Standard conditions requested.
- Liaison Officer: No comment.

4.0 Planning History

Adjoining site to the east:

- 17/05626: 9 no. dwelling houses proposed: Permission granted for 7 no. dwelling houses, i.e. condition no. 2 requires the omission of 2 no. pairs of semi-detached dwelling houses and their replacement by 3 no. detached dwelling houses across the southern portion of the site.

5.0 Policy and Context

5.1. Development Plan

Under the Blarney Macroom Municipal District Local Area Plan 2017 (LAP), Dripsey (Model Village) is identified as a village. The site is shown as lying within the County Metropolitan Cork Strategic Planning Area and inside the development boundary around Dripsey Model Village and within an existing built up area. Objective DB-01 seeks the provision of 30 additional dwelling units during the plan period.

5.2. Natural Heritage Designations

None

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.057-hectare site to provide 1 dwelling unit. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant begins by summarising relevant extracts from the LAP and the planning history of the adjoining site, which is presently under construction. Significantly, the subject site was not included within this site and the current proposal would be accessed and serviced via it. The proposal would contribute to the LAP's house building target for the village.

- The design of the proposed dwelling house would reflect that of the dwelling houses presently under construction on the adjoining site. That exception should now be taken to this design is perplexing.
- Section 6.12 of the Sustainable Residential Development in Urban Areas Guidelines states that “lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside.” The current proposal would further this objective.
- The subject site adjoins existing residential properties to the north and west and the associated site boundaries would be walled and landscaped. The householders in these properties have confirmed that they have no objection to the proposal.
- Nevertheless, the applicant now proposes to construct a smaller dwelling house on the site, which, while reflecting the aforementioned design, would safeguard to a greater extent the residential amenities of the adjoining properties.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

- 7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Amenity,
- (iii) Traffic, access, and parking,
- (iv) Water, and
- (v) Screening for AA.

(i) Land use and density

- 7.2. Under the LAP, Model Village is categorised as a village within which the aim is to provide 30 additional dwelling units within the life time of this Plan. The site is shown as lying within the development boundary around the Village and in an “existing built up area.”
- 7.3. The Planning Authority’s first reason for refusal refers to the Sustainable Rural Housing Guidelines. However, insofar as the site lies within a village, these Guidelines are not of relevance to the current proposal, which is for a single dwelling house.
- 7.4. Given the foregoing discussion of the proposal for the site, I consider that there can be no in principle land use objection to the same.
- 7.5. The aforementioned first reason for refusal also refers to the proposal as being of excessive density. As this proposal is for a single dwelling house only, its density in isolation from the adjoining housing construction site is not terribly meaningful. As it would be an extension to this site, with access and services routed through the same and a commonality of design features evident in the proposed dwelling house with those permitted for this larger site, its density can reasonably be considered in conjunction with this already permitted housing scheme.
- 7.6. I note that under 17/05626, the number of dwelling houses was reduced by 2 from 9 to 7 for a 0.449-hectare site. The current site has an area of 0.057 hectares and so the combined sites have an area of 0.506 hectares. Eight dwelling houses would thus be equivalent to a density of 15.81 dwelling houses per hectare, which represents a low density of development from a policy perspective. (Whether within the specific context of the current application site the proposal would still represent overdevelopment is discussed below under the second heading of my assessment).

7.7. I conclude that there is neither an in principle land use objection to the proposal nor a policy derived objection to its density.

(ii) Amenity

7.8. The Planning Authority's reasons for refusal critique the original proposal for the site on the grounds that it would represent haphazard development, which would be obtrusive, and which would establish an adverse precedent. They also critique this proposal on the grounds that it would be overbearing and that it would lead to overlooking. Consequently, the proposal would constitute over development. The visual and residential amenities of the area would thus be impaired.

7.9. The applicant has responded to these critiques by drawing attention to the smaller size of the now revised dwelling house compared to the originally proposed one and to the absence of objection from the neighbours who would be affected by it. The commonalities of the design of the proposed dwelling house with those of the adjacent permitted dwelling houses to the east are referred to, too, as are the proposed boundary walls to and landscaping of the site.

7.10. During my site visit, I observed that the site is on elevated land to the rear of frontage development in the form of a recessed, domestic, double garage along the southern side of O'Brien Place, a residential road that runs to the north. At present there is a bungalow to the west of the site, which lies to the rear of a pair of two-storey semi-detached dwelling houses and which is sited on elevated land of a comparable height to that of the site. To the east, three detached two storey dwelling houses have been permitted, which, likewise, would be sited on elevated land of a comparable height. These dwelling houses would be sited to the rear of two pairs of two-storey semi-detached dwelling houses, which would front onto O'Brien Place.

7.11. In the light of the preceding paragraph, the site would represent an infill site between existing and permitted, but yet to be constructed, backland development, which would form a second row of housing to the rear of existing and proposed housing along the southern side of O'Brien Place. In these circumstances, I do not consider that the proposal could reasonably be described as "haphazard" or that it risks the establishment of an adverse precedent, especially as it would be accessed and serviced via the existing housing construction site.

7.12. As noted above the site is elevated along with adjoining land to the east and west. Consequently, its development as proposed would lead to a line of two-storey dwelling houses that would step down to the existing bungalow. This line would be visible from public vantage points along O'Brien Place and from within existing residential properties. Notwithstanding the reduction in the size of the proposed dwelling house for the site, its finished ground floor level and height would continue to coincide with the permitted dwelling houses to the east, i.e. 101.8m over datum and 106.95m to the eaves and 109.95m to the ridge. By contrast the existing bungalow has a finished ground floor level of 100m and eaves and ridge heights of 102.46m and 105.03m, respectively. Accordingly, the resulting differences in eaves and ridge heights would be 4.49m and 4.92m over a separation distance that would narrow from 7.5m to the front to 5m to the rear.

7.13. In the light of the foregoing paragraph, the height of the proposed dwelling house and the height of the existing adjacent bungalow would contrast with one another and there would be a pronounced stepdown in scale from one to the other. I have considered whether or not the resulting impact of this juxtaposition on especially the nearest existing dwelling house to the north would lead to an overbearing and ungainly presence to the rear of this dwelling house. I have concluded that this impact would be mitigated by the following factors:

- The adjacent bungalow has a projecting element on its northern elevation, which has a depth of 8m. This element would be wholly forward of the front building line to the proposed dwelling house and so its presence would lessen the perceived difference in height between the bungalow and this dwelling house,
- The proposed dwelling house would be sited in a slightly tilted position with respect to the nearest existing dwelling house to the north and so it would be orientated slightly away from this dwelling house and towards the other dwelling houses comprised in the housing construction site. The said tilt would expose the western side elevation of the proposed dwelling house and so this gabled elevation would be exposed rather than simply its front elevation, and
- The minimum separation distance between the nearest dwelling house to the north and the proposed dwelling house would be 32m. Views from the former

of the latter would be affected somewhat by the presence of a recessed, domestic, double garage and by the proposed planting of trees beside the northern boundary and the north-western corner of the site.

- 7.14. The aforementioned mitigation factors would also ensure that any overlooking between the two dwelling houses in question would be capable of being, in time, satisfactorily screened.
- 7.15. I conclude that the proposal would be compatible with the visual and residential amenities of the site and that it would not constitute over development of the same.

(iii) Traffic, access, and parking

- 7.16. The proposal would be accessed off O'Brien Place via the adjoining housing construction site. Traffic generated by it would lead to an increase in traffic movements at the access to this construction site. Such movements would be capable of being satisfactorily accommodated both at this access and on O'Brien Place.
- 7.17. The submitted plans show a forecourt with two car parking spaces within it. The entrance to this forecourt would be off the western end of the internal access road, which would be laid out within the housing construction site. As with the other dwelling houses on this construction site, the proposed dwelling house would be ungated.
- 7.18. I conclude that traffic generated by the proposal could be satisfactorily accommodated at the access point from the public road. I also conclude that on-site access and parking arrangements would be satisfactory.

(iv) Water

- 7.19. The proposal would be supplied by the public water mains and served by the public sewerage system. Connections with the said mains and system would be made via the adjoining housing construction site. Irish Water has raised no objection in these respects.
- 7.20. The applicant has indicated that surface water would be handled in part by means of a soakaway. Details in this respect have not been made explicit. These and any other SuDS measures that may be deemed appropriate should be the subject of a condition.

- 7.21. The site is not shown as being the subject of any identified flood risk in the OPW's flood maps.
- 7.22. I conclude that the proposal would be capable of being satisfactorily connected to the public water mains and public sewerage system. I conclude, too, that the site is not the subject of any identified flood risk.

(v) Screening for AA

- 7.23. The site is neither in nor near to any Natura 2000 site and I am not aware of any source/pathway/receptor routes between this site and more distant Natura 2000 sites.
- 7.24. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity of the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposal 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. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Blarney Macroom Municipal District Local Area Plan 2017 and the planning history of the adjoining housing construction site to the east of the subject site, it is considered that the proposal would, subject to conditions, accord with the land use provisions of the Local Area Plan and this proposal, as revised, would be compatible with the visual and residential amenities of the area. Access, parking, and servicing arrangements for the proposed dwelling house would be satisfactory and no flood risk or Appropriate Assessment issues would arise. The proposal would thus accord 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 received by An Bord Pleanála on the 21st day of March, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish water Prior to the commencement of this development.

Reason: In the interest of public health.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as

mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species,

(ii) Details of screen planting which shall not include cupressocyparis x leylandii, and

(iii) Hard landscaping works, specifying surfacing materials, boundary and retaining walls, and finished levels.

(iv) The site entrance shall be ungated and shall remain ungated for the duration of the development.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 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.

7. The construction of the development shall be managed in accordance with a Construction 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. 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.

Hugh D. Morrison
Planning Inspector

11th July 2019