



An
Bord
Pleanála

Inspector's Report ABP-307023-20

Development	Permission to construct a two-storey detached dwelling and garage
Location	Paradiso, Wilton Lawn, 1, Glasheen Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38919
Applicant(s)	GB Retrofit Ltd,
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	GB Retrofit Ltd
Observer(s)	None
Date of Site Inspection	22nd July 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1.1. The appeal site (0.0271 hectares) is situated within the Wilton Lawn residential area, to the south-west of Cork City centre. The site is located south of Glasheen Road with two-storey residential dwellings located immediately north, east and west of the appeal site. The access road into Wilton Lawn is located immediately to the east. St. Finbarr's Cemetery is located further to the east and Wilton Shopping Centre further to the south-west of Wilton Lawn.
- 1.1.2. The appeal site forms part of the existing, rear garden space of Numbers 5 and 5A Wilton Lawn, both two-storey dwellings which front directly onto the Glasheen Road.
- 1.1.3. The appeal site has a depth of approximately twenty metres and its width is approximately fifteen metres, with a two metre block wall to its north, 2.4 metre stone wall to its south, open to the west (rear garden area of number 6 Wilton Lawn) and open to the east, facing onto the Wilton Lawn access road. .

2.0 Proposed Development

- 2.1. The proposal comprises permission to construct:
 - A two storey four bedroomed dwelling house (165.2 sq. m)
 - Development of entrance

3.0 Planning Authority Decision

3.1. Decision

Subsequent to a request for further information with respect to (1) the submission of a revised dwelling design (2) the submission of contextual elevations (3) entrance driveway width. Planning permission was refused for one reason as follows:

Having regard to the pattern of development in the area, it is considered that the proposed house by reason of its design, scale, height and proximity to site boundaries, would seriously injure the residential amenities of adjoining property to the east by reason of overlooking and loss of privacy. Further, the Planning Authority is not satisfied that the proposed development would not appear unduly overbearing

on adjoining properties and on the streetscape and would not detract from the visual amenities of the area. The proposed development, would, therefore, be contrary to the provisions of the Cork City Development Plan 2015 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report set out that the proposed dwelling is acceptable in principle on the site, which is zoned for Residential, Local Services and Institutional uses 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 16.59 of the City Development Plan, regarding Infill Housing.

3.2.2. Other Technical Reports:

Environment: No objection, subject to conditions.

Drainage: No objection subject to conditions.

Road Design: No objection subject to conditions.

Irish Water (IW): No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None received.

4.0 Planning History

4.1.1. On the Appeal Site

I am not aware of any planning history pertaining to the appeal site.

4.1.2. Other relevant planning history

Planning Authority reference number 19/38295, In 2019, GB Retrofit Ltd were granted planning permission to construct a two-storey dwelling and to modify the existing entrance to provide two separate entrances at Paradiso, Wilton Lawn. This development is presently under construction immediately north of the appeal site.

Planning Authority reference number 0428768 and An Bord Pleanala reference number PL 04.211479, in 2005 planning permission was granted by the Board for the construction of a dormer dwelling within the site curtilage of number 18, Wilton Lawn, Glasheen. This house has been constructed immediately south of the appeal site.

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:

Section 15.10 of the Plan states: That the provision and protection of residential uses and residential amenity is a central objective of this zoning.

Chapter 16 Standards for residential development

Section 16.59 Policy on infill housing.

Section 16.73 Residential entrances / parking in front gardens

5.1.2. National Guidance

- Urban Design Manual, A Best Practice (DOEHLG, 2009)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Design Manual for Urban Roads and Streets (DOEHLG & DTTAS, 2013, 2020 (as amended)).

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 -Preliminary Examination

- 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 within this first party appeal are summarised as follows:

- The proposal would constitute infill development and fully conforms with the provisions of Section 16.59 of the City Development Plan 2015-2021, regarding infill development.
- Design, scale and height of dwelling is in keeping with the two-storey houses in the vicinity of the site, except for 18A Wilton Lawn, a dormer dwelling immediately south of the appeal site.
- Number 18A should not form the baseline for acceptance of design in the area.
- How can a proposed dwelling, which is consistent with all dwellings in the area except for number 18A, detract from the visual amenity of the area?
- Re-designing the proposed dwelling to be more in keeping with number 18A as a dormer dwelling would detract from the streetscape.
- The contextual elevation submitted as part of the further information response demonstrates that visual overbearance would not arise.

- There is a considerable rise in ground levels along Wilton Lawn from the Glasheen Road as far as number 18A Wilton Lawn, after which the levels even out. With the difference in levels, there is a natural flow in roof lines of the properties along the street, reflecting the alteration in levels along the street.
- The proposed development would not seriously injure the residential amenities of the adjoining property to the west, number 6 Wilton Lawn, by virtue of overlooking or loss of privacy.
- The proposed dwelling would be located six metres from the side boundary of number 6, Wilton Lawn.
- Any overlooking would be to the rear of that property's garden, it would not materially or substantially impact upon their privacy.
- A number of planning precedents in the area are referenced, these precedents are located on or adjacent to the Glasheen Road.
- No third-party submissions were received by the Planning Authority in relation to the proposed development.
- The appellant met with local residents in advance of making the planning application, and they indicated satisfaction with the proposals.
- The appellant is surprised that the Planning Authority are sticking rigidly to the opinion that a dormer style dwelling is the only suitable design solution on the appeal site.

6.2. **Planning Authority Response**

Response received, stating that the Planning Authority has no further comments to make.

7.0 **Assessment**

The issues of the subject appeal case can be dealt with under the following headings:

- Principle of Development on the Site.

- Overbearance / Impact Upon Residential Amenity.
- Appropriate Assessment.

7.1. Principle of 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 objective: '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 development, this is subject to proposals being satisfactory in terms of all other planning and development considerations.
- 7.1.3. Densification within the city on appropriate sites, in proximity to the public transport network is critical to support sustainable growth, this is strongly supported by recent Government policy. Regard is had to The National Planning Framework (NPF) and Regional Spatial and Economic Strategy (RSES) which support and encourage the principles of compact growth, densification and consolidation. Densification is appropriate on this site.
- 7.1.4. I am satisfied, that the principle of the development of a residential dwelling at this location would be acceptable and in accordance with the provisions of the City Development Plan, subject to suitable, design, layout, access and that neighbouring amenities would not be unduly impacted upon.

7.2. Overdevelopment / Impact Upon Residential Amenity

- 7.2.1. Regard is had to concerns raised by the Planning Authority with respect to the proposed dwelling being overbearing on the streetscape and on the site to the rear (Number 6, Wilton Lawn) due to its scale and form. The Planning Authority noted that no material change to the house design was forthcoming from the applicant or on the impact on neighbouring amenities as part of the appellants further information response.
- 7.2.2. I note the applicant submitted a contextual elevation as part of the further information response and it illustrates the change in road levels along Wilton Lawn, with a drop in levels from south to north which lends itself to varying ridge levels. The pre-

dominant house type in the area is two-storey with a hipped style roof, as is proposed on the appeal site. I note that a similar type house was permitted by the Planning Authority under Planning authority reference number 19/38295 immediately north of the appeal site, albeit that the levels on that site are somewhat below those of the appeal site.

- 7.2.3. It is also noted that there are other dwellings within the Wilton Lawn area, such as at number 18, two doors down to the south of the appeal site where levels are higher than the appeal site, and a two-storey detached dwelling with a hipped roof is established on that site. Similarly, on the opposite side of the Wilton Lawn access road are two-storey dwellings of similar scale, bulk and height and on similar ground levels. The contextual elevation addresses the issue of overbearance, which I am satisfied does not arise in this instance. The proposed development would integrate satisfactorily within the local streetscape and not unduly impact upon neighbouring amenities.
- 7.2.4. In the subject appeal, it is the opinion of the Planning Authority that the proposal would result in an adverse impact upon the amenities of Number 6, Wilton Lawn, which is perpendicular to the appeal site, by reason of overlooking from two first floor rear bedroom windows, which are located approximately six metres from the rear boundary.
- 7.2.5. Within an urban environment, an element of overlooking is inevitable. The question is whether the extent of overlooking would unduly impact upon neighbouring amenities. However, given, the six metre separation distance, from the nearest part of the proposed dwelling to its rear boundary wall, which is to comprise a two metre high boundary wall, any overlooking would be of the most southerly part of the garden space away from its recently constructed single storey rear return on Number 6 Wilton Lawn, the most private part of its rear amenity space. I am, therefore, satisfied that the proposed design and layout, will adequately respect the amenities of the neighbouring residential properties in the vicinity of the site given the separation distances proposed and with the construction of a two metre rear boundary wall. This is a matter that can be addressed by means of an appropriate planning condition.

7.2.6. Overall, in its current form, it is considered that the proposed development would not have a negative impact upon neighbouring residential amenities or the visual amenity of the area, given its design, massing, scale, height and proposed finishes and would not diminish residential amenity so as to warrant a refusal of permission.

7.3. Appropriate Assessment

7.3.1. 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 planning permission be granted for the proposed development subject to the following conditions.

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 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 on the 3rd day of day of December 2019, as amended by the further plans and particulars submitted to the Planning Authority on the 14th day of February 2020, 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 (a). Prior to the commencement of development, precise details of the proposed entrance arrangement shall be submitted for the written agreement of the Planning Authority.

(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.

3 (a) The hall / landing first floor window on the southern elevation and the first floor en-suite windows on the northern and western elevations shall be permanently fitted and maintained with obscure or stained glass.

(b) External finishes shall be in accordance with details on drawings received on the 3rd Day of December 2019. 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

4 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.

5 Proposed eastern and western boundary walls shall be solid block, rendered on both sides and capped. The western boundary wall shall have a height of two metres, measured from the appellants side of the wall. The existing northern and southern boundary walls on site shall be maintained.

Reason: In the interests of residential and visual amenity.

6 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.

7 (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

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. 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.

Fergal Ó Bric

Planning Inspectorate

28th July 2020