



An
Bord
Pleanála

Inspector's Report

ABP-307327-20

Development	The demolition of existing dwelling house and construction of 1 no. two storey detached dwelling house and associated site works
Location	Mill House , 3 Millfield , College Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	1938974
Applicant(s)	Mark & Ruth McLauchlan.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Peter Mallen.
Observer(s)	None.
Date of Site Inspection	31 st July 2020.
Inspector	Bríd Maxwell

1.0 **Site Location and Description**

- 1.1. The appeal site is 0.0788ha in size located on the Millfield cul-de-sac off College Road just west of its junction with Orchard Road in the western suburbs of Cork City. The cul de sac provides access to three detached properties which were originally built in a crescent layout, of similar design, and the appeal site is No 3. As regards the adjacent dwellings, the original No 1 Millfield has been demolished and replaced by a contemporary detached house whilst No 2 has been renovated and enlarged with a contemporary 2 storey extension to the front / side elevation. The appeal site is bounded to the southeast by the gardens of six houses fronting onto College Road and to the northeast by mature gardens of dwellings fronting onto Orchard Road. The existing dwelling has a south-westerly aspect with a driveway running along the north western side boundary. The site slopes up from the road level and site levels are higher than the adjacent dwellings and gardens on College road.

2.0 **Proposed Development**

- 2.1. The proposal as set out involves permission for demolition of the existing dwelling house and garage 183sq.m and construction of a two-storey detached dwelling house 203.7sq.m, including modifications to road entrance, off road car parking and all external and associated site works.
- 2.2. The proposed dwelling is of similar scale to that to be replaced however the position and orientation on site is a to be adjusted to avail of greater solar access. The design is a contemporary structure incorporating timber screen façade and overhanging roof. It is intended to construct the dwelling to achieve certified passivhaus standard. The proposal includes for the removal of the front boundary wall to allow for two reverse access off street car parking spaces at the front of the site.
- 2.3. In response to request for additional information by the Council boundary treatment proposals were outlined including provision for screen fencing above boundary wall to height 1.7m with College Road Properties. As regards landscaping leylandii to be

removed and replacement planting will include a mix of urban trees shrubs and plants.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 24th March 2020 Cork City Council issued notification of decision to grant permission for the development and 7 conditions were attached which included the following.

Condition 3 Dwelling occupied as a single residential unit only.

Condition 4. Vehicular entrance shall be no wider than 3m in accordance with the development plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Initial planner's report recommends that a contextual drawing be provided to demonstrate the relationship to properties to the south east and detail of proposed parking and landscaping details to be clarified.

3.2.1.2 A request for additional information issued seeking contiguous elevation drawings and cross section. Landscaping proposals and parking to be detailed.

3.2.1.3 Planner's second report concludes that the proposal will not have a significant negative impact on adjoining residential amenity and recommends permission subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Environment report – blank

3.2.2.2 Road Design report. Further information required on turning manoeuvres and parking proposals. Driveway no more than 3m wide.

3.2.2.3 Drainage Report. No objection subject to conditions.

3.2.2.4 Exemption Cert Granted on 24th February 2020 under Section 5 of the Planning and Development Act 2002 .

3.2.2.5 Roads Design, Vehicle entrance no wider than 3m accordance with the City Development Plan.

3.3. **Prescribed Bodies**

Irish Water. No objection subject to connection agreement.

3.4. **Third Party Observations**

3.4.1 Submission by a number of neighbouring residents as follows:

- Peter Mallen, "Ashdene", College Road
- Michele and Conor Kelly, Parknasilla College Road.
- Carmen Nesdale. The Villa Orchard Road.

3.4.2 The submissions raise a number of common issues and are summarised as follows:

- Concern that elevated siting and height will result in domination of adjacent properties on College Road.
- Fuller block shaped structure will result in material impact in terms of direct sunlight overshadowing.
- Reorientation of the house and relocation of driveway will result in overlooking and in material increase in activity, noise, light spill and accessibility.
- Proposals in respect of existing trees, landscaping, and boundary treatment unclear.

4.0 **Planning History**

4.1 No detail of a planning history on the appeal site.

TP06/31209 Refusal of permission for construction of a single storey 1 bed bungalow to the rear of No 2 Millfield on grounds of injury to residential amenity.

TP16/36705 Permission granted for partial demolition of existing 2 storey dwelling to the west at No 1 Millfield and construction of 2 storey dwelling and ancillary site works.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Cork City Development Plan 2015-2021 refers. The site is zoned Z05-Residential Local Services and Institutional Uses. The provision and protection of residential uses and residential amenity is a central objective of this zoning.

16.78 Demolition of Existing Residential Dwellings.

National policy and City Council policy is to increase the city's population and to increase the general density of development throughout the city to achieve this. This has brought pressure for the intensification of existing areas of the city and for the demolition of existing lower density dwellings.

This is of concern for three main reasons:

- Many buildings predate suburban development and make a very significant contribution to the overall character and distinctiveness of an area, though often of modest architectural significance in themselves. This would include farmhouses, artisan cottages and other building types;
- Buildings are of architectural merit (either in their own right or as part of a group, whether or not they are protected on a statutory basis);
- It generally results in the loss of larger housing stock;
- Demolition, rather than re-use, may not be energy efficient as it represents a loss of the embodied energy in the existing building.

16.59 Infill Housing

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In

general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Has an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

5.2 Natural Heritage Designations

5.2.1 The site is not within a designated area. The site is located approximately 4.5km to the west of the Cork Harbour SPA (Site Code 004030).

5.3 EIA Screening

5.3.1 Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Peter Mallen, Ashdene College Road the house at a right angle to the south eastern side of 3 Millfield. Grounds of appeal are summarised as follows:

- Height of the new building will result in proposal dominating appellant's property.
- Overlooking and light pollution.

- Impact of the fuller block shaped structure on an elevated site will materially impact on access to direct sunlight to the rear of the house.
- Transformation of the dormant side of the house arising from reorientation of dwelling and relocation of driveway and main entrance will result in in material increase in activity, noise, light and other disturbance to established dwellings to the southeast.

6.2. Planning Authority Response

6.2.1 The Planning Authority response was received outside the appropriate period and therefore returned.

6.3. First Party Response

6.3.1 The submission by The Passivhaus Architecture Company on behalf of the first party addresses the grounds of appeal as follows

- Vehicular activity will be confined to front parking area and therefore the proposal decreases the impact on the adjacent dwelling. Side access is limited to pedestrian movement.
- Security lighting will be cowled and given location within an urban residential neighbourhood a level of normal tolerance would be reasonable.
- Increased boundary height and provision of skylights will result in reduced light spill and ensure no overlooking.
- No increased nuisance.
- Drawing 4107 illustrates by way of Section that there is no possibility of overlooking.
- Proposal improves privacy amenity.
- Comparative drawings shows no net change in terms of volume and presence is reduced.
- Shadow modelling shows a net increase in unshaded area for summer solstice.
- Proposal improves security to the rear of the appellant's property.

6.4. Further Responses

6.4.1 The third-party appellant's submission in response to the first party response is summarised as follows:

- Reiterate main grounds of appeal. Design will impinge significantly on the amenity value of the key recreational space through the introduction of new sources and levels of nuisance while simultaneously interfering with access to direct sunlight.
- Contention that the proposal offers considerable amenity gain to the appellant is preposterous and misleading.
- Acknowledge clarifications surrounding overlooking exposure from the skylights, security lights and maintenance of pedestrian access as such.
- Agreement to raise a block wall to 2.2m rather than some form of fencing on the existing variable 1.6m-1.8m wall noted however does not resolve issues arising from repositioning of the house
- Interface with the new house will be with a patio area running the length of the rear garden wall backing onto a large open plan kitchen living area rising to two storeys which opens onto the patio This patio will become the main source of familial and guest activity and passage.
- Concerns remain regarding loss of direct evening sunlight to the north west. Evening sunlight floods into back garden until ultimately prematurely blocked by the large chimney stack to the left of the existing structure. Overlay on page 11 shows that the new structure extends further to the left and will curtail access to direct sunlight earlier. (in excess of 1 hour)
- Ground level modelling of the applicant is not helpful as the time chosen for modelling is 16:30 in afternoon of Summer Solstice when sun is at its highest in the sky on longest day of the year.
- Proposal represents a clear infringement of established property rights.

7.0 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal can be considered under the following broad headings

Principle of Development

Quality of Design and Layout

Impact on Established Residential Amenity

Servicing and Appropriate Assessment

7.2 Principle of Development

7.2.1 As regards the principle of development the site is zoned Z04 – Residential, Local Services and Institutional Uses the objective “to protect, provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3. I note that at 16.78 of the Cork City Development Plan it is outlined that the pressure for demolition of lower density dwellings is of some concern in terms of loss of character and architectural significance and loss of embodied energy. Whilst the established dwelling on the site is apparently in a reasonable state or repair and habitable, it is outlined within the design report that the dwelling suffers from a number of structural issues thereby warranting reconstruction. It is further asserted that the coherence of the three dwelling Millfield ensemble no longer exists as no 1 has been demolished and replaced and a contemporary extension added to No 2. The proposed dwelling is to be constructed to passivhaus standard and it is also outlined that over the lifetime of the dwelling, the combined embodied energy and energy in use of the dwelling will be less than an alternative renovation/extension project which can never realistically achieve the same energy efficiency in use. The existing dwelling whilst having some attractive art deco features is of no significant architectural or heritage merit and the sacrifice of its demolition is in my view appropriate in the circumstances. Based on the details submitted it is my considered view that the demolition of the dwelling has been

justified and therefore it is appropriate to assess the merits of the proposal in its detail.

7.3 Quality of Design and Layout

7.3.1 On the matter of the quality of the design and layout and impact on the streetscape I consider that the proposal is of a high-quality and provides enhanced environmental performance taking into account whole life-cycle energy costs. The design is of its time and in my view responds positively to its context. External finishes include zinc standing seam grey matte roof, grey painted render blockwork walls and timber screens of red cedar. The proposed dwelling provides for a good standard of residential amenity.

7.3.2 As regards impact on established residential amenity I note that the design appropriately mitigates impact arising in terms of overlooking to the southeast as demonstrated in section drawings submitted in response to the appeal. On the north western elevation facing 2 Millfield, two upper floor windows are proposed within 2.6m of the adjacent dwelling. These face a blank elevation and one window serves an ensuite therefore obscure glazing would be appropriate. It is noted that the existing dwelling has an upper floor window on this elevation. The separation distance to dwellings on Orchard Road is in the region of 28m and therefore overlooking in this direction is not a significant issue.

7.3.3 As regards overshadowing, I note that shadow impact drawings demonstrate that the proposed dwelling will not have a significant negative impact and the proposal will largely result in a reasonable balance of new shadow versus omission of existing shadow. I consider that the impact in respect of overshadowing is acceptable in the site context and the proposed development will not give rise to undue negative impact on residential amenity.

7.3.4 The third party appellant is critical of the proposal to reorientate the dwelling on the site and outlines concern with regard to light spill, noise and other disturbance arising from the activation of the currently dormant side of the dwelling which adjoins the rear boundary of his property. I consider that the level of disturbance from a

single dwelling is unlikely to give rise to significant disruption in terms of noise, light spill and passage. As outlined within the first party response to the appeal the access adjoining the appellant's property is intended as a pedestrian access and any movement is unlikely to give rise to nuisance. I consider that the impact does not constitute an undue loss of amenity. In considering this issue I note that regard should be given to the built-up character of the area. Given its context, and the character of established development in the vicinity I consider that it would be unreasonable to restrict the proposal to the established orientation. As regards the outlook from the appellant's dwelling I note the comparative studies submitted in response to the appeal including volumetric comparison I consider that whilst the proposal will result in an altered outlook the simplified building format results in improved visual amenity.

7.3.5 On the basis of the foregoing I do not consider that the proposal will result in an undue loss of amenity, sufficient to justify a refusal. I consider that the design is appropriate and the impact on established residential amenity is appropriately mitigated in terms of the design, boundary treatment and landscaping.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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.

7.5 RECOMMENDATION

7.5.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the land use zoning of the site of the proposed development, the size of the site, the pattern of development in the area, the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

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 plans and particulars received by the planning authority on the 28th February 2020 and submission to the Board on 7th July 2020 as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of construction of the house, details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

3. The landscaping scheme as submitted to the planning authority on 28th February 2020 shall be carried out within the first planting season following substantial completion of external construction works. 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 5 years from the completion of the development shall be replanted within the next planting season with others of similar size and species, unless otherwise agreed with the planning authority.

Reason: In the interest of residential and visual amenity.

4. All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

5. The first floor ensuite window to north-western elevation shall be permanently glazed with obscure glass.

Reason: In the interest of residential amenity.

6. The parking area and setting out of the entrance shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. The dwelling shall be used as a single dwelling only.

Reason: To ensure that the development is not out of character with existing residential development in the area.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

Bríd Maxwell
Planning Inspector

14th September 2020