



An
Bord
Pleanála

Inspector's Report

ABP-307570-20

Development	Alterations and extension to single storey cottage, construction of two storey dwelling house.
Location	Railway Cottage , Station Cross , Ballincollig, Co Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	1938981
Applicant(s)	Anita O Gorman.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Mary & Lucia O Neill and Donal Murphy.
Observer(s)	None.
Date of Site Inspection	31 st August 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal relates to the site of an established dwelling known as Railway Cottage, located at Station Cross in Ballincollig Co. Cork. The site has a stated area of 0.0928 hectares and abuts the Carrignarra road adjacent to the signalised junction with Station Road. The roadway fronting the site includes a right turn for traffic turning onto Station Road. The site is occupied by a single storey cottage type dwelling with a number of single storey structures located to the rear along the southwestern boundary. To the south of the appeal site are two detached two storey dwellings which are accessed via shared splayed gated entrance and driveway running along the western boundary of the appeal site. To the east the site is bounded by a two-storey dwelling. The existing site entrance is located approximately centrally along the front boundary of the site and there is no public footpath forward of the site frontage.

2.0 Proposed Development

- 2.1. The proposal as described in public notices involves permission for alterations and extension to the existing single storey cottage and construction of a new two storey dwellinghouse and associated site works.
- 2.2. In response to the request for additional information by the city council boundary proposals were clarified. It is proposed to provide a 1.5m wide public footpath across the site frontage to align with the established footpath to the west. A new 1.0m high plastered block wall with capping is proposed and pier to the east is to be reduced in height to improve sightlines.
- 2.3. One shed is to be retained for use as a domestic garage with the proposed new dwelling. The rear garden is to be split between the two dwellings by way of a 1.8m high post and timber fence. Amendments were also made to the proposed design including omission of balcony and omission of one dormer window.

3.0 Planning Authority Decision

3.1. Decision

By order dated 30th June 2020. Cork City Council issued notification of the decision to grant permission subject to 19 conditions which included the following of particular note:

Condition 4. The boundary hedging shall be retained in full. Where necessary for security reasons a 1.6m weld mesh fence may be permitted to be erected inside the hedge line which does not interfere with growth/root system of the hedge.

Condition 5. Shed to be retained to be used solely for use incidental to the enjoyment of the dwellinghouse.

Condition 6. No structure normally considered to be exempted to be constructed in rear gardens of either property without prior permission.

Condition 7. Railing to first floor rear elevation to be agreed. Handrail flush with rear wall and shall not allow for external standing out space. Roof area over dining room to westerly house shall not be used as a balcony amenity area.

Condition 7. No right turning movements shall be permitted by vehicles exiting the development.

Condition 19 Development Contribution €7,770.91.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report noted concern with regard to impact on adjoining properties and sought clarification on a number of matters including proposed use of shed to rear. Balcony to be omitted and dormers to be replaced with velux rooflights to prevent overlooking. Amendments to proposed modifications to existing dwelling to ensure that character is retained. Clarification required in relation to boundary treatment.

Second report following submission of additional information indicates satisfaction with revised proposals. Location of door to the first-floor rear bedroom acceptable

given the distance to the houses to the south. Western hedge line should be protected during construction and retained in full.

3.2.2. Other Technical Reports

Area Engineer. Splayed entrance should be provided and front entrance and footpath to line up with property to the east. Following submission of additional information recommends permission subject to conditions.

Executive Engineer Drainage Division – No objection

Environment and Waste management report – No objection.

Roads design – no objection.

3.3. Prescribed Bodies

Irish Water - No objection subject to connection agreement, capacity requirements and in accordance with Irish Water Standards Codes and Practices.

3.4. Third Party Observations

Submissions by neighbouring residents Mary & Lucia O Neill and Donal Murphy to the city council indicate no objection in principle however express concern regarding overlooking and boundary treatment. A 2m high wall is considered appropriate.

Current front boundary treatment hinders. Absence of contextual elevations noted and clarification is required regarding surface water treatment.

4.0 Planning History

16/06087 Permission granted to demolish existing commercial units at rear of site and dwelling to front of site and to construct 2 no detached dwellinghouses .

14/5375 Permission granted for retention of 5 existing commercial units their uses being no 1 workshop, unit no 2 dog grooming service. Unit no 3 storage, unit no 4 office and unit no 4 existing commercial units. Access not constructed.

Policy Context

4.1. Development Plan

The Cork County Development Plan 2014 and Ballincollig / Carrigaline Municipal District Local Area Plan 2017 refer.

The site is located within the “Existing built up area” zoning.

4.2. Natural Heritage Designations

The site is not within a designated area.

Cork Harbour SPA (Site Code 004030) is in excess of 10km from the appeal site.

Great Island Channel cSAC (Site Code 001058) circa 17km from the appeal site.

4.3. EIA Screening

- 4.3.1. Having regard to the nature and scale of the development, 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.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1 The appeal is submitted by Mary O Neil, Lucia O Neill and Donal Murphy, Station Cross, owners of the properties to the rear of the site. Grounds of appeal are summarised as follows:

- Note inability to access further information for review due to Covid-19 restrictions. Files were scanned into system on 16/06/2020 and submissions deadline was 17/06/2020 thereby providing no reasonable time to make submissions.

- Further information indicates that it is proposed to retain the mature hedge. This is outside the site boundary and the first party has no permission to remove or interfere with same.
- A 2m high block wall plastered on both sides and capped would be appropriate (as permitted previously 16/6087).
- A weld mesh fence not appropriate as long-term solution. As an alternative a concrete post and panel fence 2m high along the western boundary and south boundary would be acceptable.
- Request that the window to the rear southern elevation be reduced in height to mitigate potential use as balcony.

5.2. Applicant Response

5.2.1 The response of the first party to the grounds of appeal is summarised as follows:

- Never claimed ownership of hedge.
- Previous application 16/6087 by previous owner of the site and has no bearing on the current application.
- Wall or concrete post and panel boundary not viable as they would damage the root system and require significant setback from the boundary.
- It is intended to erect a V Weld Mesh Post and Panel system 1.73m high which will not interfere with the root system, is visually appropriate and offers secure and permanent division. Hedge is also intended on site side of this fence.
- Door with a flush metal railing on rear wall is considered essential to ensure maximise light and ventilation into the room.

5.3. Planning Authority Response

5.3.1 The Planning Authority did not respond to the appeal.

6.0 Assessment

- 6.1. 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 relate to those matters raised within the grounds of appeal regarding impact on established residential amenity and detail of boundary treatment. I note that the third-party appellants have indicated no objection in principle to the proposed development. The site is zoned existing built up area and has capacity for a second dwelling. Densification is in accordance with the promotion of sustainable development by making more efficient use of serviced urban land. Furthermore, the proposal to replace the former commercial uses to the rear of the site is more in keeping with the residential character of the area. I also note the road safety benefits arising from the proposed development in terms of setting back of front roadside boundary and provision of a public footpath.
- 6.2 As regards procedural matters raised within the appeal in respect of the availability of documents to public view, the limited opportunity to make submissions and impact of the restrictions arising from the Covid 19 pandemic, such matters are beyond the remit of the Board in terms of assessment of the appeal on its planning merit.
- 6.3 On the matter of the design of the proposed dwelling and potential impact on established residential amenity, the appellants raise concern with regard to the provision of the large window to the rear southern elevation of the new dwelling. Concerns also regarding the potential for future conversion to stand out balcony and use of roofspace over the living area as an amenity area. I note that the condition of the Council preventing such use and I consider that this is reasonable. Given the distance from the adjacent dwelling I consider that the size of the window will not give rise to any undue loss of amenity.
- 6.4 As regards boundary treatment the third-party appellants request the construction of a boundary wall or concrete post and panel fence along the western and southern site boundary. I note that the first party questions the need for a solid boundary as the established hedgerow provides an effective barrier however proposes a welded

mesh panel where required. I consider that this would indeed be more appropriate given that it would not interfere with the root system of the established hedge. I consider that additional landscaping scheme will further mitigate visual impact arising.

6.5 As regards the issue of Appropriate Assessment, having regard to the nature of the proposed development and proposal to connect to existing public services together with separation distance from any designated European Site and having regard to the source pathway receptor model, it is not considered that the proposed development is likely to have significant effect either individually or in combination with other plans or projects on a European Site. It is therefore considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case.

7.0 Recommendation

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 the Board uphold the decision of Cork City Council to grant permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the Cork County Development Plan 2014 and Ballincollig Carrigaline Municipal District Local Area Plan 2017, the proposal would be compatible with the visual and residential amenities of the area would not impact unduly on the residential amenities of adjacent dwellings and would afford a satisfactory standard of amenity to future occupiers. The proposed development is acceptable from a traffic safety perspective. No Appropriate Assessment issues

would arise. The proposal would thus accord 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 further plans and particulars submitted on 03/06/2020 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all 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. 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.

4. Details of the proposed railing to the first floor rear elevation of the westernmost dwelling which shall be flush with the rear wall of the dwelling shall be subject to the written agreement of the planning authority. Flat roofed area shall not be used for the purposes of a terrace or private amenity space.

Reason: In the interest of residential amenity.

5. Where required for security reasons boundary treatment to western and southern boundary shall comprise a weld mesh fence which shall not exceed 1.6m in height and shall be constructed to ensure that it does not interfere with the growth or root system of the established hedge. Details shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

6. 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. The 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

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

(iii) A timescale for implementation.

Reason: In the interest of residential and visual amenity.

7. The proposed shed shall be used solely for purposes ancillary to the residential use of the dwelling on the site.

Reason: To restrict the use of the building in the interest of residential amenity.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision replacing or amending them, no development falling within Class 1 of Class 3 of Schedule

2, Part 1 of those Regulations shall take place within the curtilage of the houses, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

9. The road works associated with the proposed development including the setting out of the entrance, paving and surface finishes shall be carried out and completed in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety and orderly development.

10. No right turning movements shall be permitted by vehicles exiting the proposed new entrance which shall operate as a left turn on exit only.

Reason: In the interest of road safety.

11. 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, *“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.

Reason: In the interests of sustainable waste management.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 – 2015. 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 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.

Bríd Maxwell
Planning Inspector

7th October 2020