



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309179-21

---

|                                     |   |
|-------------------------------------|---|
| <b>Development</b>                  | Construction of two number dwelling houses. |
| <b>Location</b>                     | Kilmoney, Carrigaline, Co. Cork,            |
| <b>Planning Authority</b>           | Cork County Council                         |
| <b>Planning Authority Reg. Ref.</b> | 204452                                      |
| <b>Applicant(s)</b>                 | Paul Harrington.                            |
| <b>Type of Application</b>          | Permission.                                 |
| <b>Planning Authority Decision</b>  | Grant Permission with conditions.           |
| <b>Type of Appeal</b>               | Third Party                                 |
| <b>Appellant(s)</b>                 | Pat Murphy.                                 |
| <b>Observer(s)</b>                  | None.                                       |
| <b>Date of Site Inspection</b>      | 31 <sup>st</sup> March 2021.                |
| <b>Inspector</b>                    | Bríd Maxwell                                |

## **1.0 Site Location and Description**

1.1. This appeal relates to an infill site of .2323 hectares located within an established residential area in the southwestern part of Carrigaline. The site which is part of a larger field pattern is adjoined to the north, south and west by residential development. Common boundaries are defined by a mix of hedging, walls and post and panel fencing. Access is via a cul de sac laneway serving a number of dwellings which runs to the south of Upper Kilmoney Road. The adjoining dwellings to the north front on to Upper Kilmoney Road while the Forest Park estate a development of gable fronted bungalows backs onto the site to the southwest. The site shows a slight fall east to west with an open drain located towards the western side of the site between the site and Forest Park development.

## **2.0 Proposed Development**

2.1. The application seeks permission for the construction of two dwellings on the site. The initial proposal was for two dormer type dwellings however in response to the Council's request for additional information the proposal was revised to two single storey dwellings (167.44sqm gfa) with ridge height of 5.6m. The existing vehicular access is to be reconfigured to provide for access to the sites.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 7<sup>th</sup> December 2020 Cork County Council issued notification of decision to grant permission and 24 conditions were attached including Condition 24 requiring payment of development contribution €6,242.01.

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

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

3.2.1.1 Initial Planner's report expressed concern regarding discrepancies within the application documentation, the dormer design and siting of the proposed dwellings

and proximity to the dwelling to the north as well as the lack of clarity regarding detailed matters including floor levels.

3.2.1.2A request for additional information issued seeking a number of items including:

- Clarification regarding the proposal.
- Modifications to mitigate impact on the adjacent dwelling to the north.
- Clarification regarding proposed finished floor levels.
- Amendments to the eastern side elevation of dwelling 1 to address the public realm.
- Boundary treatments and landscaping plan.
- Engagement with Irish Water to confirm feasibility to connect to public services.
- Clarification of stormwater proposals. Longitudinal Section of foul sewer pipeline.

3.2.1.3 Second report notes the revised siting and design and considers that the proposal mitigates impact on adjacent residential amenity. Permission was recommended subject to conditions consistent with the subsequent decision.

### 3.2.2. Other Technical Reports

3.2.2.1 Area Engineer's initial report sought clarification regarding the proposal to include surface water proposals and a longitudinal section of proposed sewer pipeline. Following the submission of additional information the report recommended permission subject to conditions.

### 3.3. Prescribed Bodies

Irish Water submission sought further information to provide for pre-connection enquiry.

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

3.4.1 Submission from Daniel O Regan, Moyne Kilmoney Carrigaline. Objection on grounds of negative impact on residential amenity and privacy. Design considered out of character and proposal will give rise to traffic hazard.

3.4.2 Submission by Pat Murphy Dunmanus, Upper Kilmoney Road. Objects on grounds of negative impact on residential amenity. House type is at odds with established character. Excessive ridge height. Access road inadequate and proposal would give rise to traffic hazard. An 8 foot concrete block wall with minimal maintenance should be provided along the northern boundary which should be constructed prior to development. Second submission following additional information maintains objection on grounds of excessive height, adverse impact on residential amenity. Ddrainage, boundary treatment and construction impact mitigation.

## **4.0 Planning History**

18/5177 Smaller site. Permission was sought for three dwellings. Withdrawn.

18/5641 Site on the eastern side of the laneway. Permission granted for dwelling and ancillary site works. Not implemented.

## **5.0 Policy Context**

### **5.1. Development Plan**

The site is within the development boundary for Carrigaline as set out in the Carrigaline Local Area Plan 2015. The site is zoned existing built-up area.

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

The site is not within a designated area.

The site is 1.1km to the southwest of Cork Harbour SPA and circa 10km southwest of the Great Island Channel SAC.

### 5.3. EIA Screening

- 5.3.1. 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1 The appeal is submitted by Pat Murphy, Dunmanus, Upper Kilmoney Road Carrigaline. The grounds of appeal are summarised as follows:

- Proposal provides for raising of existing grounds level between 0.5m to 1.5m.
- Concern that raised ground levels may impact on drainage and severely impair the utility of the garden.

### 6.2. Applicant Response

- 6.2.1 The response by Paul Harrington, notes the application has been scrutinised by Cork County Council Planners and Engineers and the proposal will not impact on the drainage of the area.

### 6.3. Planning Authority Response

- 6.3.1 The Planning Authority did not respond to the grounds of appeal.

## 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 relate to those matters raised within the grounds of

appeal regarding the proposed raising of ground levels and potential impact on drainage and established residential amenity. The site is zoned existing built-up area and has capacity for development. Densification is in accordance with the promotion of sustainable development by making more efficient use of serviced urban land. On the matter of the design of the proposed dwellings and potential impact on established residential amenity, I note the amended design during the course of the application and the low profile of the proposed single storey dwellings. I consider the proposed designs are largely in keeping with the established pattern of development in the vicinity and will not give rise to any loss of established residential amenity. I consider that additional landscaping scheme will further mitigate visual impact arising. As regards the proposed raising of levels on the site the ground levels are to be raised to provide necessary falls to foul and storm drainage. This will involve raising of ground levels by up to 2m towards the western end of the site to provide for finished floor level of 101.7 for both dwellings. I consider that the single storey profile of the dwellings is more appropriate in the context of the proposed raised ground profile. As regards potential for impact on drainage I note that the proposal provides for connection to storm sewer and includes provision for on site attenuation of surface water.

7.2 On the issue of traffic safety I note that the access road serving the site is within the landholding however is not included within the redline site boundary. I note that the application was accompanied by a Stage 1 road safety Audit compiled by Barry and Partners Consulting Engineers which made certain recommendations with regard to the provision of signage and road markings bollards to provide for pedestrian vehicular segregation along the access road. I note that the recommendations were accepted by the design team and deemed satisfactory by local authority roads Engineer. I consider that the level of traffic arising from two dwellings is not significant and I consider that the proposal is acceptable from a traffic capacity and safety perspective.

7.3 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.

## **8 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 23/20/2020 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. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of 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. 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.

6. 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.

7. 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.

8. 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

1st April 2021