



An
Bord
Pleanála

Inspector's Report

ABP-309213-21

Development	Construction of House
Location	No. 1 Prospect Villas, Upper Road, Knocknagore, Crosshaven, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	206353
Applicant(s)	Jackie MacCarthy.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal
Appellant(s)	Jackie MacCarthy
Observer(s)	An Taisce. James and Gail McSweeney Vivian Garde on behalf of Joseph & Nuala O Connell. Liam and Laura Delaney.
Date of Site Inspection	31 st March 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. This appeal relates to a site of 0.033 hectares which forms part of the front garden of an established dwelling 1 Prospect Villas located at Upper Road, Knocknagore Crosshaven. The site is within an existing built-up area circa 500m west of the village centre. No 1 Prospect Villas is a two-storey semi-detached period property. No 1 and adjoining No 2 are listed in the National Inventory of Architectural Heritage.

No 1 (Reg No 2084804) is described within the NIAH as follows:

“Semi-detached L-plan two-bay two-storey house, built c.1900, having gable-fronted break front end bay with hipped roofed two-storey canted bay to front (north-east). Three-bay three-storey return and recent flat-roofed two-storey addition to rear (south-west). Pitched slate roofs with timber-clad eaves course, coursed red brick chimneystacks, rooflights, cast-iron and uPVC rainwater goods. Rendered walls with plinth and sill course. Rendered string course and dentilated cornice to canted bay, having name plaque and decorative carved timber bargeboards to gable front. Square-headed window openings with rendered sills and uPVC casement windows. Round-headed opening to recessed porch having chamfered reveals, square-headed door opening to interior having glazed timber door with side panels and single-pane overlight. Located within own grounds

The appraisal is as follows:

The asymmetrical layout of this house with gabled bay and canted bay window is characteristic of many of the fine houses which were built in the western side of Crosshaven in the late nineteenth century when seaside living grew in popularity. The original form of the house has remained intact while historic features such as carved timber bargeboards and timber door and doorcase further enhance its character.”

1.2 The appeal site is irregular in shape and is located to the east / front of the dwelling. The site comprises part of the curtilage of 1 Prospect Villas and incorporates partly lawned area and the driveway serving the dwelling. Access is via a splayed entrance from the roadway shared with the adjacent two storey modern dwelling and B&B to the north. No 2 Prospect Villas has its own access from the south. The southern

boundary of the appeal site dividing the respective lawns of No's 1 and 2 Prospect Villas is defined by hedging and with a wall and fence along the north-eastern boundary adjacent to the entrance splay. The Crosshaven Fire Station building is located immediately adjacent to the southeast a National School to the southeast of this. To the rear northern side of No1 Prospect Villas is a single storey structure with permitted use as a granny flat associated with the main dwelling.

2.0 Proposed Development

- 2.1. The proposed development involves the construction of one dwelling and ancillary site works. The proposed dwelling is contemporary in design incorporating zinc sheet cladding, cedar sheeting, and railway sleepers. Car parking is incorporated within the structure at street level.

3.0 Planning Authority Decision

3.1. Decision

By order dated 21 December 2020 Cork County Council issued notification of the decision to refuse permission for the following reasons:

1. *Having regard to the configuration and restricted size of the site, to the pattern of development in the area, to the proximity of the proposed development to site boundaries and to the proximity of the site to the semidetached dwellings at No's 1 and 2 Prospect Villas, which are listed in the National Inventory of Architectural Heritage, it is considered that the proposed dwelling by reason of its form, design height, scale, siting and external finishes would be incongruous, would be out of character with the pattern of development in the area, would give rise to a cramped form of development, would have a poor visual relationship with neighbouring properties would seriously detract from the character of the area, would seriously injure the visual amenities of the area and conflict with the objective HE4-2 of the Cork County Development Plan 2014. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to the intended siting of the proposed dwelling, to its proximity to the southern common boundary with No 2 Prospect Villas and to the form, design, height, scale and siting of the proposed dwelling., it is considered that the proposed development would directly overlook at close quarters the amenity space serving No 2 Prospect Villas, resulting in a loss of privacy for the occupiers of this property. The proposed dwelling would also have an unacceptably overbearing effect on the property to the immediate south. The proposed development would, therefore, seriously injure the amenities of neighbouring occupiers, would depreciate the value of the neighbouring property and be contrary to the proper planning and sustainable development of the area.*
3. *The planning Authority considers that having regard to the configuration of the site and its restricted site area, and on the basis of the information submitted, it has not been demonstrated that the proposed development can be appropriately provided with adequate parking and associated turning area(s) for vehicles within the curtilage of the proposed development. Accordingly, the proposed development would be likely to lead to dangerous vehicle movements and the on-road parking likely to be generated by the proposed development would endanger public safety by reason of traffic hazard and give rise to obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.1.1 Area Planner's report notes concern regarding the impact on the two historic dwellings. Proposal would appear cramped in the restricted front garden and would not fit appropriately in the urban landscape. The degree of overlooking into the front garden area of 2 Prospect Villas would compromise usability and would be overbearing. Deficiency of details with regard to common boundary with 2 Prospect Villas. Questions arise regarding quality of private amenity space. Refusal recommended.

Senior Executive Planner's report concurs with the recommendation to refuse

3.2.2. Other Technical Reports

Area Engineer's report notes inadequate turning area for vehicles within the curtilage of the proposed development could lead to dangerous vehicle movements. The Plans and particulars do not provide for adequate off road car parking facilities to serve the development. On road parking would endanger public safety by reason of obstruction of road users.

Conservation Officer's report notes that the proposal would sit within the original curtilage of No 1 Prospect Villas would have a negative impact on the integrity of the historic curtilage compromising the readability of both facades as a single architectural composition. Proposed dwelling would appear as arbitrary incongruous and lacking a positive relationship with the design orientation and scale of the historic houses. Proposal appears conceived in isolation from its historic context. Refusal recommended.

3.3. Prescribed Bodies

Irish Water – No objection subject to connection agreement. Soakway to be provided for surface water disposal. Subject to capacity requirements and constraints of Irish Water Capital Investment Programme. All development in compliance with Irish Water Standards codes of practice.

An Tasice. Previous refusal reasons remain valid. Negative impact on architectural heritage.

3.4. Third Party Observations

3.4.1 Submissions from the following third parties :

Laura and Liam Delaney, 2 Castlepoint

Patrick Joseph and Nuala O Connell, 2 Prospect Villas

Tadhg and Ciara Conannon, Willesley, Upper Road Crosshaven

The submissions raise common issues which I have summarised as follows:

- Overdevelopment on the site.
- Negative impact on built heritage.
- Traffic Hazard.
- Fire Safety.
- Visually obtrusive out of character development.
- Overlooking and loss of amenity
- Note previous refusals on the site – Refusal reasons remain valid

4.0 Planning History

PA Reg: 20/5583 Withdrawn.

PA Reg 11/5401 Permission granted for conversion and extension of existing garage /outhouse unit adjacent to existing dwellinghouse for use as a granny flat.

ABP Ref PL04-232032 (PA Ref 08/9090) Refusal in 2009 of permission for demolition of outhouse and construction of a two and half storey dwelling to side garden area of existing dwelling with shared access through existing entrance and ancillary works.

The Board refused permission for the following reasons:

“Having regard to the pattern of development in the area, and to the restricted size of the site and proximity to site boundaries, it is considered that the proposed development would result in an incongruous and cramped form of development, resulting in a substandard level of private open space to serve the existing house. The proposed development would have a poor visual relationship with the adjoining buildings and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Having regard to the elevated nature of the site in relation to the adjoining property to the north, it is considered that the proposed windows and French windows on the north elevation would allow direct overlooking at close quarters of the amenity space of Prospect House, resulting in a loss of privacy for the occupiers of this property. The proposed building would have an unacceptably overbearing effect on the properties to either side. The site layout would provide for an unacceptably restricted and overshadowed area of private amenity space for 1 Prospect Villa and for the proposed dwelling, failing to comply with the standards set out in the Residential Density Guidelines for Planning Authorities issued by the Department of the

Environment and Local Government in September, 1999. The outlook from the windows in the south elevation of the proposed dwelling would be unacceptably poor due to proximity to boundaries. The proposed development would seriously injure the residential amenities of the occupiers of adjoining dwellings, would offer poor living conditions for the prospective occupiers of the proposed dwelling and would, therefore, be contrary to the proper planning and sustainable development of the area.”

07/6758 Refusal of Permission for demolition of outhouse and construction of dwelling.

06/8966 Refusal of permission for two storey dwelling with deck to front and rear.

5.0 Policy Context

5.1. Development Plan

The site is within the settlement boundary of the Key Village of Crosshaven and Bays as designated in the Bandon Kinsale District Local Area Plan 2017.

The site is within an area of High Value Landscape as designated in the Cork County Development Plan 2014.

County Development Plan Objective **HE 4-2: Protection of Structures on the NIAH** Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.

5.2. Natural Heritage Designations

The site is circa 445km to the east of the Cork Harbour SPA.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment. 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 John Stapleton on behalf of the first party Jackie MacCarthy. The submission is accompanied by a number of photographs and drawings to elucidate the case made. Grounds of appeal are summarised as follows:

- View corridor to the existing homes No 1 and 2 Prospect Villas is maintained and unobstructed in the proposal.
- No loss of amenity for the adjoining homes and commercial building.
- Proposal is of modest architectural proportions in accordance with Cork County Council design guidance.
- Undue weight given in the assessment by Cork County Council to previous decisions on the site which in any event were not comparable proposals.
- Proposal is not juxtaposed against the heritage homes. Façade lies at 90 degree to the heritage home façade some 50m away. The only point of evident juxtaposition is from across the river to the north some 520m away where gable of the north elevation would be visible.
- Planner's report acknowledged that the proposal is in accordance with the zoning objective.
- No specific issues raised with regard to the design identified in planner's report.
- Concerns with regard to heritage are not well founded.
- Numerous large commercial buildings permitted closer to these heritage homes and there is a lack of consistency in analysis by Cork County Council.
- Reference to configuration and restricted size of the site considered in context of adjoining commercial fire station increased to take up more than 65% of the site footprint. Proposal is a modest 30% of overall site footprint.

- Fire station building has upset the natural order of the area by compromising sightlines no parking provision no onsite turning circle, no adequate drainage. Breaches of proper planning,
- No line of sight to neighbour is evident on the southern boundary. Set back of 1m from boundary and proposal for live green wall gives 100% privacy to the southern neighbouring garden
- Two large contemporary homes built less than 30m from the dwelling and less than 10m from the NIAH listed buildings
- NIAH inclusions should not rule out sustainable development.
- Siting and design is carefully considered.
- Dispute assertion of an overbearing impact on the dwelling to the south as it is 45m away and across an internal road and public road and private driveway
- Site configuration organically lends itself to allow a design to be prepared in full compliance with the CCC design guidelines.
- Area Engineer's assessment of the site inadequate. Incorrect reference to a one-way road. Car parking provided for under the house as well as two spaces to the side of the dwelling as demonstrated on the submitted plans.
- Surface water can be addressed on site via soak pits or to public storm sewer if there is capacity. Water supply and sewerage available
- Proposal would constitute an acceptable low density at this accessible urban location.
- Series of alternative designs are shown if the Board were to consider alteration necessary. Substitution of material palette of traditional slate render, local stone. Also, a reduction of height in a series of varying compositions.

6.2. Planning Authority Response

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

6.3. Observations

6.3.1 Observations by An Taisce asserts that the considerations of previous refusals apply to the subject application particularly with regard to overdevelopment and adverse amenity impacts. Proposal would have adverse impact on No 1 Prospect Villas.

6.3.2 Submission by the following neighbouring residents

- Liam & Laura Delaney, Kilcokta Crosshaven.
- Vivian Garde And Associates on behalf of Joseph and Nuala O Connell 2 Prospect Villas.
- James and Gail McSweeney, 2 Castle Point, Crosshaven

Submissions reiterate objection to the proposal and respond to the appeal as follows:

- Question the substance of the proposal and appeal.
- Overdevelopment.
- Construction impacts on adjacent property. Apparent overhang of No 2 on southern elevation.
- Design out of character.
- Alternative proposals as outlined are not appropriate,
- Negative impact on built heritage.
- Negative impact on adjacent dwelling in particular 2 Prospect Villas.
- Traffic hazard.
- Modern commercial buildings referenced within the appeal (school and fire station) are civic amenities crucial to the village.

7.0 Assessment

7.1 I note that the appeal submission questions the consistency of planning decisions in the vicinity of the appeal site citing in particular dissatisfaction with the fire station building, and recent development on the adjacent school site. I note that these developments and the other decisions referenced in the first party appeal submission are not directly comparable to the proposed development and I consider that it is appropriate that the proposed development is reviewed on its own merit. On the issue of the criticism of the technical reports of the planning authority and questions with regard to familiarity with the site in light of error in reference to the roadway serving the site being one way this is not a matter for the Board and it is appropriate to confine consideration to the planning merits of the proposal. As regards historical decisions on the appeal site I would concur with the agent for the first party that given the passage of time and materially different nature of the previous proposals on the site, these decisions should not dictate the outcome of the current assessment which should be based on the current proposal in its detail in the context of current policy.

7.2 In light of the fully serviced nature of the site and location within the built-up area and in the context of current planning policy promoting densification on urban infill sites, there is no objection to the principle of the proposal and the key considerations relate to matters raised in the decision to refuse. The issue of Appropriate Assessment screening also needs to be addressed. Having considered the application and grounds of appeal it is my view that the appeal can be assessed under the following broad headings:

- Impact on architectural heritage
- Impact on established residential amenity
- Traffic Impact
- Appropriate Assessment

7.3 Impact on Architectural Heritage

7.3.1 The Local Authority's first reason for refusal was as follows:

Having regard to the configuration and restricted size of the site, to the pattern of development in the area, to the proximity of the proposed development to site boundaries and to the proximity of the site to the semi-detached dwellings at No's 1 and 2 Prospect Villas, which are listed in the National Inventory of Architectural Heritage, it is considered that the proposed dwelling by reason of its form, design height, scale, siting and external finishes would be incongruous, would be out of character with the pattern of development in the area, would give rise to a cramped form of development, would have a poor visual relationship with neighbouring properties would seriously detract from the character of the area, would seriously injure the visual amenities of the area and conflict with the objective HE4-2 of the Cork County Development Plan 2014. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3.2 The agent for the first party argues correctly that inclusion of the main dwelling on the NIAH should not preclude sustainable development on the site and the focus for analysis is therefore on the capacity of the site to accommodate the proposed development and the question of how the development would affect the character of the established structures the streetscape and the character of the area. In this regard I am entirely in agreement with the local authority planner that the proposal by reason of its scale, design and form would be entirely at odds with the pair of dwellings 1 and 2 Prospect Villas and would form an unduly prominent and visually incongruous development on the site. The linked formal relationship between the No's 1 and 2 Prospect Villas and their gardens would be severely interrupted by the introduction of the proposed dwelling. The proposal would have a significant adverse impact on the architectural heritage contrary to objective HE 4-2: Protection of Structures on the NIAH of the Cork County Development Plan 2014 and would therefore be contrary to the proper planning and sustainable development of the area. As regards the alternative design proposals suggested within the grounds of appeal, I do not consider that the revisions as outlined which provide inter alia for potential use of a more traditional palette of materials and/or reduction in the overall

height and scale of the proposed building addresses these concerns. The nature of the proposal which seeks to provide an additional dwelling within the front garden of an established heritage dwelling, one half of a pair, is piecemeal, incongruous and inappropriate and would set an undesirable precedent.

7.4 Impact on Residential Amenity.

7.4.1 As regards impact on established residential amenity I consider that the proposal would have a significant negative impact on the front garden amenity space of No 2 Prospect Villas by reason of overlooking and overbearing impact. The proposed development would clearly have a significant negative impact on established residential amenity and would set an undesirable precedent for similar such development. Accordingly, I consider the proposal to be contrary to the proper planning and sustainable development of the area.

7.5 Traffic

7.5.1 The Council's third reason for refusal was as follows:

The planning Authority considers that having regard to the configuration of the site and its restricted site area, and on the basis of the information submitted, it has not been demonstrated that the proposed development can be appropriately provided with adequate parking and associated turning area(s) for vehicles within the curtilage of the proposed development. Accordingly, the proposed development would be likely to lead to dangerous vehicle movements and the on-road parking likely to be generated by the proposed development would endanger public safety by reason of traffic hazard and give rise to obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I note that the proposal provides for garden level integrated car parking/ garage within the footprint of the building and adequate manoeuvre space to turn within the site. I am satisfied that on the basis of location within the urban area and having regard to the likely level of traffic arising from a single dwelling the proposal would not give rise to a traffic hazard.

7.6 Appropriate Assessment

7.6.1 The nearest Natura 2000 site is the Cork Harbour SPA which lies approximately 445m to the east. Having regard to the scale and nature of the development and fully serviced nature of the site and having regard to the receiving environment and proximity to the nearest 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. Refuse permission for the following reasons:

Reasons and Considerations

1. The proposed development would have an adverse impact on Nos 1 and 2 Prospect Villas (NIAH Ref 20848085 and 20848084) and would disrupt the relationship between the dwellings and negatively impact on the character of the buildings. The proposed development would, therefore, seriously injure the setting and character of a historic buildings contrary to objective HE4-2 of the Cork County Development Plan 2014, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would seriously detract from the residential amenity of existing occupants of the No 2 Prospect Villas and would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

14th April 2021