



An
Bord
Pleanála

Inspector's Report ABP 310160-21

Development	Single storey dwelling and ancillary works including alterations to previously approved dwelling.
Location	Miles, Clonakilty, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/117
Applicant	Liam Harnedy
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. refusal
Appellant	Liam Harnedy
Observer(s)	None
Date of Site Inspection	08/07/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site forms part of a larger, L-shaped site that is to the side and rear of an existing single storey dwelling accessed from a local road known as Scrachy Road on the south-western outskirts of Clonakilty. The overall site has a stated area of 0.097 hectares. Due to the site falls from north to south the said dwelling is higher than the appeal site with its rear boundary delineated by a block wall.

The site boundary subject of the application is set back from the existing rear and western boundaries. The rear (southern) boundary is delineated by trees with a watercourse known as Garage Stream running parallel to it. A fence and trees delineate the western boundary. A two storey dwelling and its associated rear garden bounds the site to the east with a low wall, only, delineating the boundary. The appeal site originally formed the curtilage of the said dwelling.

The area is largely residential in character with individual houses of varying single and 2 storey designs with frontage onto the local road save for a commercial unit to the west of the appeal site.

Permission has been granted for a dwelling on the northern section of the overall site to the roadside boundary.

2.0 Proposed Development

Permission is sought to construct a single storey, flat roofed, two bedroom dwelling with a stated floor area of 109.13 sq.m. The dwelling is of contemporary design. The development will require amendments to the development as permitted under ref. 20/321 for a dwelling and detached garage including alterations to the site boundaries and omission of the approved detached garage associated with the permitted house. A shared vehicular access is proposed.

The application is accompanied by a Flood Risk Assessment.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for 2 reasons which can be summarised as follows:

1. The proposal by reason of its scale, design, bulk, overall site coverage and close proximity to the existing party boundary, would represent over development and constitute a backland form of development which would be out of character with and seriously injure the amenities of adjoining property.
2. The proposal would result in the loss of privacy for the proposed dwelling and neighbouring residents and would lower the residential amenity standard of the sites. It would seriously injure the amenities and depreciate the value of property in the vicinity and would set an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's report considers that the proposal epitomises backland development which would result in the loss of residential amenities of surrounding dwellings. It is considered that the only use of this corner site should be for purposes ancillary to the main dwelling which fronts onto the road granted under ref. 20-321. The proximity of 2.3 metres to the rear boundary of the adjoining dwelling is considered unacceptable. The lack of identifiable and usable open space is also a concern. A refusal of permission for 2 reasons recommended.

The Senior Executive Planner endorses the recommendation. The proposal, coupled with that permitted to the front of the site, constitutes overdevelopment of a restricted site and comprises a backland, haphazard form of development which would be seriously injurious to the residential amenities of adjoining properties and prospective occupants.

3.2.2. Other Technical Reports

Area Engineer notes that a soakaway is proposed. This is not considered ideal in a built up area but in this instance would act as attenuation in proximity to the stream. It is important that a maintenance strip with access to the stream be provided. Conditions should permission be granted detailed.

Estates Section recommends refusal on grounds of overdevelopment of the site.

Liaison Officer has no comment.

3.3. **Prescribed Bodies**

Irish Water has no objection.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

20/321 - permission granted for a two storey dwelling on the northern section of the overall site with frontage onto the local road. The remainder of the site is to be private open space serving the dwelling with a detached garage to be located in the western corner.

5.0 **Policy Context**

5.1. **Development Plan**

West Cork Municipal District Local Area Plan, 2017

The site is within the existing built up area in the Clonakilty Environs Zoning Map.

5.2. **Natural Heritage Designations**

None in the vicinity

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The submission by DMCA Consultants on behalf of the 1st party appellant against the planning authority's notification of decision to refuse permission can be summarised as follows:

Zoning and Density

- The site is located within the settlement boundary of Clonakilty where it is policy to encourage residential development. The development of vacant sites within the town boundary should be encouraged.
- The site is suitable for residential development close to the town centre in an established residential area.
- The proposal, if permitted, would result in 2 no. dwellings on a 0.1 hectare site giving a density of 20 units per hectare. This equates to 'Medium B' low density as defined in the Cork County Development Plan which is appropriate for such a location.

Dwelling Design and Privacy

- The dwelling is modest in size and design to minimise any amenity loss to neighbouring dwellings.
- Windows to the north and east are minimised.
- 125 sq.m. of private amenity space is to be provided around which the house will wrap around ensuring a high level of privacy.
- While it is located close to the northern boundary, windows facing it are limited to opaque w.c. windows and a kitchen window screened by larch cladding. The roof level of the house is only marginally above the height of the proposed boundary fencing and only marginally above the floor level of the house adjoining. Its amenities will not be impacted.
- The level of privacy and amenity afforded the permitted and proposed dwellings is significantly greater than what would be provided in a typical residential estate.
- Neighbouring property owners have not objected.

Backland Development

- Referring to the site as backland is considered an over-simplification of the proposal. The location of the site which wraps behind a line of dwellings should not preclude it from development if all normal planning considerations such as privacy, sunlight and amenity spaces can be addressed as is the case.

6.2. **Planning Authority Response**

No further comment.

6.3. **Observations**

None

7.0 **Assessment**

The site subject of the appeal is on the south-western outskirts of Clonakilty with the immediate area characterised mainly by individual dwellings of varying designs and relatively large plots fronting onto the road. In-depth residential schemes are noted further to the west. The site is within the built up area of the town as delineated in the Clonakilty Environs Map in the West Cork Municipal District LAP and, as such, the principle of residential development is acceptable. However, there is an obligation to reconcile the need to meet the requirements of the applicant and the need to ensure the sustainable use of serviced land with the requirement that such works should not compromise the residential amenities of adjoining properties. or the established character of the area. I note that both the County Development Plan and the LAP in terms of development management do not provide guidance as to the development of such sites.

The site originally formed part of a larger, L-shaped site on which the applicant recently secured permission under file ref. 20/321 for a two storey dwelling. The said dwelling is positioned in the northern part of the site fronting onto the local road with a detached garage to be located roughly in the position where the dwelling subject of this appeal is proposed. The current proposal will require alterations to the permitted site boundaries to allow for the effective sub-division of the site. The omission of the detached garage as permitted will also be required.

Whilst I would accept that the overall site area at 0.097 hectares is relatively large in such a suburban context and that 2 no. dwellings on the site would equate to in the region of 20 units per hectare, aligning with 'Medium A' density considered appropriate for such a location as set in the Cork County Development Plan, the acceptability of the density or otherwise is predicated on other planning

considerations being met including the acceptability of the design solution, impact on amenities of adjoining property, the securing of adequate amenities for prospective occupants and access and traffic.

I submit that the development potential of the site is constrained by a number of factors, namely its irregular shape and the existing and permitted housing which it is surrounded by. The infill dwelling permitted under ref. 20/321 is designed and sited to maximise the use of the street frontage and orientation of the site, whilst minimising the impacts on the residential amenities of adjoining properties, which are in close proximity to either side. This positioning is to be retained, albeit with the site boundaries altered to allow for access into the rear of the site.

The layout subject of this appeal entails the positioning of the dwelling in the western most corner of the site and immediately to the rear of a single storey which fronts onto the local dwelling. Whilst the agent for the appellant considers that the labelling of the site as backland is over simplistic the fact remains that the development is effectively that, in that it does not have road frontage and is to the rear of existing and permitted dwellings.

By reason of the site falls from north to south there is a differential in site levels of 2.63 metres between the existing dwelling to the north and the appeal site. Due to the restricted depth the dwelling is have to a setback of 2.58 metres, only, from its northern boundary. In order to address the issues arising from this proximity the house design is low in height, entailing a flat roof design and internal arrangement of habitable rooms to avoid, as far as possible, windows openings in its northern elevation. Windows serving habitable rooms are proposed in the southern and eastern elevations. Private open space is to be provided to the south of the dwelling

Whilst innovative design solutions are appropriate and are to be encouraged to allow for the development of infill sites, I consider that proposed in such a location on the outskirts of Clonakilty, characterised by individual dwellings on relatively large sites with road frontage, would result in a dwelling which appears 'wedged' into the rear of the site resulting in a layout which is contrary to and would detract from the established pattern and character of development in the area. It would also detract from the visual amenities of the adjoining property notably from its rear garden by reason of its proximity and relative height. I would concur with the planning

authority that it would result in a haphazard form of development on a backland site which would impact adversely on the amenities of adjoining property and would set an undesirable precedent for comparably conceived development in the vicinity. I therefore recommend a refusal of permission on this basis.

Appropriate Assessment

Having regard to the nature and scale of the development on a fully serviced site within the town of Clonakilty and the separation distance to the nearest European site, it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combinations with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the established pattern of development in the area and to the existing permission for the construction of an infill dwelling granted permission under planning register reference 20/231 it is considered that the proposed development, requiring the subdivision of the site to which permission reference 20/231 refers, would result in development of a dwelling on a backland site. It is considered that the proposed development by reason of its layout and design would constitute a haphazard form of development that would be out of keeping with the character of the area and would be visually obtrusive when viewed from adjoining properties. The proposed development would, therefore, seriously injure the visual and residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

July, 2021