



An
Bord
Pleanála

Inspector's Report ABP 310728-21

Development	House
Location	Duntahane, Fermoy, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/4657
Applicants	Michael & Joan Ennis
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. grant
Appellants	Pat & Carmel Cullen
Observer(s)	None
Date of Site Inspection	18/08/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.185 hectares forms part of a larger field which is accessed via a cul-de-sac within the mature residential area of Duntahane off the R639 (Cork Road) to the south of Fermoy town centre. The area is characterised by a mix of single and two storey detached dwellings.

The field of which the site forms part slopes down from south-west to north-east. Its western boundary to Duntahane is delineated by a palisade fence backed with planting. Single storey dwellings accessed from the Cork Road bound the site to the north-east and south.

Permission has been granted for a dwelling immediately to the north and within the same field under ref. 21/4706 with a further dwelling granted permission on the site to the south-west of the appeal site under ref. 21/5356.

2.0 Proposed Development

The application was lodged with the planning authority on the 15/03/21 with further plans and details received 20/05/21 following a request for further information dated 07/05/21.

Permission is sought for a single storey dwelling with a stated internal floor area of 238 sq.m. The dwelling is to be accessed from the residential road to the west. The dwelling is to have a north-south orientation.

As amended a detached flat roofed garage with a stated floor area 76.4 sq.m. is proposed in the north-eastern corner of the site. It is sized so as to accommodate a motorhome.

Connection to public water and sewerage is proposed. A wayleave of 5 metres is to be maintained to the watermain which runs along the southern boundary of the site.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 12 conditions addressing standard planning and engineering requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1st Area Planner's report dated **07/05/21**:-

- There are other dwellings with a similar orientation to the proposal. There is an existing wayleave along the southern boundary which appears to confine the building area of the site.
- The garage would appear to be excessive particularly when considering its visual relationship with the proposed dwelling.
- The Area Engineer's recommendation noted.

Further information recommended.

The **2nd report** dated **08/06/21** following further information considers that the garage has been suitably revised to account for the receiving urban environment. The issues raised by the Area Engineer have been satisfactorily addressed. A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

The **1st Area Engineer's** report dated **07/05/21** notes that as there are future plans to improve road safety at this location the applicant is required to show the driveway finishing inside the footpath with the area shown as a grass verge to be shown as roadway aligned with the existing adjacent roadway. Surface water to discharge to soak pits within the site. The **2nd report** dated **02/06/21** following further information has no objection subject to conditions.

3.3. Prescribed Bodies

No objection subject to conditions.

3.4. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised relate to:

- Adequacy of road, access and pedestrian and vehicular safety
- Impact on amenities of adjoining property

4.0 **Planning History**

21/4706 – permission granted in July 2021 for a 2 storey dwelling on the site immediately to the north of the appeal site.

21/5356 – permission granted in August 2021 for a 2 storey dwelling on the site immediately to the south-west of the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

Fermoy Municipal District Local Area Plan 2017

The site is within the development boundary of Fermoy in the 'existing built up area'.

5.2. **Natural Heritage Designations**

None in the vicinity.

5.3. **Environmental Impact Assessment**

Having regard to the nature and extent of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an 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

The 3rd party appeal can be summarised as follows:

- The site layout drawing is incorrect and misleading. The boundary line of their property was incorrectly delineated. This has a material impact on the assessment and the planning authority could not have fully understood the implications of the proposal.
- The proposal does not respect the separation distances, layout and height profile of development in the vicinity. The dwelling and garage are unduly close and will adversely impact on the amenities of their dwelling. The proximity is exacerbated by the difference in ground levels.
- The garage is equivalent to 32% of the floor area of the proposed dwelling and is excessive for the low density residential area.

6.2. Applicant Response

The response can be summarised as follows:

- The proposed dwelling is single storey with a modest height of 6.5 metres with a flat roofed garage 4.3 metres in height. They are consistent in design and size with many of the properties located along Duntahane Road. Many properties are located less than 25 metres from others.
- The high level windows on the east elevation of the garage are 2.1 metres above floor level and are for ventilation and natural light purposes only.
- The wayleave along the southern boundary restricts where the garage could be located. The separation of 17.14 metres to the appellants' dwelling is considered reasonable.
- The garage is required to store their motorhome.
- The site layout plan submitted clearly demonstrates that 15.24 metres exists between the applicants' boundary and the appellants' dwelling.

- The 2 dwellings recently granted permission under refs. 21/4706 and 21/5356 which are to be built to the rear of the appellants' dwelling are both higher than the applicants' dwelling and garage.

6.3. **Planning Authority Response**

The response states that the relevant issues have been covered in the technical reports on file. It has no further comment.

6.4. **Observations**

None

7.0 **Assessment**

I consider that the issues arising in the case pertain to the impact of the proposed development on the amenities of adjoining property.

The site comprises 1 of 3 undeveloped sites within the established residential area of Duntahane to the south of Fermoy town centre. It is within the existing built up area of the town as delineated in the Fermoy Municipal District LAP 2017. Duntahane is characterised by a mix of single and two storey detached dwellings with varying layouts and building lines. Subsequent to the planning authority's notification of decision on the current case permission has been secured for dwellings immediately to the north and south-west under planning reference numbers 21/4706 and 21/5356 respectively. The proposed development of the site for a dwelling is, therefore, acceptable in principle.

The proposal entails a single storey dwelling gable-on to the road thereby resulting in a north-south orientation. This layout arrangement arises as a consequence of the need to maintain a 5 metre wayleave over the watermain that runs along the southern boundary of the site. A block wall backed with planting is proposed around the perimeter of the site which will address concerns regarding overlooking or loss of privacy of adjoining property both existing and permitted.

The appellants' dwelling is to the north-east and downslope of the site. It is accessed from the R639 (Cork Road). A post and mesh fence currently delineates

its rear boundary with clear views of the site available. The appellants state that the details given on the site layout are incorrect in terms of their boundary line. From the details provided in support of the appeal the said boundary line appears to differ from the line along which the said fence has been erected. Notwithstanding, the site boundary of the appeal site does not encroach on same and the location of the appellants' dwelling is properly delineated. As such I do not consider that the absence of the said boundary line has any material impact on the assessment.

The proposed single storey dwelling will be setback approx. 30 metres from the rear wall of the appellants' dwelling. No issues in terms of overlooking or loss of privacy would arise due both to the setback to be maintained and the absence of windows serving habitable rooms in the north-eastern elevation. As noted previously a wall is to be erected along the boundary.

As amended by way of further information a detached, 4.3 metre high flat roofed garage with a stated floor area of 76.4 sq.m. is proposed in the north-eastern corner of the site. The agent for the applicants states that its location is dictated by the need to maintain the wayleave to the watermain to the south with its size required to accommodate a motorhome in addition to domestic storage. The garage is to have a setback of 1.9 metres from the site boundary and a setback of 17.14 metres from the rear wall of the appellants' dwelling. The garage is large by domestic standards and whilst the storage requirements of the motorhome are noted no concession has been made to the site constraints nor, indeed, in terms of the floor space required for the domestic storage element which equates to 33 sq.m. I submit that a reduction in the size of the garage so as to allow for a greater separation distance from the appellants' property is a reasonable compromise. A reduction in the width of the structure from 9 metres to 7 metres should allow for the applicants' requirements in terms of motorhome and domestic storage whilst allowing for an increase in setback from the site boundary by 2 metres to 3.9 metres (recommend that 4 metres be stipulated for ease of application). This would result in a setback from the rear wall of the appellants' property of 19.14 metres. The omission of the high level windows in the eastern elevation is also recommended. The garage will have the benefit of a high level window in the western elevation in addition to roof lights and the door openings. The reduction in the width may have a knock on impact on the access arrangements to the structure and may require amendment.

Subject to the above modification I consider that the proposed development would be of a scale and design appropriate to its location and would not adversely impact on the residential amenities of property in the vicinity.

Appropriate Assessment – Screening

Having regard to the nature and scale of the proposed development on a fully serviced site within the existing built up area of Fermoy and the distance from the said designated 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

I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the existing built up area of Fermoy as delineated in the Fermoy Municipal District Local Area Plan, 2017, the design and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 further plans and particular submitted on the 20th day of May, 20211 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 and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed garage shall be amended as follows:

(a) It shall have a width of no greater than 7 metres.

(b) It shall have a setback of not less than 4 metres from the eastern site boundary.

(c) The high level windows in the eastern elevation shall be omitted.

Revised plans with the necessary amendments shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of the amenities of adjoining property.

3. Details of the materials, colours and textures of all external finishes to the proposed dwelling and boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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, as amended. The contribution shall be paid prior to 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Pauline Fitzpatrick
Senior Planning Inspector

September, 2021