



An
Bord
Pleanála

Inspector's Report ABP-310851-21

Development	Construction of two houses, alterations to existing house consisting of demolition of conservatory and boiler housing, retention of existing garage and swimming pool and the demolition of same
Location	'Elrijah', Church Road, Carrigaline Middle, Carrigaline, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/5154
Applicant(s)	Darcor Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Derek & Louise Cummins Concerned Residents of Carrigaline
Date of Site Inspection	21 st September, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The 0.1164 hectare site is located on the east side of the town of Carrigaline in County Cork and with frontage onto the south side of Regional Road No. R613 at Church Road. There is a detached two-storey house, a garage to the west side and an outdoor swimming pool to the rear on the site. Access to the site is from an entrance at the north-west corner from a residential estate road leading to the Riverside and Castlerock estates. The site's northern boundary consists of a stone wall, while the southern, eastern and western flank boundaries consist of block walls. The site is bounded to the east by commercial units with Corlin Business Park, to the south by a detached dormer dwelling, and to the west by the estate road. There is a housing estate (Castle Court) on the opposite side of Church Road.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of two houses attached to and flanking an existing two-storey house to form a terrace, alterations to the existing house to accommodate same, the demolition of an existing conservatory and boiler housing, the retention of a garage and swimming pool and permission for their demolition. The two new houses would each have four bedrooms and would be two-storeys in height. The houses would be served by a mains water supply and foul sewer.
- 2.2. Details provide in the application included a Design Statement.

3.0 Planning Authority Decision

3.1. Decision

By order dated 22nd June 2021, Cork County Council decided to grant permission for the proposed development subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted planning policy provisions, the reports received, and third party submissions. It was submitted that there was no objection to the retention of the swimming pool and garage or to their demolition. There was no objection to the intention to let out the houses. There were no land use objections to the principle of the proposal and reference was made to policy on infill development encouraging such proposals. Adequate private amenity space and parking provisions were seen to be provided. It was submitted that no undue overlooking or overshadowing of the property to the south would result and that the value of that property would not be depreciated. It was further submitted that the additional dwellings would not adversely impact on other neighbouring properties. It was noted that the Area Engineer was satisfied with the access arrangements. A grant of permission, subject to a schedule of conditions, was recommended.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal subject to a schedule of conditions.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

Objections to the proposal were received from Derek and Louise Cummins and a group of concerned residents including Derek and Louise Cummins. The grounds of the appeals reflect the principal planning concerns raised.

4.0 **Planning History**

I have no record of previous planning history relating to this site.

5.0 Policy Context

5.1. Ballincollig Carrigaline Municipal District Local Area Plan

The site lies within the settlement boundary of Carrigaline. It is on lands designated 'Existing Built Up Area'.

5.2. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeals

6.1. Grounds of Appeal of Derek and Louise Cummins

The appellants attach their submission to the planning authority and request that the Board refuse permission for the following reasons:

- The matters raised in the submission to Cork County Council have not been adequately considered or addressed.
- A number of conditions attached to the Order are incorrectly worded and meaningless as a result.
- Due to the overdevelopment of the site and the significant increase in the mass, bulk and scale of the development, the residential amenities of the appellants' home will be adversely affected.
- The proposal will result in significant additional overlooking of the appellants' home.
- The proposal will result in an unnecessary and avoidable traffic hazard.
- The proposal will result in diminution of the value of the appellants' home.
- The proposal will be contrary to the proper planning and sustainable development of the area.

6.2. Grounds of Appeal of Concerned Residents of Carrigaline

The grounds of the appeal may be synthesised as follows:

- The Order made by the planning authority is anomalous and contains conditions that are meaningless, inadequate, and unreliable / unenforceable.
- The planning authority's assessment is inadequate.
- The information submitted is inadequate to allow full assessment of the application.
- The proposal will result in a traffic hazard.
- The proposal represents an over-intensification of the site.
- The proposal is contrary to the proper planning and sustainable development of the area.
- Reference is made to the significance of the building on the site and to conflict with national guidance.

6.3. Applicant Response

The applicant's response to the appeals may be synthesised as follows:

- The Board is asked to review the applicant's Design Statement and it is submitted that the proposal has been carefully thought through.
- Respectful process was carried out by way of pre-planning discussion with the local authority who advised the proposal would not conflict with development plan objectives.
- The existing building does not hold architectural and historical significance.
- The development will enhance the site and the streetscape.
- The proposal substantially complies with the Council's 'Making Places – A Design Guide for Residential Estates'.
- The distances between the proposed dwellings and neighbouring dwellings are in excess of the 22m normally required.

- There is suitable access and egress to the site. The roads and junctions are more than adequate to cater for up to 4 extra vehicles. Movement on site has been demonstrated by the autotrack lines on the layout plan.
- The area is adequately serviced, making the site suitable for the development.

6.4. **Planning Authority Response**

The planning authority submitted that all relevant issues were covered in its technical reports.

6.5. **Further Considerations**

Derek and Louise Cummins submitted that they support the appeal from the Concerned Residents of Carrigaline and attach photographs of the existing house in the early days of development in the area to consider in relation to the issue of local significance.

7.0 **Assessment**

7.1. Introduction

I consider the principal planning issues relating to the proposed development are the significance of the existing building on the site, overdevelopment of the site, impact on residential amenity, and traffic impact. I note that the Board would be dealing with the proposed development *de novo*. The attachment of conditions with any grant of planning permission by the Board would be separate from those set out in the planning authority's decision. I further note that no concerns arise in relation to the retention and removal of the garage and the outdoor pool and no further consideration will be given to this part of the proposed development.

7.2. Significance of the Existing Building

I note that the existing detached house on the site is a long-established dwelling. It is not a building which has been categorised as one of built heritage value. This is a building and site that has undergone significant changes over time, with modern extensions added to it, as well as the addition of a large garage to the side and an

outdoor swimming pool to the rear. The site is within an area designated 'Existing built up area' in the Local Area Plan. In Cork County Development Plan, Objective ZU 3-1 refers to such areas and the objective is to normally encourage, through the Local Area Plan, development that supports in general the primary land use of the surrounding existing built up area. It is reasonable to determine that, without any particular architectural heritage or other constraints on the development of this residential site, the principle of the proposed development would be in keeping with the residential neighbourhood and there is no objection to the alterations of the house required to accommodate new development on the site.

7.3. Overdevelopment of the Site

The existing house is on a large site with large front, back and side gardens. To accommodate the proposed development, it is proposed to remove the garage to the west side of the house, to omit the outdoor pool at the south-eastern section of the site, to remove the conservatory to the rear of the house, and to remove a boiler on the east side of the house. The proposed two new houses would be developed either side of the existing house, forming a terrace of three two-storey houses. The proposed development would tie-in with and complement the existing house in terms of building height, form and finishes and the new houses would not project further forward or behind the footprint of the existing house. The proposal would accommodate access and the provision of car parking areas to the front of each unit, providing two car parking spaces for each house, as well as curtilage to the front of each unit, maintenance of the front boundary, and facilitation of adequate turning areas.

The siting of the easternmost house would provide for access to the rear, with the east gable located over 2.6 metres from the flank boundary with Corlin Business Park. The house to the west would also be developed to provide for access to the rear, with the west gable maintaining separation from the western boundary wall of a minimum of 1.24 metres. Each house would be provided with separate rear garden spaces, ranging in area from 76 square metres to 161 square metres. These garden spaces would be in excess of 13 metres in depth, thus retaining the existing

arrangement. The front and rear boundaries to the site would be retained, while the flank boundaries would be capped and rendered.

It is my submission to the Board that the proposed development would provide for a reasonable standard of accommodation for the occupiers of the existing and proposed houses. The amenities, access and functional needs of the occupiers would be adequately met in the proposed development. There is no reason to determine that the proposed development would constitute overdevelopment of this site.

7.4. Impact on Residential Amenity

As referenced above, the proposed development would not project further to the rear than that of the existing house on this site. This existing house is a two-storey unit with bedroom windows at first floor level on the rear elevation. The nearest residential property, a dormer dwelling, is to the south and the new development would be over 19 metres from the northern side elevation of that house. While the proposed easternmost house would have two first floor bedroom windows on the rear elevation, there would not be any significant increase of overlooking of the neighbouring property to the south, with these windows overlooking the side and front of the existing house to the south. The two bedrooms at first floor level to the rear of the new dwelling to the west would overlook the Castlerock estate road. The proposed development would result in no significant material intensification of overlooking of this neighbouring property and would not interfere with the private amenity space to the rear of that house.

I note the layout, location, orientation and separation distances of existing and proposed development at this location. There is no question of overshadowing of any neighbouring properties, with the proposed development lying to the north of the nearest residential property. Furthermore, there is no issue with the proposed development having any overbearing impact on neighbouring residential property when due regard is given to the scale, height, layout and separation distances associated with the development.

Overall, it may reasonably be determined that the proposed development would not have any significant impact on the amenities of residents in this area.

7.5. Traffic Impact

I note that the proposed development would access the Castlerock estate road via an entrance at the north-western corner of the site. This is the established entrance serving the existing house. It appears that this entrance functions safely as there have been no details provided which indicate traffic concerns or traffic hazard associated with its use. I further note that the Area Engineer has no concerns relating to the addition of two houses on this site and to the effect of the additional vehicular traffic that would be generated by the occupancy of the new houses. There is no reason to determine that the use of the existing entrance would pose a traffic hazard.

I acknowledge the parking provisions being made within the site. I suggest to the Board that the provision of two spaces per unit would indicate that such parking would provide for single family occupancy of each of the houses. In my opinion, it would be reasonable to restrict such occupancy to this by way of condition. I would consider that there would be potential for car parking to become a concern if there were multiple occupiers in each unit with individual car ownership, leading to spill over of parking onto the adjoining streets. This should be avoided in the interest of traffic safety in the vicinity of the junction of the estate road and Church Road.

Appropriate Assessment

The site of the proposed development is located within the serviceable urban area of Carrigaline and within a mixed use area of residential and commercial developments. This is a location which is separated from Cork Harbour SPA (Site Code: 004030) by roads, residential and other properties and lands. Having regard to the serviced nature, scale, and location of the proposed development, the nature of the receiving environment, 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 combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the established residential property, its extensive site area, and to the design, character and layout of the proposed development, it is considered that the proposed development, subject to the conditions set out below, would not adversely impact on the residential amenities of adjoining properties or adversely affect the visual amenity of the area, would be acceptable in terms of traffic safety, and would otherwise be in accordance with the provisions of the Ballincollig Carrigaline Municipal District Local Area Plan. The proposed development 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 and with the further information received by the planning authority on 20th May, 2021, 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 dwellings shall be occupied as single family residences only.

Reason: in the interest of residential amenity and traffic safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed houses 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. 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 or 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 order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwellings.

5. Water supply and 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. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. 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.

Kevin Moore
Senior Planning Inspector

29th September 2021