



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312827-22

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<b>Development</b>	Construction of 2 houses and all associated ancillary site development works.
<b>Location</b>	Knocknagore (Townland), Crosshaven, Co. Cork,
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	216342
<b>Applicant(s)</b>	Presentation Sisters
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal
<b>Appellant(s)</b>	Presentation Sisters
<b>Observer(s)</b>	Finian Dullea & Crona Hughes
<b>Date of Site Inspection</b>	6 <sup>th</sup> April 2023
<b>Inspector</b>	Eoin Kelliher

## 1.0 Site Location and Description

- 1.1. The subject site comprises an infill / greenfield site situated in a residential area on the edge of Crosshaven Village, County Cork. St. Brigid's Catholic Church and St. Brigid's Girl's National School are located to the east and south of the site respectively.
- 1.2. The site has a loosely rectangular shape and a stated area of 0.177ha. It is presently accessed from the southeast via the grounds of the national school. The site is bounded by a local cul-de-sac road (Upper Road) to the west which serves six residential properties. There is a detached two-storey dwelling to the north of the site ('Remurea House') which sits on its own grounds and a period cottage to the south of the site ('Remuera Cottage') also set on its own grounds. The observer's property comprises a two-storey detached house on the opposite (west) side of Upper Road.
- 1.3. The site terrain rises circa 5m between its northern and southern boundaries for the greatest part, and a further 2m approximately in its south-eastern corner. The front boundary of the site is defined by a bank containing small trees. A wire fence and a hedge define the common boundaries with 'Remurea House' and 'Remurea Cottage' respectively. The rear boundary of the site is defined by a hedge. A wayleave for a foul sewer traverses the western end of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought to construct 2 no. detached two-storey houses set back from Upper Road with off-street carparking to the front of the houses and private gardens to the rear. Vehicular access is to be provided by way of a shared vehicular entrance on Upper Road.
- 2.2. The proposed houses, as revised by way of further information, have a conventional design with pitched roofs finished in black/blue slate and rendered walls externally. The houses have four bedrooms and would measure 152sq.m internally. A 2m high capped block wall is proposed along the common boundaries with the adjoining properties; a 1m high capped block wall is proposed on Upper Road.

## 3.0 Planning Authority Decision

### 3.1. Decision

By Order dated 27<sup>th</sup> January 2022 Cork County Council decided to refuse permission. The Council considered the proposed development would constitute a visually discordant and obtrusive feature that would have a detrimental impact on the architectural and historic character of a Protected Structure and would fail to integrate appropriately into the streetscape.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

##### Initial Assessment

The Planning Officer's initial report recommended that the design of the proposed dwellings be altered to respect the historic context of the site and that a Visual Impact Assessment, including photomontages from specified viewpoints, be undertaken.

The Planning Officer also sought clarification regarding the design of the proposed block boundary walls noting, *inter alia*, that the proposed wall to the rear of the site would be visible from St. Brigid's Church and requires careful consideration.

##### Further Information Submission

The applicant proposed a more simplified house design similar in form of 'Remuera House'. A Visual Impact Assessment based on photomontages of the proposed development taken from 5 no. viewpoints surrounding the site and drawings of the proposed boundaries were also submitted.

The boundary drawings were submitted at the correct scale (1:100 @ A1) by way of unsolicited further information.

##### Further Information Assessment

The Planning Officer's subsequent report continued to raise concerns regarding the integration of the development with adjoining properties of heritage value and states that the submitted Visual Impact Assessment demonstrates that the proposed

dwellings would dominate views and detract from the special character of the house ('Remuera House') to the north and the St. Brigid's Church to the east. A decision to refuse permission was recommended.

The Planning Officer's recommendation is reflected in the decision of the Planning Authority.

### 3.2.2. Other Technical Reports

Area Engineer: None.

Conservation Officer: Having considered the Visual Impact Assessment submitted by way of further information, the Conservation Officer recommended refusing permission as it was considered that the proposed development would seriously compromise the architectural significance of St. Brigid's Church and its setting.

### 3.3. Prescribed Bodies

Irish Water: No objection.

### 3.4. Third Party Observations

1 no. submission was made by the residents of the property ('Adelaide House') to the west of the subject site. The main issues raised relate to:

- Overlooking impacts on the living area of 'Adelaide House'.
- Stormwater run-off and the impact of same on the condition of the public road.
- Impacts on the condition of the public road during the construction phase of the development.

## 4.0 Planning History

**P.A. Reg. Ref. 19/4517:** Planning application for the construction of a car park and set down area serving the adjoining national school and church including new vehicular access and footpath on Upper Road withdrawn on 7<sup>th</sup> February 2020.

## 5.0 Policy Context

### 5.1. Cork County Development Plan 2022-2028

The subject site is located within the development boundary of Crosshaven in an area zoned 'Existing Residential / Mixed Residential and Other Uses'.

Section 18.3.3 of the County Development Plan states, *inter alia*, that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties.

The site is located within an area designated as a High Value Landscape and adjoins the grounds of St. Brigid's Church, a 19<sup>th</sup> century church built in the gothic revival style and included on the Record of Protected Structures (RPS Ref. No. 643).

Relevant Objectives contained in the Plan include:

**Objective HOU 4-8** which seeks, *inter alia*, to support the provision of increased building height and densities in appropriate locations subject to the avoidance of undue impacts on the existing residential amenities.

**Objective HE16-14(g)** which seeks, *inter alia*, to ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.

### 5.2. Project Ireland 2040: National Planning Framework (2018)

The National Planning Framework seeks to focus growth on cities, towns and villages with an overall aim of achieving compact urban growth.

**National Policy Objective 35** seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

**5.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

The guidelines state that for small towns and villages to thrive and succeed their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages. The scale should be in proportion to the pattern and grain of existing development.

**5.4. Guidelines for Planning Authorities on Quality Housing for Sustainable Communities (2007)**

The guidelines seek to promote, *inter alia*, high standards in the design and construction of residential amenity and services in housing schemes and contain design parameters for internal accommodation.

**5.5. Architectural Heritage Protection Guidelines for Planning Authorities (2011)**

The guidelines comprise two parts, the first of which sets out the legislative and administrative provisions for Protected Structures and Architectural Conservation Areas. The second part comprises detailed guidance notes including, *inter alia*, information on determining the curtilage of a Protected Structure.

**5.6. Natural Heritage Designations**

None of relevance.

**5.7. EIA Screening**

- 5.7.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity / any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This first party appeal has been prepared by McCutcheon Halley Planning Consultants on behalf of the applicants. The grounds of appeal can be summarised as follows:

- The proposed development is located within a serviced settlement where infill development is encouraged; the proposal has been unfairly treated due to its proximity to St. Brigid's Church.
- The proposed development is consistent with the Cork County Development Plan 2014 and the 2017 Bandon-Kinsale Local Area Plan. The conservative and negative approach taken in this instance militates against national and local policy to deliver 30% of housing within towns and villages.
- The proposed development will provide for much needed residential development in proximity to schools and other essential services.
- The development site is not within the curtilage of St. Brigid's Church. The site was never used or associated with St. Brigid's Church and is totally separate from the church.
- The view of St. Brigid's Church from Upper Road does not represent an important vista of the church. The proposed development would create views of the church between the proposed dwellings.
- A careful design approach was adopted to ensure the form and design of the dwellings was appropriate, would make a positive contribution to the area, and would not have an adverse impact on the Protected Structure and the area. The material finishes of the proposed dwellings were intentionally kept simple to complement and not compete with the historic buildings in the area.
- The proposed dwellings would make a positive contribution to the streetscape and amenities of the area as demonstrated by the submitted photomontage of the proposed dwelling looking east. The proposed dwellings are the same scale as 'Remuera House' and work with the levels of the site.

- The proposed boundary treatments are durable and simple as per the requirements of the Council's Estate Department. The section of the boundary which the Conservation Officer took exception to runs along the boundary of the access and car park serving the adjoining primary school and does not immediately adjoin the church. The applicants would have happily considered alternative boundary treatments if given the opportunity.

## 6.2. **Planning Authority Response**

The Case Planner states that the issues raised by the Planning Authority relate to the adverse impact on the curtilage of the Protected Structure and historic structures in its proximity; the reports of the Case Planner and Conservation Officer do not suggest that the development site is within the curtilage of the Protected Structure.

It remains the Council's view that the proposed houses and all associated walls, hard-surfacing, groundworks etc. cannot be successfully absorbed at this location, would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of the curtilage of the Protected Structure and would detract from the visual amenities of the area.

The Council does not object to some form of development on the site but states it should be of a smaller scale (one unit), with a much softer approach and an adequate buffer from 'Remuera House' and the church and its curtilage.

## 6.3. **Observations**

An observation on the appeal was received from the residents of the property ('Adelaide House') to the west of the appeal site. The observers states that they agree with the views of the Conservation Officer and the Planning Authority and reiterate the concerns raised in their submission on the application as summarised in Section 3.4 above.

## 7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site,



and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Impacts on Built Heritage
- Impacts on Visual Amenity
- Other Matters
- Appropriate Assessment

## **7.2. Impacts on Built Heritage**

- 7.2.1. Whilst the subject site is situated in proximity to St. Brigid's Church, a Protected Structure, it is not located within the curtilage of the church or the wider ecclesiastical complex, as is evident from historic mapping. I note that the Planning Authority, in its response to the appeal, does not dispute this fact but does raise concerns regarding the impact of the proposed development on the curtilage of the Protected Structure. The Conservation Officer's Further Information report refers to the blocking of important vistas of the church, and in particular the rose window on its main elevation, the reduction of vistas from the church towards the town, the extent of proposed rendered and capped block walls, with a substantial number of piers required, the hardness and extent of the smooth render finishes for the proposed buildings/walls and the concrete block paviers for the driveways.
- 7.2.2. St. Brigid's Church is constructed on an east-west alignment. The main vistas of the church are on approach from the northeast and southwest. The site of the church is cut into the topography which rises to the west. Consequently, the rose window on the west elevation of the church is not located on a visually prominent elevation. I concur with the appellant that the views of the church from Upper Road, and its west elevation specifically, are not important vistas, but rather incidental views arising from the development of Upper Road sometime after the church was constructed. I am satisfied, therefore, that the proposed development would not compromise important vistas of the church.
- 7.2.3. I am also satisfied that the proposed development would not interrupt views from the curtilage of the church towards the town given that these views are primarily towards the northeast, east and southeast. The photomontage of the proposed development as seen from within the church grounds ('View B2. Proposed') indicates that the

proposed rear boundary wall would largely screen the proposed dwellings save for their roofs; I also note that the scale and bulk of the proposed dwellings is comparable to that of 'Remuera House', which itself is visible from the church grounds. I am satisfied, therefore, that the proposed dwellings would not have an adverse impact on outward views from the curtilage of the Protected Structure.

- 7.2.4. I do, however, have concerns regarding the visual impact of the proposed rendered and capped boundary wall along the rear boundary of the site on the setting of St. Brigid's Church, where it would be visible from the church grounds, and in particular the section of the boundary wall between the detached double garage on the church grounds and the entrance gates to St. Brigid's National School. This matter could, however, be addressed by way of a condition that a stone boundary wall to match the historic boundary walls within the church grounds be provided at this location.
- 7.2.5. 'Remuera House', which is located on lower terrain to the northeast of the subject site, is listed on the National Inventory of Architectural Heritage (Reg. No. 20848065) and is described as a fine early twentieth century house which retains much of its historic character including original door and doorcase and render details. This property is not included on the Record of Protected Structures. I note that the applicants revised the design and finishes of the proposed dwellings to be more in keeping with this structure, as per the Planning Authority's request for further information. The submitted photomontage titled 'ViewC2. Proposed' demonstrates, in my view, an acceptable level of sympathy towards the design of 'Remuera House' in terms of scale, bulk, form and finishes. I also note the generous separation distance between 'Remuera House' and proposed House No. 1 and the relatively modest difference (+3.5m) between their ridge heights given the level differences between both sites.
- 7.2.6. Whilst the side (northern) elevation of House No. 1 combined with the proposed render boundary wall along the common boundary with 'Remuera House' appears somewhat oppressive in the photomontage titled 'View A Proposed', the provision of soft landscaping along the site boundaries would reduce this impact considerably. The circa 5m separation distance between the gable of House No. 1 and the proposed common boundary wall provides adequate scope for tree planting and hedges. I also note the scope to reduce the overall height of the proposed boundary wall with 'Remuera House' from 2.15m, as proposed (Dwg. PL06 refers), to 1.8m, to

further mitigate any potential visual impacts on this property whilst maintaining an adequate level of privacy. These matters can be dealt with by way of conditions.

- 7.2.7. In summary, I consider that the impact of the proposed development on surrounding buildings of heritage value can be mitigated by way of revised boundary treatments and soft landscaping and that the proposed development would not, subject to conditions, have an adverse impact on the setting of the St. Brigid's Church or 'Remuera House'.

### **7.3. Impacts on Visual Amenity**

- 7.3.1. Whilst I note the Planning Officer's concerns regarding the extent of hard surfaces proposed, I am of the view that a comprehensive scheme of soft landscaping along the site boundaries would assimilate the development into its setting and largely address these concerns. I also note that the extent of hard landscaping proposed to the front of the site is minimised by providing a shared vehicular entrance and compact car parking areas.

- 7.3.2. I do, however, consider the proposed rendered boundary wall with multiple piers and stepped profiles to the front of the site to be at odds with the traditional stone boundary walls that are characteristic of Upper Road. A more simplified stone-faced boundary wall would address this matter and further assist in assimilating the proposed development into the streetscape. Accordingly, I recommend that a condition to this effect be attached to a decision to grant permission.

### **7.4. Other Matters**

- 7.4.1. Notwithstanding the elevated position of the proposed dwellings relative to 'Adelaide House', having regard to the distance between the proposed dwellings and 'Adelaide House', which is more than 22m, and the orientation of 'Adelaide House' towards the north, I am satisfied that adverse overlooking impacts on this property would not arise.

- 7.4.2. Whilst the Area Engineer did not comment on the planning application, I note that sightlines measuring 23m and 45m to the north and south respectively can be achieved for vehicles exiting the site onto Upper Road. Having regard to the small scale of the proposed development and the low level and speed of traffic on this

section of Upper Road, I am satisfied that the proposed development would not endanger public safety by way of a traffic hazard.

- 7.4.3. A linear drain is proposed at the entrance to the site and would discharge to a soakaway in the front garden of House No. 1. Soakaways are also proposed in the rear gardens of the proposed dwellings. Accordingly, I am satisfied that the proposed development would not result in surface water flowing onto the public road.
- 7.4.4. Having regard to the small scale of the proposed development, I am satisfied the amenity of adjoining properties can be safeguarded during the construction phase by way of a Construction Management Plan, which should be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development, which comprises two dwellings in a fully serviced and built-up area, and the distance to the nearest European sites and the absence of known pathways to European sites, it is considered that 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. Appropriate Assessment is not, therefore, required.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be **granted** for the following reasons and considerations subject to the conditions set out below.

## 9.0 **Reasons and Considerations**

- 9.1. Having regard to the zoning of the site as set out in the Cork County Development Plan 2022-2028, and the infill nature of the site within a serviced residential area, it is considered that the proposed development would be in keeping with the character and pattern of development in the area and would not, subject to conditions, detract from the special character and interest of the adjoining Protected Structure, seriously injure the residential amenities of the area, or endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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 particulars submitted on the 19<sup>th</sup> day of January 2022 and the unsolicited information submitted on the 14<sup>th</sup> day of January 2022, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Prior to the commencement of development revised boundary treatments complying with the following requirements shall be submitted for the written agreement of the planning authority:</p> <ul style="list-style-type: none"><li>a) The section of the proposed rear boundary wall between the garage structure on the grounds of St. Brigid's Church and the vehicular entrance to St. Brigid's National School shall be constructed of stone and designed to match the historic stone boundary walls within the curtilage of the church.</li><li>b) The overall height of the proposed rendered and capped boundary wall along the northern boundary of the site shall not exceed 1.8 metres above the ground level of 'Site No. 1'.</li><li>c) The front (western) boundary of the site shall be faced in stone with concealed piers and a simplified profile in keeping with the prevailing boundary treatments on Upper Road.</li></ul>

	<p><b>Reason:</b> In the interest of protecting the special character of the protected structure and the visual amenity of the area.</p>
4.	<p>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. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs.</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii.</p> <p>(b) A timescale for implementation.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
5.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The naming and numbering of the dwellings shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing with, the planning authority prior to occupation of the proposed dwellings.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>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 proposed development, including traffic management measures.</p> <p><b>Reason:</b> In the interest of public safety and residential amenity.</p>
10.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 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</p>

	<p>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.</p> <p><b>Reason:</b> 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.</p>
12.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement of An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Eoin Kelliher  
 Planning Inspector  
 20<sup>th</sup> April 2023