



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313033

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<b>Development</b>	Demolition of single storey derelict house and construction of two storey house and associated works.
<b>Location</b>	6 Old Post Office Road, Loughbeg, Ringaskiddy, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	217343
<b>Applicants</b>	David and Nicola O'Neill
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Kevin and Elizabeth O'Grady
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> July 2022.
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. This appeal site of 770sq.m. relates to a semi-detached cottage of c. 57 sq.m. on a quiet lane within the development boundary of Ringaskiddy. It comprises a dwelling occupying c. 7m of the site frontage of 10m where it fronts onto the western side of Old Post Office Road. The site widens to a large backland site which is surrounded by fairly dense housing to the north and western sides. An adjacent bungalow is set back off the road on the southern side. The northern side of the cottage relates to a substantially demolished adjoining semi-detached cottage. The houses to the north have shallow yards and are 1-3m from the north boundary. The ground level is moderately higher to the south east of the site.
- 1.2. Please note the photographs are an approximation due to lack of detail on the drawings and yard and fencing arrangement on and in vicinity of site.

## 2.0 Proposed Development

- 2.1. It is proposed to:
  - Demolish the cottage
  - Construct a 229 sq.m two storey dwelling set back 20m from the road. Mains water and foul sewer connections are available.

## 3.0 Planning Authority Decision

Cork County Council by order dated 16<sup>th</sup> March 2022 decided to grant permission subject to 9 conditions relating *inter alia* to: timing of demolition, obscuring of first floor glazing in the southern elevation, restriction of 1m height on vegetation to protect entrance sightlines, materials and finishes.

### 3.1. Planning Authority Reports

- 3.1.1. Planning Report: This report notes the condition of permission in the case of 219106 (decided in 2006) relating to two houses on the site, the town centre zoning and considers the proposal to demolish to be acceptable in principle. No AA or EIA issues arise.

### 3.2. **Prescribed Bodies**

Irish Water: No objection

### 3.3. **Third Party Observations**

Objections on file

## 4.0 **Planning History**

4.1 ABP case PL04.219106 refers to a lapsed permission for 2 dwellings.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1 Ballincollig Carrigaline Municipal LAP 2017 applied at the time of application and PA decision. The site is within the development boundary of Ringaskiddy and zoned T-02 at the time of the application. In this area it is guided that future development should reflect scale and character of site surrounding built up residential area.

5.1.1.1. Cork County Development Plan 2022-2028 was adopted in June 2022 and replaces the previous CDP and Municipal Plan. Volume 4 includes objectives for Ringaskiddy as part of the Municipal area. The town is a designated employment centre. In this plan the site remains in a High Value Landscape.(Volume 6 Maps) The Maps also indicate that the site remains in a town centre zone.

### 5.2. **Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)**

5.2.1. These guidelines note the following key points regarding infill development: “It is important to recognise the existing character, street patterns, streetscape and building lines of an area, particularly in the case of infill sites or where new dwellings will adjoin existing buildings. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.....The

design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.”

### **5.3. Natural Heritage Designations**

Not relevant in this serviced urban site.

### **5.4. EIA Screening**

- 5.4.1. The proposed development while of a class is substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a single new dwelling and associated site works, the absence of features of ecological importance within the site, I consider that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first party appeal has been lodged by the owner of the adjoining semi-detached dwelling which was fire damaged in 1987 and is intended to be rebuilt. The grounds refer to:

- Disregard to boundary matters particularly regarding the cottage and supports
- Injury of amenity and compromising enjoyment of property in adjoining the site
- in an urban area where maximising existing infrastructure is expected- Urban Design Manual is cited in respect of respecting the past in terms of layout and enhancing the existing situation and site edges.
- Other issues relate to overlooking, unauthorised development and non-compliance with regulations.
- Objection from 17 Priest Avenue regarding overlooking.

## 6.2. Planning Authority Response

No further

## 6.3. Observations

None

## 7.0 Assessment

### 7.1. Issues

7.1.1. This appeal relates to the redevelopment of a residential site in a built-up area within the development boundary of Ringaskiddy. The site is associated with a semi-detached cottage with a narrow frontage of c. 10m before widening to the rear and extending to over an area of 750sq.m. It is surrounded by rows of houses on two sides. The appeal issues relate to

- Urban design and orderly development
- Impact on amenity
- Other secondary issues relate to overlooking of other properties and procedural matters.

### 7.2. Urban Design

7.2.1. The proposal involves demolishing a semi-detached cottage and appears to disregard the footprint of the adjoining former cottage which is intended to be reconstructed as stated by the appellant/owner. In this regard it is explained how various support works have been carried out to maintain the remaining property to provide for its reinstatement. It is further asserted by the appellant that derelict status has not been established on the subject property and there is little basis for demolition in order to provide for a revised site layout incorporating wing walled entrance and set back of 20m off the road as compared to the existing streetscape frontage.

7.2.2. I accept that in terms of urban design the proposed streetscape will be fragmented and not in keeping with the character of the area. The more suburban style which provides for a large, detached dwelling on extensive grounds and considerably set

back off the road with a driveway and front garden may also compromise the redevelopment of the adjoining site in its departure from the original streetscape in that it weakens it rather than reinforces the building line and presents an awkward juxtaposition. I note the appellant's reference to a breaching of urban design principles in terms of streetscape and accept that the site layout would be contrary to Ministerial guidance. I refer to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) as cited in this report. While I note the previous permission, it was almost ten years ago and for two dwellings. This is different in that it is for a single house and nor does it not constitute an efficient approach to using infrastructure. In light of more recent national policy focusing on consolidation I do not consider the applicant has made a sufficient case to lowering the density. I consider the design approach to be piecemeal and disorderly and to constitute a form of development that is inappropriate for the character of site and surrounding built up residential area as required in the LAP for this town centre zoned site as supported in more recent residential design guidance that now informs development management as compared to the previous decision. This constitutes a material change in circumstances and I do not consider the Board is reasonably bound by the planning history in this instance.

## **7.5 Impact on amenity**

- 7.2.3. It is difficult to assess the impact on residential amenity of a property that has been substantially demolished and is clearly not in residential use. The case for impact is also weakened by the absence of any plans or drawings or other such documentation supporting a timely reconstruction. I do however accept that the proposed dwelling sited 20m off the road and oriented towards the rear of the original cottage does not constitute a good layout in terms of juxta-positioning of two dwellings and would seriously compromise the redevelopment of the adjoining cottage site. Furthermore, the proposed layout, in this context reinforces the disorderly and incongruous nature of this backland development
- 7.2.4. Overlooking: The proposed dwelling is two storey with first floor windows oriented towards the public road and also onto the 13m deep rear garden. Overlooking to the north and towards Priest Avenue would be at oblique angles. Overlooking to south would similarly be at oblique angles subject to the south facing window in the ensuite being obscured as per the condition attached by the planning authority. I concur with

the planning authority that overlooking is not a significant issue and does not therefore constitute reasonable grounds for refusal.

## **7.5 Appropriate Assessment**

- 7.5.2. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the 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 I recommend that permission be refused based on the following reasons and considerations.

### **Reasons and Considerations**

1. The proposed development to demolish a semi-detached cottage and construct a two-storey dwelling to the rear of the original dwelling footprint would fragment the streetscape in an urban area and would constitute inappropriate backland and piecemeal development which would seriously injure the amenities of property in the vicinity. The proposed development would accordingly be contrary to the proper planning and sustainable development of the area.

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Suzanne Kehely  
Senior Planning Inspector

18<sup>th</sup> November 2022