



An  
Bord  
Pleanála

## Inspector's Report ABP-313439-22

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<b>Development</b>	To demolish annexes to side of existing dwelling and alterations to form a two-storey dwelling and the construction of detached building to contain 2 apartments.
<b>Location</b>	No. 19 Kenley Avenue, Model Farm Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	22/40849
<b>Applicants</b>	Michael Galvin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party vs. Refusal
<b>Appellants</b>	Michael Galvin
<b>Observers</b>	Kate O'Connor
<b>Date of Site Inspection</b>	16 <sup>th</sup> November 2022
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located to the south of Model Farm Road, at a distance of c. 3km southwest of Cork City Centre. It is part of a large mature residential area (Kenley Estate) which extends further south. The appeal site is at the 'front' (north) of the Kenley Estate and is situated at the end of a cul-de-sac which faces onto Model Farm Road.
- 1.2. The site has a stated area of 510m<sup>2</sup>. It is of a regular rectangular shape and is generally flat. It contains a 2-storey semi-detached dwelling with an attached single storey annex on its western side. It includes a mixture of yellow-brick and dash finishes to the external walls, while the roof finishes are concrete tiles. There is a vehicular access and parking area to the front of the dwelling.
- 1.3. The site is bounded to the east by the other property forming this pair of semi-detached dwellings, and to the south by another similar pair of semi-detached dwellings. It is separated from Model Farm Road to the north by the cul-de-sac turning area and a strip of open space. To the west of the site is a main access road serving the larger Kenley Estate. In the wider context, Cork Business & Technology Park is on the opposite side of Model Farm Road, Munster Technological University is located c. 500m to the southwest, and Cork University Hospital is c. 1km to the southeast.

## 2.0 Proposed Development

- 2.1.1. In summary, planning permission is sought for the following works:
  - Demolition of annexes to side of existing two-storey dwelling and for all alterations necessary to form independent two-storey dwellinghouse.
  - Construction of detached single/two-storey building, to contain 1 no. 2-bedroom apartment and 1 no. 1-bedroom apartment.
  - Relocation of existing vehicular entrance and the construction of new vehicular and pedestrian entrances to service the new apartments.
  - All associated works.

- 2.1.2. The existing 2-storey dwelling would be largely retained to provide an 88m<sup>2</sup> 2-bedroom house with vehicular entrance/parking and garden to the front, as well as a garden to the rear. The proposed apartment building would be a part single-storey, part 2-storey gable-fronted building. External wall finishes would consist of brick and smooth plaster, while the roof finish would be zinc or slate. There would be a garden and vehicular entrance/parking to the front of the apartments, as well as private garden/patios to the rear/side of the building.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. By order dated 31<sup>st</sup> March 2022, Cork City Council (CCC) decided to refuse permission for the following reason:

*Having regard to the prominent location of the site and to the ordered layout and the built form of the existing development in the area, it is considered that the proposed development would result in a visually obtrusive structure in the streetscape which would protrude beyond the established building line and would fail to respect the local distinctiveness of the area and adversely affect the character of the area. The proposed development will also injure the form and character of the existing house on the site and streetscape. The proposed development would, therefore, by itself and by the precedent which the grant of permission would set, seriously injure the visual amenities of the area, would contravene the objectives contained in the Development Plan and would be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### Planner's reports

- 3.2.1. The assessment outlined in the CCC planner's reports can be summarised as follows:

- The redevelopment of the site for residential purposes would be acceptable in principle, from a zoning and land-use perspective.

- The planning history of refusals on the appeal site is noted.
- The annex to be demolished forms part of the design of the houses in the original estate. There is a concern that the visual impact would alter the character, scale, and form of the existing dwelling.
- The room sizes for the reconfigured house would be acceptable.
- The apartment rooms sizes and amenity space would appear to be acceptable. However, clarification would be needed regarding internal storage space and daylight levels.
- The front building line is not being maintained, with the flat roof element to the front of the house.
- The apartment building incorporates a different design, form and finishes to existing development in the estate at this prominent location. It is not compatible with the uniform character of adjoining dwellings and would be visually jarring.
- The subdivision of this corner site would be out of character with development in the area and would be contrary to the policy on infill/corner sites which seeks to preserve and enhance the character of the area.
- The reports recommend refusing permission, and this forms the basis of the CCC decision.

#### Other Technical Reports

3.2.2. Drainage: No objection subject to conditions.

Environment: No objection subject to conditions.

Urban Roads: Requests further information for driveway entrance to be no wider than 3 metres.

Contributions Report: General Development Contribution Scheme applies.

### 3.3. **Prescribed Bodies**

Irish Water: No objections subject to conditions.

### 3.4. Third Party Observations

Several third-party submissions were received. The issues raised are generally common and can be summarised as follows:

- Concerns regarding alterations to the character of the existing house, including demolition of the 'annex' which was part of the original design.
- Concerns about overdevelopment of the site.
- The proposal would be out of character with existing development at this prominent position and would devalue existing property, particularly the adjoining house.
- The proposal would set a precedent for further such development.
- The location of the development opposite the historical Model Farm.
- Potential overlooking of the adjoining gardens and obstruction of light and views.
- Loss of green space and associated impacts on climate change and biodiversity.
- The additional development (including the construction phase and servicing requirements) will exacerbate existing traffic/parking congestion and safety risks.
- Family dwellings should be maintained in the area and student/high-occupancy units should be provided in non-private residential areas to help manage anti-social behaviour and the student population. The proposals would adversely affect the mix of tenure in the area.
- The history of refusal reasons on the site remain valid.
- The proposal does not satisfy the Development Plan objectives for residential development, including those for single units/corner sites.
- There is ample apartment provision in the locality.
- The properties may not comply with fire safety regulations.
- The properties may not achieve adequate light and storage space.

## 4.0 Planning History

- 4.1. **ABP Ref. PL28.230516 (P.A. Reg. Ref. 08/33158)**: In February 2009, the Board upheld the decision of CCC to refuse permission for demolition of the side annex and construction of a two-storey rear annex and carry out alterations to the existing dwelling and construction of a two-storey dwelling adjoining the gable end of the existing dwelling. The reason for refusal was as follows:

*Having regard to the prominent location of the site and to the ordered layout and character and the built form of the existing development in the area, it is considered that the proposed development would result in a visually obtrusive structure in the streetscape which would infringe the existing building line and would adversely affect the character of the area. The proposed development, by itself and by the precedent it would set, would seriously injure the visual amenities of the area, would contravene the objectives contained in the current development plan for the area, which objectives are considered reasonable, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

- 4.2. **ABP Ref. PL28.225240 (P.A. Reg. Ref. 07/32057)**: In February 2008 the Board upheld the decision of CCC to refuse permission for the construction of a single storey dwelling at the side of the existing dwelling, solar panel on roof and ancillary site works. The reasons for refusal were as follows:

*1. Having regard to the ordered layout and spacious character of the area, it is considered that the proposed single storey flat roofed dwelling on this prominent site at the entrance to the residential estate and projecting in front of the established building line, would seriously injure the visual amenities of the area and would, therefore be contrary to the proper planning and sustainable development of the area.*

*2. The proposed dwelling is considered to be a substandard form of development producing a low-quality living environment; contrary to the policies and objectives of the Cork City Development Plan, 2004 and would, therefore, be contrary to the proper planning and sustainable development of the area.*

**4.3 ABP Ref. PL28.217828 (P.A. Reg. Ref. 06/30604):** In November 2006 the Board upheld the decision of CCC to refuse permission to erect a two-storey dwelling at side of existing dwelling. The reasons for refusal were as follows:

*1. Having regard to the ordered layout and spacious character of the area, it is considered that a dwelling on this prominent site at the entrance to the residential estate, projecting beyond the established building line, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2 The proposed access would cross an area of public open space and a public footway, would result in reversing manoeuvres in close proximity to the existing driveway of 19 Kenley Avenue and would, therefore, be likely to cause hazard to pedestrians and other road users.*

## **5.0 Policy Context**

### **5.1. National Planning Framework (NPF)**

5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains a number of policy objectives that articulate the delivery of compact urban growth as follows:

NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints;

NPO 4 promotes attractive, well-designed liveable communities;

NPO 6 aims to regenerate cities with increased housing and employment;

NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards;

NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking;

NPO 27 promotes the integration of safe and convenient alternatives to the car in the design of communities, by promoting walking and cycling access;

NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location;

NPO 35 aims to increase residential density in settlements through a range of measures including infill development and site-based regeneration.

## **5.2. Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)**

5.2.1. These Guidelines set out target floor areas for a range of different dwelling types, as well as providing guidance on quantitative and qualitative standards.

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

5.3.1. These Guidelines, hereafter referred to as 'the Sustainable Residential Development Guidelines', sets out the key planning principles which should guide the assessment of planning applications for development in urban areas. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. A design manual accompanies the guidelines which lays out 12 principles for urban residential design relating to context, connections, inclusivity, variety, efficacy, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.



#### **5.4. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020 (updated December 2022)**

- 5.4.1. These Guidelines (hereafter referred to as the 'Apartment Guidelines') set out the design parameters for apartments including locational consideration; apartment mix; internal dimensions and space; aspect; circulation; external amenity space; and car parking. The Guidelines were updated on the 22<sup>nd</sup> of December 2022, but Circular NRUP 07/2022 clarifies that appeals that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the 2020 version of the Apartment Guidelines, that include SPPRs 7 and 8.

#### **5.5. Cork City Development Plan 2022-2028**

##### Strategic Objectives

- 5.5.1. Relevant Strategic Objectives can be summarised as follows:

SO1 – Deliver compact liveable growth.

SO2 – Deliver homes at densities that create liveable integrated communities.

SO3 - Integrate land-use and transportation planning to increase active travel and public transport usage.

SO9 - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places.

- 5.5.2. The Core Strategy identifies the site within the Southwest Suburbs of the city. Compared to the baseline 2016 population of 40,237 persons, the SW suburbs has a targeted population growth of 2,388 persons to 2028 (5.9% growth rate target). The Growth Strategy Map (2.21) identifies the appeal site within an area targeted for 'compact growth'. Section 2.57 outlines the objective for growth in the 'city suburbs' to include:

- Consolidation and enhancement of underutilised areas
- Prioritise active/public transport
- Enhance existing local character

- Deliver high quality sustainable transport-oriented development.

5.5.3. Other relevant objectives can be summarised as follows:

2.10 – Supports the 15-minute city concept.

2.11 – Supports the development of a low carbon city.

2.13 – Supports design-led development to create high-quality environments.

2.14 – Supports walkable neighbourhoods.

2.24 - Aims to address issues of dereliction, vacancy and underutilisation of sites within Cork City by encouraging and facilitating their re-use and regeneration.

2.31 - Aims to deliver 65% of all new homes within the existing built city footprint.

### Housing

5.5.4. Chapter 3 deals with 'Delivering Homes and Communities'. For the purposes of assessing density, it outlines that the appeal site is located within the 'outer suburbs'. Section 3.45 recognises the importance of adapting existing homes while protecting the amenities of adjoining properties. This is also supported by Objective 3.9.

Relevant objectives can be summarised as follows:

3.1 - Supports the 15-Minute City concept, placemaking at the heart of design, planning for communities, the provision of supporting neighbourhood infrastructure, and the creation of healthy and attractive places to live.

3.2 – Supports a diverse, inclusive and equal distribution of uses, infrastructure, and services, which takes into account the specific needs of population groups and reduces social inequality.

3.3 – Promotes new housing supply of at least 17,118 homes during the plan period.

3.4 - Seeks to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork, with at least 33% provided within brownfield sites.

3.5 – Promote high-quality higher density development in accordance with the standards set out in Chapter 11 of the Plan.

3.6 – Encourages the development of an appropriate mix of dwelling types.

3.9 – Encourages infill development to ensure that small sites and vacant space are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.

#### Transport and Mobility

- 5.5.5. Chapter 4 ‘Transport and Mobility’ aims to provide an integrated and sustainable transport system based on the implementation of the Cork Metropolitan Area Transport Strategy (CMATS). It includes a primary cycle route and an improved BusConnects bus route (CBC 6 to City Centre via Mardyke) along Model Farm Road, as well as the development of a Light Rail Transit (LRT) system linking Ballincollig to Mahon, via the City centre and Docklands.
- 5.5.6. Objective 4.4 promotes active travel and the 15-Minute City concept. Objective 4.5 promotes permeability in development, particularly along public transport routes.

#### Placemaking and Managing Development

- 5.5.7. Chapter 11 outlines guidance and standards in relation to Placemaking and Managing Development. Relevant standards and objectives include the following:
- Objective 11.1 promotes sustainable residential development and high-quality places.
  - Table 11.2 outlines a target Floor Area Ratio (FAR) of 0.2-1.5 and a target density range of 40-60 dwellings per hectare for the Outer Suburbs.
  - Objective 11.2 and Table 11.8 outline a dwelling mix for housing developments in the City Suburbs.
  - Objective 11.3 and Table 11.10 outline qualitative design aspects to be addressed in housing developments.
  - Sections 11.90 to 11.94 set out quantitative and qualitative standards for apartment design.
  - Objective 11.4 states that all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation, and that potential impacts on adjoining properties may need to be assessed. The objective and associated sections also outline guidance for further assessment.

- 5.5.8. Chapter 11 outlines further guidance for residential development, including guidance in relation to 'separation, overlooking and overbearance', 'infill development', and 'open space'. It outlines a preference for the retention of existing dwellings rather than demolition, unless a strong justification is put forward.
- 5.5.9. Section 11.139 outlines that infill development will be encouraged. New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features.
- 5.5.10. Sections 11.140 to 11.143 outline more detailed guidance in relation to adaption of existing homes. The design and layout of extensions to houses should have regard to the amenities of adjoining properties particularly as regards sunlight, daylight and privacy. The character and form of the existing building should be respected, and external finishes and window types should match the existing.
- 5.5.11. Regarding Transport & Mobility, Chapter 11 outlines that Car Parking Zone 2 reflects areas that are or will be accessible to mass transit on the form of Light Rail Transit or BusConnects and encompasses most city suburbs. Table 11.13 outlines a maximum standard of 1 space per 1-2 bedroom residential unit. Table 11.14 outlines a standard of 1 bicycle parking space per unit for standard apartments but does not include a standard for houses.

### Zoning

- 5.5.12. Chapter 12 deals with 'Land Use Zoning Objectives'. The appeal site is located within the 'ZO 1 Sustainable Residential Neighbourhoods' zone, where the objective is '*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*'. The provision and protection of residential uses and residential amenity is a central objective of this zoning. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.

## 5.6. Environmental Impact Assessment (EIA) – Preliminary Examination

- 5.6.1. Having regard to the existing development on site, the limited nature and scale of the proposed development and the absence of 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 impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

## 5.7. Natural Heritage Designations

- 5.7.1. The Cork Harbour SPA (site code 004030) is the nearest Natura site and is located c. 6km to the east of the appeal site. There are several other designated sites in the wider Harbour area.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first-party appeal has been submitted by McNamara & Partners Architectural Design. The grounds of appeal can be summarised under the headings below.

#### Building Line

- The proposal takes great care to address the concerns outlined in previous refusals regarding protrusion beyond the building line.
- The planning authority has incorrectly stated that ‘the front building line is not being maintained with the flat roof element to the front of the house’.
- A drawing is attached which contends that the building line is formed by the front walls of the existing/converted garages.
- The front wall of the existing garage is 2.75m from the front wall of the 2-storey portion of the house, as is the front wall of the proposed 1-bedroom apartment.
- The existing building line is being maintained without any protrusion.

### National, Regional, and Local Authority Planning Policy

- Policy has changed since the previous refusals to emphasise the need to densify. The proposal complies with this policy approach.
- The Cork Metropolitan Area Strategic Plan (MASP) outlines the following ambitions for sustainable development:
  - Compact growth to focus on brownfield/infill development and at least 50% of new homes within the existing built-up footprint and 30% in other metropolitan settlements.
  - Accelerate housing delivery and adopt performance-based standards to achieve higher density.
  - The need for the City and Suburbs to densify to achieve population growth targets.
- The need to density is clearly stated in the Draft Cork City Development Plan 2022-2028.

### Housing Mix, Sustainable Development, and Housing Standards

- The replacement of a 7-bedroom house with a 2-bed house, 2-bed apartment, and 1-bed apartment would provide a balanced mix, long-term sustainability, and energy-efficient homes.
- The efficient use of existing housing stock and land must be supported as per local and national policy.
- The proposal considers the needs of the elderly/disabled and an improved mix of houses to facilitate downsizing.
- The proposal complies with national policy standards for housing and apartments.

### Impact on the area

- The CCC planner's report fails to acknowledge that No. 27 (at opposite end of the road) is detached and gable-fronted and forms an intrinsic part of the road frontage.

- No. 27 also has a flat-roofed garage and porch, which was part of the design of these houses in the mid-1970s. The other houses have since added tiled roofs.
- The proposed design references No. 27 and 'book-ends' the road. The scale, bulk, and elevational treatment is consistent with contemporary sustainable design and does not injure the visual amenity, pattern, or character of development in the area.
- Changes to the appearance of these houses are inevitable, as evidenced by No. 1A Kenley Avenue which was permitted in 2014 without any objections (P.A. Reg. Ref. 14/36106).
- The uniformity of the houses is not justification to refuse the application. They are not protected or in an Architectural Conservation Area and it is reasonable to expect change.
- The proposal does not impact on trees, gardens or open space which make a significant contribution to the landscape character of the area.

#### Other Issues

- Concerns raised about the width of the driveway can be addressed by inserting a pillar to form two entrances.
- The Environment and Drainage reports recommended a grant of permission.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority has not responded to the grounds of appeal.

## **6.3. Prescribed Bodies**

- 6.3.1. No submissions received.

## **6.4. Observations**

- 6.4.1. One observation was received from Kate O'Connor (including several other signatories). It refers to the objections already submitted to CCC and welcomes the

CCC decision to refuse permission based on seriously negative impacts on the area. The following additional issues are raised:

- There is only one narrow access road with restrictive access/egress angles of 90°.
- The driveways are compact and facilitate just one car. Overflow parking significantly narrows the access road.
- A precedent could be set for further development to increase traffic and exacerbate a dangerous health and safety issue for residents, utilities, and emergency services.
- The proposal would contravene Development Plan objectives regarding sustainable living and a higher quality of life.
- It is important to maintain the integrity of residential areas supported by good infrastructure and quality of life, and to protect the amenities of families, communities, green areas, biodiversity, and the environment from the effects of inappropriate/excessive development.
- This is the fourth application for permission. It is completely out of character with the area and in no way proposes to improve, enhance, or positively impact on the locality, environment, or health and well-being of residents.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. Having regard to the 'ZO 1' residential zoning of the site, as well as policy at local and national level which aims to increase housing density, particularly along accessible transport corridors such as Model Farm Road, I consider that the proposal is consistent in principle with relevant planning policy. However, I am conscious that such policy also requires that design proposals integrate with the character of the area and do not seriously detract from the amenities of surrounding properties. Further consideration will be required in this regard.
- 7.1.2. I am conscious of the previous history of refusals on the site, including the Board decisions involved. However, having reviewed the previous proposals I am satisfied



that the current proposal is significantly different and warrants objective consideration, particularly given the significant policy changes experienced since the most recent refusal (February 2009). I also note the third-party concerns regarding the precedent for further such development, but I consider that each case should be considered on its merits and with regard to the specifics of each development.

7.1.3. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues for consideration in this case are as follows:

- Visual Amenity and Character
- Proposed Residential Standards
- Impacts on surrounding properties
- Traffic and Transport.

## 7.2. **Visual Amenity and Character**

7.2.1. I acknowledge that the integration of the proposed development with the established pattern and character of development has been a key issue in this case and previous applications/appeals on the subject site. The planning authority refusal has raised concerns about the impact of the development on the ordered layout, built form and local distinctiveness of the area; the streetscape and building line; and the form and character of the existing house on the site.

7.2.2. Looking firstly at the wider area context, it is acknowledged that the site forms part of a larger residential area on the southern side of Model Farm Road. The Kenley Road/Avenue section forms only a short frontage onto Model Farm Road, consisting of 7 houses. Cherry Grove to the east contains a wide variety of detached dwellings and is largely screened from Model Farm Road by mature vegetation. Parkway Drive is located to the west, and it comprises a small cul-de-sac with a variety of red-brick and dash finished 2-storey dwellings, arranged in a terrace and several pairs of semi-detached dwellings. These houses are significantly setback from Model Farm Road.

- 7.2.3. I acknowledge that there is greater consistency in the pattern and character of dwellings directly south of the appeal site. However, these houses are to the rear of the appeal site, and they are not generally read within the same visual context as the appeal site. The views of the appeal site are most relevant in relation to Model Farm Road frontage. From this viewpoint, I consider that the surrounding development (i.e. Parkway Drive and Cherry Grove) exhibit a varied pattern and character of development which does not establish a particularly strong character or consistent context of built form.
- 7.2.4. At a more localised level, the site forms the western end of the 7 existing dwellings within Kenley Road/Avenue adjoining Model Farm Road. At the eastern end, property nos. 1 and 1A are detached dwellings on large, screened sites, and are not particularly prominent in the context of the appeal site. The remaining properties (nos. 19-27) form a largely continuous row of dwellings (4 no. semi-detached and 1 no. detached). The dwellings clearly share many design features, although the detached dwelling (no. 27) is notably different comprising a gable-front façade. The building lines are consistent, both in respect of the main building line for the 2-storey element of the properties and the projecting single storey 'garage' element. These 'garage' elements (most of which appear to be converted to living accommodation) project c. 2.75m from the front of the dwellings.
- 7.2.5. This row is setback significantly from Model Farm Road (25-30m). There is an intervening green space which contains several mature trees. Having regard to the limited extent of road frontage involved, its significant setback from Model Farm Road, and the intervening tree screening that exists, I do not consider that this row of houses creates a particularly strong or distinctive streetscape.
- 7.2.6. The application proposes to address its context by retaining the existing building lines. The main building line of the existing 2-storey house would be maintained and would be followed by the first-floor element of the new apartment building. And at ground level, the building line of the single storey element would follow that of the existing 'garage' elements (which would be demolished in this case).
- 7.2.7. The application also attempts to integrate with and balance the existing row of houses by providing a gable-fronted building in response to No. 27 at the opposite end of the row. The roof pitch would be consistent with existing development and

external finishes would include brick, which also features in the existing houses. The roof finish would be zinc or slates (to match existing).

- 7.2.8. As outlined in the foregoing, I do not consider that the appeal site is located within a particularly distinctive context with a consistent pattern or character of development. The subject building and surrounding properties are relatively modern. They are not of built heritage significance, and they are not of a particularly distinctive or valuable architectural character. And given the location of the appeal site at the end of the row, along with its 'corner site' prominence at the junction with Model Farm Road, I consider that there is added scope for design flexibility.
- 7.2.9. I am satisfied that the design proposal adequately responds to the existing building lines. I would also accept that there is justification for the gable-front design to counterbalance the appearance of no. 27 at the opposite end of the row. And ultimately, I do not consider there is a strong established streetscape or pattern/character of development at this location to warrant a rigid adherence to the existing context. Furthermore, the proposed new side (west) elevation would be an improvement on the existing situation and would create a more attractive appearance at this prominent entrance to the larger estate.
- 7.2.10. I acknowledge that the proposed form and design would be different to existing development in the area. However, having regard to the wide variations in pattern, scale, and character of development at this location, I consider that the proposed development can be accommodated without seriously detracting from the character of the existing dwelling, the adjoining row of houses, or the wider residential area.

### **7.3. Proposed Residential Standards**

#### Type and Mix

- 7.3.1. It is noted that concerns have been raised about the nature of the proposed units, including contentions that family units should be preferred over apartments or student accommodation. It should be noted that the application has not been proposed as purpose-built student accommodation and, therefore, it should not be assessed as such. It can only be assumed that the proposed units would be available to all prospective occupants, i.e. as typical residential development.

- 7.3.2. With regard to the type and mix of units, I would note that the area already contains a high proportion of larger detached and semi-detached dwellings. The proposed development would create 1 no. 2-bed house, a 2-bed apartment, and a 1-bed apartment. I consider that this would improve the mix and range of housing stock in the area and would be consistent with local and national policy in this regard.

#### The existing house

- 7.3.3. Demolitions and alterations are proposed to the existing dwelling to create a 2-bedroom dwelling. The proposed floor area (88m<sup>2</sup>) comfortably exceeds the target gross floor area for a 2-bed/4-person 2-storey dwelling (80m<sup>2</sup>) as set out in the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). I am also satisfied that the proposed house meets floor space standards in terms of individual/aggregate living areas, individual/aggregate bedroom areas, and storage space.
- 7.3.4. The house would benefit from a south-facing rear garden area of 88m<sup>2</sup>. This comfortably exceeds the minimum requirement of 48m<sup>2</sup> as per Objective 11.5 of the Development Plan.

#### Proposed Apartments

- 7.3.5. The Apartments Guidelines set out guidance and standards in relation to the design and layout of apartment developments. Specific Planning Policy Requirement 3 (SPPR 3) and Appendix 1 outline the minimum apartment floor areas. I am satisfied that the gross floor area of each apartment exceeds the minimum area required and that acceptable areas have also been provided for individual/aggregate living areas and individual/aggregate bedroom areas.
- 7.3.6. I acknowledge that internal storage space for the 1-bed apartment would be provided exclusively within living/bedroom areas, and that storage space for the 2-bed unit would be partly provided within living/bedroom space. However, the Apartments Guidelines allow for flexibility in this regard, and I am satisfied that proposals are acceptable given the limited scale of the proposed development.
- 7.3.7. Both apartments are dual aspect, which would comply with the requirements of SPPR 4. The ceiling heights are also consistent with requirements of SPPR 5 (2.7m

(ground floor) and 2.4m (first floor)) and are acceptable given the flexibility that can be applied to smaller schemes.

- 7.3.8. Generous private amenity spaces are proposed, consisting of an 84m<sup>2</sup> garden/patio for the 2-bed unit and a 25m<sup>2</sup> patio area for the 1-bed unit. This significantly exceeds the Apartments Guidelines requirements of 6m<sup>2</sup> and 5m<sup>2</sup> respectively. And having regard to the limited size of the development and the generous private open space provision, I am satisfied that communal open space is not necessary in this case.
- 7.3.9. Dedicated bin storage areas are provided for each unit. Having regard to the limited scale of the development I do not consider that any other communal facilities or services are necessary.

### Daylight & Sunlight

- 7.3.10. The Apartments Guidelines (2020) highlight the importance of provision of acceptable levels of natural light in new apartment developments, which should be weighed up in the context of the overall quality of the design and layout of the scheme and the need to ensure an appropriate scale of urban residential development. It states that planning authorities '*should have regard*' to guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when quantitative performance approaches are undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. Where an applicant cannot fully meet these daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting.
- 7.3.11. The Sustainable Residential Development Guidelines acknowledge that orientation of the dwelling and its internal layout can affect levels of daylight and sunlight and will influence not only the amenity of the occupants but the energy demand for heat and light. It states that the efficiency gains derived from passive solar layouts can be enhanced by designing individual dwellings so that solar collection is maximised, i.e. when living rooms, dining rooms and main bedrooms have a southerly aspect.
- 7.3.12. Objective 11.4 of the Development Plan states that all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and

ventilation. Section 11.96 of the Plan states that glazing to all habitable rooms should generally not be less than 20% of the wall area of any habitable room, and that development shall be guided by the principles of the BRE Guide (2011) and any updated guidance. A daylight analysis will be required for all proposed developments of more than 50 units and in relation to smaller applications where there are impacts on habitable rooms and the nature of the impact is not clear.

- 7.3.13. The application does not include an assessment of daylight or sunlight standards and it is acknowledged that there is no statutory requirement to do so. Having reviewed the proposed design and layout, it is noted that all units are dual aspect and each of the three units include a substantial living/kitchen/dining space that faces either south or west. As previously outlined, the room sizes are all compliant in terms of area and ceiling heights, and I consider that the proposed rooms will be served by large proportions of glazing for light and ventilation.
- 7.3.14. All the units benefit from generous separation from surrounding development to the south, west, and north. None of the surrounding development is of significant height or scale. Therefore, there are no significant obstructions that would give rise to concerns about interference with levels of daylight or sunlight.
- 7.3.15. Having regard to the foregoing, I am satisfied that the proposed development has been adequately designed to provide acceptable levels of daylight and sunlight to the rooms within the proposed development. No further detailed daylight/sunlight assessment is required and, therefore, I have no objections in this regard.

### Conclusion

- 7.3.16. In this section I have considered the quantitative and qualitative standards for the proposed residential units. I am satisfied that the proposed design complies with the relevant local and national guidance standards, and that the proposed development would result in an acceptable standard of residential amenity for the prospective occupants.

## 7.4. Impacts on surrounding properties

### Daylight and Sunlight

- 7.4.1. Objective 11.4 of the Development Plan states that the potential impacts of the proposed development on the amenities enjoyed by adjoining properties will need to be assessed in relation to all major schemes and where separation distances are reduced below those stipulated. The Sustainable Residential Development Guidelines state that overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. It states that planning authorities should require that daylight and shadow projection diagrams be submitted in all such proposals and the recommendations of BRE (BR 209) or BS (8206-2) guidance *'should be followed in this regard'*.
- 7.4.2. I note the publication of a new (3<sup>rd</sup>) edition of the BRE Guide in June 2022 and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK). However, I am satisfied that BR 209 and BS 8206-2 remain relevant as they are the standards and guidance referred to in the relevant national guidance documents such as the Sustainable Residential Development Guidelines and the Apartments Guidelines.
- 7.4.3. I would also highlight that the standards described in the BRE (BR 209) guidelines allow for flexibility in terms of their application, with paragraph 1.6 stating that *'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'*. It notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.4.4. With regard to *'light from the sky'*, Section 2.2.4 of the BRE guide outlines that loss of light to existing windows need not be analysed if the angle to the horizontal subtended by the new development at the centre of the existing window is less than 25°. If so, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

- 7.4.5. In this case, the majority of new development is proposed at single storey level only and would not significantly impact on daylight to surrounding properties. The only windows that would directly oppose the 2-storey element would be the rear north-facing windows of No. 17 Kenley Avenue to the south of the appeal site. The rear facade of No. 17 is c. 20 metres from the proposed 2-storey element. Having regard to this separation distance and the limited height and scale of the proposed development, I am satisfied that the proposed development would not subtend beyond the 25° angle referred to in the BRE Guide and would not be likely to have any significant effect on daylight to existing properties.
- 7.4.6. In relation to the impact of 'sunlight' on adjoining windows, section 3.2 of the BRE Guide outlines that obstruction to sunlight may become an issue if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window.
- 7.4.7. There are no existing windows effected by the proposed 2-storey element and facing within 90° of due south. And as previously outlined, it is not considered that any opposing windows would be subtended more than 25° by the proposed development. Accordingly, I am satisfied that there are no likely significant sunlight impacts for existing windows.
- 7.4.8. In relation to adequate sunlight throughout the year for adjoining gardens and amenity spaces, the BRE guide recommends that at least half of such spaces should receive at least 2 hours of sunshine on 21st March. If as a result of new development this cannot be met, and the area which can comply is less than 0.8 times its former value, then loss of sunlight is likely to be noticeable.
- 7.4.9. Apart from small front gardens, the private amenity spaces within the vicinity are generally to the south of the proposed development and would not be significantly impacted by overshadowing. The proposed development may result in some minimal overshadowing of the front garden of No. 21 in the later hours of the day, and there may be minimal overshadowing of surrounding public spaces at times. However, I do not consider that any effects would significantly impact on the levels of sunlight and amenity afforded to any of these spaces.



7.4.10. In conclusion on the issues of daylight and sunlight, I again highlight the advisory, non-mandatory nature of the BRE Guide. I have assessed the potential daylight/sunlight impacts to adjoining windows and the sunlight impacts on adjoining gardens/amenity spaces. I have considered the closest adjoining properties to represent a worst-case scenario and I have considered the 3<sup>rd</sup> party concerns in this regard. Having regard to the details outlined in my assessment, I am satisfied that the proposed development will not result in any unacceptable daylight/sunlight impacts for neighbouring properties.

#### Overlooking

7.4.11. Section 11.101 of the Development Plan acknowledges that traditionally a minimum separation distance of 22m between the rear elevations of buildings was required to provide sufficient privacy and avoid overlooking of back gardens, but that best practice has since evolved, and lesser separation distances are often appropriate.

7.4.12. The first-floor element of the apartment building includes habitable room windows facing only north and west. These windows would overlook public spaces and would not have any impacts on privacy or amenity of surrounding properties. And within the existing dwelling itself, only one south-facing habitable (bedroom) window would be included at first-floor level. The separation distance from adjoining properties would be consistent with existing arrangements and would not, therefore, generate any significant new concerns.

#### Overbearing

7.4.13. The Development Plan acknowledges that overbearance in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space servicing a home. I would accept that such overbearing impacts are largely generated as a result of the height and scale of a proposed development and its proximity to surrounding properties. Throughout this assessment I have outlined that the proposed development is not of significant height and that it is generously separated from surrounding properties. In such circumstances and having regard to the scale and character of existing development, I do not consider that the proposed development would have any unacceptable overbearing impacts on any surrounding properties.

## Conclusion

7.4.14. Having regard to the foregoing, I do not consider that the proposed development would detract from the residential amenities of surrounding properties in any significant or unacceptable way, whether by reason of daylight/sunlight, overlooking, overbearance, or otherwise. Accordingly, I have no objections in this regard, and I can see no reasonable evidence to support any contention the proposed development would adversely affect the value of property in the area.

### **7.5. Traffic and Transport**

7.5.1. The proposed development effectively involves the replacement of the existing 7-bedroom dwelling with the proposed 2-bed house, 2-bed apartment, and 1-bed apartment. Therefore, the proposed development does not necessarily involve a nett increase in potential occupancy.

7.5.2. In terms of car-parking requirements, Table 11.13 of the Development Plan outlines that a maximum of one car-parking space would apply per unit in Zone 2, resulting in a total maximum of 3 spaces. As a means of comparing potential traffic generation and parking demands, it is noted that a maximum total of 2 spaces would apply to the existing 7-bedroom dwelling on site. Therefore, the proposed development would result in a nett increase of just one car-parking space.

7.5.3. Having inspected the site, it is accepted that there is a significant extent of on-street parking along the adjoining road and within the turning area. However, having regard to the nett reduction of bedrooms on site and the minimal increase in maximum car-parking requirements as per Development Plan standards, it is reasonable to assume that there would be no significant increase in traffic volumes or parking requirements at this location. Therefore, I do not consider that the operational stage of the development would significantly exacerbate any existing congestion issues relating to traffic or parking.

7.5.4. The application proposes separate entrances and parking for the house and apartments. Parking is proposed within large designated 'front garden and parking' areas, but there is no specific delineation of the number and layout of parking spaces. While the Development Plan policy regarding a 'maximum' standard of parking provision is acknowledged and supported, I consider that such an approach

would be more appropriately applied within a new development where potential on-street parking could be appropriately restricted. In this case, there is already a practice of on-street parking within the road and turning area, and I consider that a restrictive 'maximum' approach to off-street parking would continue to facilitate this undesirable pattern. Accordingly, I do not propose to impose a 'maximum' number of off-street spaces and I am satisfied that proposals should be clarified and agreed by condition with the planning authority prior to commencement of development.

- 7.5.5. I also acknowledge the planning authority concerns about the entrance width for the apartment building. This significantly exceeds the maximum standard of 3m, but I am satisfied that the width can be reduced to comply with the 3m requirement. And although it is proposed to widen the entrance in a westerly direction, the drawings show that the most western pier would align with the existing kerb of the grassed area and vehicular movement would not, therefore, encroach on this open space. Vehicles would simply pass over the existing footpath, which would be consistent with existing arrangements and would not interfere with the safety of pedestrians or other vulnerable road users. Final details of the entrance should be clarified and agreed with the planning authority prior to commencement of development.
- 7.5.6. Regarding construction traffic concerns, I would state that some element of construction stage impact is an inevitable and unavoidable aspect of urban development. However, these impacts are temporary and must be appropriately facilitated if compact urban development is to be achieved within existing built-up areas. The application does not include details of construction traffic volumes or routes. However, as per normal application practice, I would accept that it is unreasonable to require final construction management details at this stage of the process. Therefore, I am satisfied that construction traffic impacts can be adequately agreed as part of a construction management plan which should be agreed with the planning authority prior to the commencement of development.
- 7.5.7. In conclusion, the proposed development involves a relatively small intensification of development at this location, and I consider that the impacts in terms of traffic volume and movement would be similarly minor. Accordingly, I do not consider that the proposal would significantly impact on traffic congestion or safety for residents, pedestrians/cyclists, or service/emergency vehicles. The outstanding issues in

relation to construction traffic, parking arrangements, and entrance width can be satisfactorily addressed and agreed with the planning authority by condition.

## **7.6. Other issues**

- 7.6.1. Some concerns have been raised about the loss of green space and potential impacts on biodiversity and climate change. As previously outlined, the proposed development does not involve the loss of any public green space. Furthermore, the loss of any green space within the site itself would be minimal and would not affect an area of any biodiversity significance. Accordingly, I am satisfied that any impacts would be minimal, and I would have no objection in this regard.
- 7.6.2. In relation to concerns about fire safety, I would highlight that compliance with the Building Regulations 2006 (Technical Guidance Document B – Fire Safety) will be assessed under a separate legal code. The developer will be required to apply for a Fire Safety Certificate and that process will afford the opportunity to address compliance with TGD B in an appropriate and comprehensive manner. Therefore, I consider that the issue of compliance with Building Regulations need not concern the Board for the purposes of this appeal.

## **8.0 Appropriate Assessment – Screening**

- 8.1.1. The Cork Harbour SPA (site code 004030) is the nearest Natura site and is located c. 6km to the east of the appeal site. There are several other designated sites in the wider Harbour area.
- 8.1.2. In terms of potential pathways, I note that there are no surface water courses in the immediate vicinity of the site. The Curragheen River is c. 400m to the north of the site and it flows into the River Lee and eventually to Cork Harbour. It is not proposed to discharge any emissions to the Curragheen River and, therefore, any potential for impact is limited to construction stage run-off/emissions. However, the appeal site is a significant distance from the river, and I do not consider that there is any potential for impacting on the water quality of the river. There would be less still potential for downstream water quality impacts on Natura 2000 sites given the significant separation distance and hydrological buffer that exists.

- 8.1.3. It is proposed to connect the proposed development to the public water supply and the public surface water/wastewater drainage system. Given the limited scale of the proposed development, I consider that the effects on this infrastructure would be minimal and, accordingly, I do not consider that there would be any potential for indirect effects on any associated Natura 2000 sites.
- 8.1.4. Therefore, having regard to the nature and scale of the proposed development within a serviced urban area and the separation distance to the nearest European sites, 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.

## **9.0 Recommendation**

Having regard to the foregoing assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## **10.0 Reasons and Considerations**

Having regard to the pattern and character of existing development in the area, the design and scale of the proposed development, and the provisions of the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity or character of the area, would provide an acceptable standard of residential amenity for the prospective residents, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 interests of clarity.

2. The proposed development shall be amended as follows:
  - (a) The number and layout of car-parking spaces to the front of the house and apartments shall be clearly delineated.
  - (b) The width of the shared vehicular entrance to the apartment building shall be reduced to a maximum of 3 metres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic safety and sustainable transportation.

3. 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. All

existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

4. 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 the construction access, traffic management arrangements, fuel and plant storage, and noise and dust management measures.

**Reason:** In the interests of public safety and residential amenity.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interests of sustainable waste management

6. 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.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

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

**Reason:** In the interest of visual amenity.

9. The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works. Any alterations to the public road shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the applicant's expense.

**Reason:** In the interests of clarity, public safety and amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. The management and maintenance of the proposed apartment development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

12. 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.

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Stephen Ward  
Senior Planning Inspector  
22nd of December 2022