



An
Bord
Pleanála

Inspector's Report

ABP-313524-22

Development	Construction of a House
Location	3 Templevale, Beaumont, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2240870
Applicant(s)	Darragh Scriven
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Ursula and Declan Lynch
Observer(s)	None
Date of Site Inspection	15 th July 2022
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The subject site is located within a residential area in the suburban area of Beaumont, located approx. 3km to the south east of Cork City. The total site area is stated as 0.038ha. Temple Vale is a mature residential estate that comprises mostly of detached two storey houses with gable/A frame roofs. The site is bound to the north by No. 23 Temple Vale (a two storey detached dwelling), Temple Vale road to the east, No. 3 Temple Vale (a two storey detached dwelling) to the south, and the rear garden of No. 2 Temple Vale to the west. At present the site forms part of the rear garden of No. 3 Temple Vale.
- 1.2. The context of the subject site is presented in the appendix to this report which includes, maps and a number of photographs taken on the day of my site inspection.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a two-storey detached dwelling (177 sq m) and new vehicular entrance onto Temple Vale. Private open space (95 sq m) is proposed to the rear of the dwelling along the site's western boundary. The dwelling has a split gable/A frame roof style with a smaller central roof. The dwelling will be finished with a smooth render and the roof will be constructed using black concrete tiles.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to Grant Permission on 12th April 2022 subject to 12 No. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planner's Report is consistent with the decision of the Planning Authority.

The Planning Officer considered that the proposed development in terms of the policy context and zoning objective afforded to the site under the Cork City Development Plan, 2015-2021 and that the proposal does not constitute overdevelopment. The Officer stated that the Applicant had taken cues from the design of the existing dwellings along the road and would be acceptable in visual terms. Having regard to the detached nature of the site, the Officer considered that the height difference (0.5m) of the proposed dwelling above the adjacent dwelling would be acceptable.

3.2.2. Other Technical Reports

Roads (Planning): No objection subject to condition.

Drainage: No objection subject to condition.

Environment: No objection subject to condition.

Development Contributions: No objection subject to condition.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to condition.

3.4. **Third Party Observations**

Five Third-Party Observations were submitted to the Local Authority opposing the proposed development. The key points can be summarised as follows:

- Proposed design not in keeping with the character of the area.
- Internal layout lends itself to being a multiple occupancy house.
- Not suitable for car parking on the road and constitutes a safety risk.
- Overdevelopment
- Overshadowing and loss of sunlight
- Loss of privacy
- Minimal private open space proposed.

4.0 Planning History

Subject Site

CCC Reg. Ref. 21/40134: Planning permission granted in June 2021 for retention of elevational change to front of existing dwelling.

No. 24 Temple Vale

CCC Reg. Ref. 22/41034: Planning permission sought for construction of a new part single-storey, part two-storey detached dwelling to the rear of No.24 Temple Vale. At the time of writing this Report, the Local Authority had not issued a decision in respect of the development.

No. 25 Temple Vale

CCC Reg. Ref. 18/38080: The Local Authority granted permission for the construction of a one and a half storey dwelling house to the rear of No. 25 Temple Vale in December 2018.

CC Reg. Ref. 18/37852: The Local Authority refused permission for the construction of a new two storey mews dwelling house to the rear of No. 25 Temple Vale in June 2018, as it would result in overdevelopment of the site, have a detrimental impact on visual amenity and seriously injure amenities of properties in the vicinity by reason of an overbearing impact, loss of light and privacy. The development would also have had a detrimental impact on the safety of pedestrians and vehicular traffic on Beaumont Avenue.

5.0 Policy Context

5.1. Cork City Development Plan 2015-2021

At the time of writing this Report, the applicable development plan was the Cork City Development Plan 2015-2021. However, the Cork City Development Plan 2022-2028 was adopted on the 27th June 2022 and will come into effect on the 8th August 2022.

The subject site is located within an area of Cork City which is zoned ZO4, Residential, Local Services and Institutional Uses, where it is the stated objective of the zoning to *'protect and provide for residential uses, local services, institutional uses and civic*

uses, having regard to employment policies in the 2015-2021 Development Plan. It is similarly zoned ZO 01 Sustainable Residential Neighbourhoods which has the objective to “*protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*” in the 2022-2028 Development Plan.

Chapter 16 of the 2015-2021 Plan deals with Development Management while Sections 16.40-16.42 deal with Residential Density, Section 16.58 provides for single units including corner / garden sites and states:

The planning authority will have regard to the following criteria in assessing proposals for the development of single units:

- *The existing character of the area/street;*
- *Compatibility of design and scale with the adjoining dwelling paying particular attention to the established building line, form, heights and materials etc. of adjoining buildings;*
- *Impact on the residential amenities of adjoining areas;*
- *Open space standards;*
- *The provision of adequate car-parking facilities and a safe means of access and egress to and from the site;*
- *The provision of landscaping and boundary treatments;*
- *Trees and gardens which make a significant contribution to the landscape character of an area are retained and unaffected by the proposal.*

Section 16.59 addresses Infill Housing:

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- *Not detract from the built character of the area;*

- *Not adversely affect the neighbouring residential amenities;*
- *Respect the existing building line, heights, materials and roof profile of surrounding buildings;*
- *Has an appropriate plot ratio and density for the site;*
- *Adequate amenity is proposed for the development.*

Section 11.139 of the 2022-2028 Development Plan addresses Infill Development.

5.2. **Natural Heritage Designations**

The site is c. 2.5km to the closest point of the Cork Harbour SPA (site code 004030).

5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development, comprising the construction of one residential dwelling in a serviced suburban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. A third-party appeal has been lodged by Ursula and Declan Lynch of No. 2 Temple Vale, who reside in the neighbouring two storey residential dwelling to the west of the application site. The appeal is supported by 'Submissions from adjoining neighbours and residents association' attached to Appendix 1. The grounds of appeal can be summarised as follows:

- The development does not respond positively to its immediate environment. Its design is not in keeping with the established pattern in the residential estate and as a result, it will impact negatively upon its immediate environment, to the detriment of the character of the estate. It will be out of proportion, excessively large and as a result, visually dominate the dwellings in its immediate vicinity.

- The split design, the landing arrangement and the nature and extent of fenestration is at odds with the established design and style of houses within the estate.
- The height of the proposed house is 0.5m above House No. 23 and is 0.6m house No. 3, which will cause overshadowing and loss of sunlight to east.
- There is unnecessary additional overlooking of adjacent properties and loss of privacy.
- The private amenity space for No. 2 will be significantly comprised due to overlooking and overshadowing.
- Should the Board grant permission for the proposal a significant reduction in the scale and extent, setback from the boundary, and the omission of directly overlooking first windows is required.
- In relation to the proposed private open space (95 sq m), having regard to its location, orientation, and proximity to the boundary and existing and proposed dwellings, will mean it will afford an unsatisfactory standard of amenity for future residents, being overshadowed for large parts of the day. Aside from being directly overlooked and overshadowed, at a width of 4m, its size severely mitigates against it functioning as a useable amenity area for residents.
- The property is in unauthorised use as two separate residential units.
- The proposal will adversely impact the residential amenity of the area.
- The excessive development would detract from the character of the area and constitutes overdevelopment.
- Proposal represents a safety hazard with traffic entering the park and turning left vis-à-vis cars exiting from the new entrance.
- Loss of daylight/sunlight and overshadowing.

6.2. Applicant Response

No First-Party Response received.

6.3. **Planning Authority Response**

No Response received.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

My assessment considers the planning application as lodged with the Planning Authority de novo. Having examined the application details and all other documentation on file, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

1. Principle of Development
2. Impact on Residential Amenities
3. Other Matters
4. Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. **Principle of the Development**

- 7.1.1. The proposed development seeks to provide for a new two storey dwelling on an existing residential site within an established residential area. The subject site is zoned ZO 4 Residential, Local Services and Institutional. Under this land use zoning objective residential is listed as a permitted in principle use. I consider the proposed development to be acceptable in principle, subject to quantitative and qualitative safeguards in respect of design and amenity.

7.2. Impact on Residential Amenities

Architectural Design

- 7.2.1. Local residents argue that the proposed development is excessive and out of character with the area. The proposal involves the construction of a two storey, 4-bedroomed, detached dwelling. The dwelling has a maximum height of 8.57m and so is marginally higher than the neighbouring dwellings (No. 3 = 8.21m and No. 23 = 8.31). Having regard to the size of the site (0.038ha) and the size of the proposed dwelling (177 sq m), the proposal does not constitute overdevelopment. It is setback from the northern site boundary by one metre, 8/9m from the eastern boundary with Temple Vale road, 2/3m from the southern boundary, and 3.4m from the western boundary. Having regard to the height, scale and massing of the proposed development in the context of the neighbouring dwellings, I do not consider it to be excessive. It will be separated from No. 23 by 3.1m, No. 3 by 8.66m and Derry Cottage on Beaumont Avenue by 18.63m. As such, I am satisfied that it will not have significantly negative overbearing impacts on the neighbouring properties.
- 7.2.2. In a somewhat similar manner to the dwellings in the area which have gable/A frame roofs, the proposed dwelling has a split gable/A frame roof, with two shed/lean on roofs on either side of a lower central roof. The dwelling will be finished with a smooth render and the roof will be constructed using black concrete tiles. I agree with the Local Authority that the proposed design has taken cues from the design of the existing dwellings along the road and respects the character of the area. I acknowledge that the existing dwellings along Temple Vale have a uniform architectural design, however I do not consider that the proposed dwelling will adversely impact the visual amenity of the area. I highlight that the site is not located in an Architectural Conservation Area nor are there any Protected Structures in the area. I am satisfied that the proposed dwelling will not negatively impact on the character of the area. There is no strong building line along Temple Vale. The northern section of the dwelling would extent approx. one metre beyond that of No. 23, but would align with No. 3.
- 7.2.3. In conclusion, I consider that the proposed development will not detract from the built character of the area.

Overlooking

- 7.2.4. In terms of overlooking, I note that the northern elevation (which is 3.1m from the southern elevation of No. 23) has three windows at first floor level, which would directly overlook the neighbouring dwelling. These windows would serve two ensuites and the stairways. Whilst the proposed windows would largely overlook the gable/A frame roof of No. 23 (see photo No. 6 attached), I recommend that these windows are constructed with obscure glazing to prevent direct overlooking of the property. At ground floor level, there are two windows on the northern elevation. However, there is a 2m high wall along the northern boundary of the site, which would prevent direct overlooking of No. 23.
- 7.2.5. Having regard to the separation distances between the subject site and No. 38 and No. 4 on the eastern side of Temple Vale, there will be no direct overlooking of these units that would adversely impact their amenity or result in a significant loss of privacy. With respect to the southern elevation, there are two rooflights proposed at first floor level and two windows at ground floor level. In addition, the application includes the construction of a 2m high wall along the southern boundary of the site. As such, I am satisfied that there is no adverse overlooking of No. 3.
- 7.2.6. In terms of overlooking of No. 2, the proposed development includes three glass doorways and two windows at ground floor level on the western elevation. However, the existing 2m high wall along the western boundary of the site is proposed to be retained and as such, there would be no direct overlooking of the neighbouring property from these windows. There are two windows and a rooflight proposed at first floor level that would directly overlook the rear garden of No. 2. Having regard to the orientation of the proposed dwelling in the context of the rear garden and the length of the garden, I am satisfied that the proposal will not cause undue overlooking of the property that would adversely impact on the amenity of the residents.
- 7.2.7. The proposed dwelling is located 18.63m from the eastern elevation of Derry Cottage. Having regard to this separation distance, and the degree of overlooking that is typical in urban/suburban areas, I consider that the proposal is acceptable in this regard.
- 7.2.8. In summary, I am satisfied that the proposed development will not adversely overlook neighbouring properties to the extent that it would adversely impact their residential amenity.

Overshadowing

- 7.2.9. Local residents raise concerns in relation to potential overshadowing and loss of daylight to neighbouring properties as a result of the proposed development. Having regard to the orientation of the site, to the pathway of the sun, the separation distances between the properties and the existence of the boundary walls, and the scale and massing of the proposed dwelling, I am satisfied that no undue loss of light or overshadowing would occur to the neighbouring properties. Whilst overshadowing would occur in the rear garden of No. 2 and No. 23, it would be limited and temporary. I note also that these properties have large rear gardens. I do not consider that the level of overshadowing resulting from the development would unduly impact the residential amenities of these dwellings.

Standard of Accommodation

- 7.2.10. The proposed development involves the construction of a 4-bedroomed dwelling with kitchen/lounge, playroom/study and living room. In terms of the standard of accommodation that the dwelling could provide, the house has a conventional layout with kitchen/lounge, playroom/study and living room at Ground Floor Level and four bedrooms at first floor level. It is compliant with the Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). I note that local residents raised concerns in relation to the multiple occupancy of the dwelling, however this matter can be addressed by way of condition. The proposal includes 95 sq m of private open space to the rear and side of the dwelling, which is in excess of the Development Plan's requirement for 60-75 sqm for detached (3-5 beds) units. Having regard to the orientation of the dwelling in the context of the site, I am satisfied that the private open space will not be overshadowed for significant periods of the day.

Parking

- 7.2.11. The proposed development includes off-street parking for two cars within the curtilage of the dwelling. Local residents have raised concerns regarding the potential pedestrian and vehicular safety that the development may cause. The Roads (Planning) division within the Local Authority had no objection to the development, subject to the proposed vehicular access/egress point onto Temple Vale being no wider than 3m. Having regard to the scale of the development (i.e. one 4-bedroomed

dwelling) it will not generate a significant increase in traffic volumes for the area. Furthermore, I note from my site visit that the proposed entrance has good visibility and is setback approx. 35m from the junction of Temple Vale and The Crescent. As such, the proposed development does not represent any greater risk to pedestrians than the existing dwellings along Temple Vale and in the general area. In summary, I am satisfied that the proposal is acceptable in terms of traffic safety.

Conclusion

7.2.12. In conclusion, I do not consider that the proposed development will adversely impact the area's architectural character or amenities and is compliant with Section 16.58 and 16.59 of the Development Plan. I consider that the proposed development would result in no undue overbearing impacts, overshadowing or loss of privacy on the neighbouring properties or adversely impact the area's residential or visual amenities, nor would it represent a traffic safety issue.

7.3. Other Matters

7.3.1. The Appellant raises matters relating to unauthorised development on the neighbouring site (No. 3) in the Third-Party Appeal. Any potential unauthorised development are matters for the Local Authority to consider. In my opinion, need not concern the Board for the purposes of this Appeal.

7.3.2. The proposed house is to be connected to public water services and public sewer. The Board will note no objection to the proposed development from Irish Water, subject to condition. In this regard, I am satisfied that the proposed development is acceptable.

7.3.3. In terms of development contributions, I am satisfied that the proposed development is subject to the payment of a contribution in accordance with Cork City Council's General Development Contribution Scheme (GDCS) and Supplementary Development Contribution Scheme (SDCS).

7.4. Appropriate Assessment

The site is c. 2.5km to the closest point of the Cork Harbour SPA (site code 004030). Having regard to the nature and scale of the proposed development in an established built-up suburban area on serviced land, and the separation distance to the European sites to the subject site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the

construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. I recommend that planning permission be granted, subject to the conditions outlined below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the Cork City Development Plan 2015-2021 including Section 16.58 (Corner/Garden Sites) and Section 16.59 (Infill Development), it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential amenities of the area or of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts nor would it represent a traffic safety issue. 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, 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>Reason: In the interest of clarity.</p>
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2.	<p>The proposed dwelling shall be occupied as a single residential unit and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The proposed windows at first floor level on the northern elevation shall be constructed with obscured glazing.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of orderly development.</p>
7.	<p>The name and numbering of the dwelling shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling.</p> <p>Reason: In the interest of orderly street numbering.</p>
8.	<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 development, including hours of working, tree protection</p>

	<p>measures, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>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.</p> <p>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.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as</p>

	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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Susan Clarke
Planning Inspector

20th July 2022