



An
Bord
Pleanála

Inspector's Report ABP-314191-22

Development	Demolition of shed to rear of dwelling and construction of new two storey dwelling.
Location	Rockdale, Skehard Road, Blackrock
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	22/41108
Applicant(s)	John and Christine Smith
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John and Christine Smith
Observer(s)	None.
Date of Site Inspection	24.05.2023
Inspector	Fiona Fair

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1.0 Site Location and Description

The subject site forms the rear garden of an existing detached dormer dwelling located on the Skehard Road in Blackrock, Cork City. The site area of the overall site is stated as 0.091ha.

2.0 Proposed Development

Planning Permission is sought to construct the following:

- A new two storey dwelling house at rear garden of property,
- Form new site entrance from Skehard Road to accommodate existing dwelling house with new driveway at front garden,
- Relocate existing site entrance to accommodate new dwelling house,
- Demolish existing detached garage at rear of property, and
- All associated site works including new concrete retaining wall and fencing at rear southern boundary and rear western boundary.

3.0 Planning Authority Decision

Decision

Refuse Planning permission for one No. reason, namely:

“Having regard to the pattern of development in the area including the existing established rear building line and gardens, the proximity of the proposed dwelling to site boundaries, and to the configuration and location of the proposed private amenity space, it is considered that the proposal amounts to overdevelopment and is unacceptable. The development, by reason of its visual dominance, would have a detrimental impact on the residential and visual amenities of the neighbouring residential dwellings. The proposed development would also set an unwelcome precedent for similar applications for inappropriate dwellings in neighbouring rear gardens. Overall, the proposal would seriously injure the amenities and depreciate the value of property in the area, and would be contrary to the proper planning and sustainable development of the area”.

3.1.1. Planning Authority Reports

Planning Report:

- It is the opinion of the PA that having regard to the pattern of development in the area including the existing established rear building line, the proximity of the dwelling to site boundaries, and to the configuration and location of the proposed private amenity space, the proposed development is unacceptable.
- The development would have a detrimental impact on the residential and visual amenities of the adjoining residential dwellings by reason of proximity to the site boundaries and visual dominance.
- The proposed development would also set an unwelcome precedent.
- Overall, the proposal would amount to overdevelopment.

3.1.2. Other Technical Reports

- Irish Water: No objection subject to condition.
- Contributions: No objection subject to condition.
- Environment: No objection subject to condition.
- Drainage: No objection subject to condition.
- Roads (Planning): No objection subject to condition.

3.1.3. Prescribed Bodies

None

3.1.4. Third Party Observations

None

4.0 Planning History

TP 06/30647 - Planning permission granted for a ground and first floor side extension.

5.0 Policy Context

5.1.1. National Policy:

Sustainable Residential Development in Urban Areas, 2009

Urban Design Manual

Quality Housing for Sustainable Communities, 2007

5.1.2. Development Plan

The application was considered and determined by the planning authority under the previous development plan for the area, namely the Cork County Development Plan 2014. However, a new Development Plan was adopted on the 25th of April 2022 under which the subject site is zoned 'Z01' – Sustainable Residential Neighbourhoods, with the Zoning Objective: 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.

Objective ZO 1.1 states:

"The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

5.1.3. The following Objectives are noted:

Objective 11.1 Sustainable Residential Development

Section 11.100 Separation, Overlooking and Overbearance

Section 11.106 Quantitative Standards for Houses

Objective 11.3 Housing Quality and Standards Objective

11.5 Private Amenity Space for Houses -

Houses should provide a private garden / terrace, of adequate size and proportions for the size of house proposed. The private outdoor areas should allow space for outside dining and / or clothes drying, with reasonable circulation.

Private open space for houses should aim to be at least 48 sqm. However, it may be acceptable to provide a smaller area where it can be demonstrated that good quality, useable open space can be provided on site.

The following factors will be material in assessing whether adequate space has been provided:

- a. The density of the proposed development;
- b. The context of the development in relation to the size and layout of existing residential plots and the pattern of development;
- c. The orientation of the outdoor area in relation to the path of the sun;
- d. The degree to which enclosure and overlooking impact on the proposed new dwellings and any neighbouring dwellings;
- e. The overall shape, access to and usability of the whole space to be provided;
- f. Clear delineation of public and private space (avoiding rear boundaries onto streets and public realm);
- g. The location of the plot in relation to publicly accessible open space and the offer of that space.

Infill Development

11.139

Adaptation of existing housing and re-using upper floors, infill development will be encouraged within Cork City. 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 (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).

5.1.4. Natural Heritage Designations

The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)

5.1.5. EIA Screening

Pursuant to article 103(1) of the Planning and Development Regulations 2001 as amended, having regard to the nature and scale of the proposed development and following a preliminary examination of, at the least, the nature, size or location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment, and it is consequently concluded that EIA is not required.

6.0 The Appeal

6.1.1. Grounds of Appeal

First Party Appeal submitted by Barrett & Associates on behalf of Mr and Mrs John and Christine Smith, it is summarised as follows:

- Refusal is unjustified.
- Careful and serious consideration has been given to the unique design of the proposed dwelling.
- Proposal would not give rise to overlooking / intrusion on adjoining properties
- The first floor is well below ground floor level of the existing adjoining properties to the rear at Park Hill Estate
- An existing 3.5m mature high hedge effectively screens the proposal to the south with adjoining Park Hill Estate.
- The eastern elevation is overlooking an overgrown derelict quarry (open space).
- Effective screening is proposed around the proposed first floor patio area to totally prevent any possible over looking.

- The north facing elevation of the proposed dwelling has very limited window opes. Those indicated at first floor are positioned high near ceiling level, above eye level, preventing overlooking. Roof glazing is used to bring light into the building. Floor window at west facing elevation has full screening to prevent overlooking. The proposed landing window is fully obscure.
- There have been no objections / observations submitted from neighbouring properties.
- The existing dwelling house retains a generous portion of the site with ample amenity space.
- The proposed new entrances provide safe access and egress.
- Development of this nature (backland in nature) is commonplace in city areas and suburbs.
- Refer to precedent set by Reg. Ref. 16/37026 and Reg. Ref. 21/39906

6.1.2. Applicant Response

- None

6.1.3. Planning Authority Response

- None Relevant

6.1.4. Observations

- None Received

6.1.5. Further Responses

- None Relevant

7.0 Assessment

7.1.1. Having inspected the site and examined the associated documentation, I am of the opinion the following are the relevant issues in this appeal:

- **Residential and Visual Amenity Impact**
- **Appropriate Assessment**

Residential and Visual Amenity Impact

7.1.2. There is no objection to the principle of an infill house on 'Z01'- zoned serviced lands with the suburbs of Cork City.

7.1.3. As set out above the PA have refused planning permission for one number reason. The main concerns cited relate to, (i) the proximity of the proposed dwelling to site boundaries, and to the configuration and location of the proposed private amenity space, it is considered that the proposal amounts to overdevelopment. (ii) The development, by reason of its visual dominance, would have a detrimental impact on the residential and visual amenities of the neighbouring residential dwellings and (iii) The proposed development would also set an unwelcome precedent, be injurious to the amenities of the area and depreciate the value of property in the area.

7.1.4. From an assessment of the plans and drawings submitted I highlight the following:

- The appeal site has a stated overall site gross site area of 0.091 ha
- The subdivision of the site would give rise to the host dwelling having a gross site area of 0.4 ha and the proposed new dwelling would have a site area of .05 ha.
- The existing host dormer dwelling has a stated GFA of 264 sq. m and a ridge height of some 7.1m
- The proposed two storey dwelling would have a GFA of 214 sq. m and a ridge height of some 7.3,
- It is proposed to provide a new site entrance to the host dwelling and the existing entrance will serve the proposed new dwelling.

- Private open space in excess of some 120 sq. m inc. a patio area of some c.49 sq. m would remain to serve the host dwelling.
- A lower patio (some 28 sq. m) and raised patio area (some 12 sq. m) is proposed to serve the new infill dwelling – totalling some 40 sq. m

7.1.5. The first party appeal seeks to justify the proposed dwelling in terms of design, overlooking / intrusion on adjoining properties, obscure nature of the site and lack of any objections or submissions. It does not address the issues set out in the reason for refusal.

7.1.6. Having carried out a site visit and from the plans submitted I consider that the proposed development would give rise to overdevelopment of the site. The design, including the height, scale and bulk would not be subservient to the host dwelling or dwellings in the vicinity. The site is constrained in terms of layout of existing surrounding residential units and separation distance to the host dwelling, which would range from some c.4.5 m to c.13 m. I have sympathy for the applicants given the plot area in a serviced, zoned, urban environment. However, I consider that the proposal is overdevelopment and unacceptable in its context. A smaller infill dwelling would in my opinion be more appropriate.

7.1.7. The size and scale of the proposed dwelling would give rise to a dominant and overbearing structure which would be highly visible from the existing dwelling to the north, neighboring dwellings and the public road, having a negative impact on the visual amenity of the area.

7.1.8. The introduction of a new two storey dwelling, of the scale proposed, at this location would appear as out of character, visually intrusive and harmful in terms of the design and visual impact, whilst there is considerable variety of forms of development in the surrounding area, I consider that the proposed design would not enhance the locality at this location.

7.1.9. I am not satisfied that the design approach proposed is adequate to overcome the constraints of the site. The proposed development would, therefore, be contrary to the 'Z01' Zoning Objective – Sustainable Residential Neighbourhoods, with the Zoning Objective: 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.

- 7.1.10.** I consider that the proposal would form an incongruent feature in the streetscape, which would be out of character with the established pattern and character of development.
- 7.1.11.** While I accept that the visual impact would be localised, I would have serious concerns about the precedent that it would set for further such development, and the potential cumulative impact of further such development on the character of the area.
- 7.1.12.** One of the concerns raised by the PA considers that it has not been proven that the proposed dwelling would not impact negatively on the residential amenities of the host dwelling by reason of overbearing impact and overshadowing.
- 7.1.13.** Regard is had no shadow study has been submitted. Given the height of the proposed dwelling (up to 7.3m) and its position due south of the rear garden of the host dwelling, I consider that the proposed development would have an unacceptable overshadowing and overbearing impact to the host dwelling.
- 7.1.14.** The PA have also raised concern that the proposal would result in deficient private open space to serve the proposed dwelling. The constrained nature of the site is demonstrated in the private open space provision. The host dwelling would have a private open space area to the rear in excess of 120 sq. m. However the proposed dwelling would have 2 patio area (at ground c.28 sq. m and first floor c.12 sq. m) totalling approx. 40 sq m. Regard is had to section 11.5 of the Cork City Development Plan 2022 -2028 which sets out that 'Private Amenity Space for Houses' – as follows:

“Houses should provide a private garden / terrace, of adequate size and proportions for the size of house proposed. The private outdoor areas should allow space for outside dining and / or clothes drying, with reasonable circulation.

Private open space for houses should aim to be at least 48 sqm. However, it may be acceptable to provide a smaller area where it can be demonstrated that good quality, useable open space can be provided on site”.

I consider the fact that the proposed patios would comprise two separate spaces, one of which would receive very little direct sunlight would reduce their amenity value. It would result in a deficient standard of residential amenity for the occupants

of same. I agree with the PA that the private open space proposed is somewhat deficient to serve a three bedroom dwelling of the size proposed.

- 7.1.15.** Having regard to the backland location and orientation of the site, taken together with the design, size, and lack of adequate private garden space, I consider that the proposed development would constitute overdevelopment of a restricted site. Furthermore, I consider that the proposed development would have a significant negative impact on adjacent properties by reason of overshadowing and overbearing impacts. The proposed development would, therefore, be contrary to the zoning objective of the site.

Appropriate Assessment

- 7.1.16.** Having regard to the nature of the proposed development comprising of an additional new dwelling in an established urban area, 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.

8.0 Recommendation

REFUSE permission for the proposed new dwelling and vehicular entrance, based on the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the restricted nature of this backland / rear garden site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in inadequate open space and would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

Fiona Fair
Senior Planning Inspector
31/05/2023