



An
Bord
Pleanála

Inspector's Report

ABP-314480-22

Development	Construction of 2 dwellings
Location	On lands at, 20 Charlemont Heights, Coach Hill, Monfieldstown Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2240889
Applicant(s)	Maura O'Brien
Type of Application	Planning Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Richard and Brenda Cooper
Observer(s)	None
Date of Site Inspection	18 th April 2023
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site measures 0.0918ha and is located at the entrance to Charlemont Heights, a residential estate that is accessed via Coach Hill. The suburban area, which is approx. 5.6km from the city centre, has a relatively low density, comprising mainly of large detached two storey dwellings, many of which have off street car parking. The site is bordered to the east by Coach Hill, by Charlemont Heights to the south, No. 20 Charlemont Heights (a large two storey detached dwelling) to the west, and to the north by the vehicular access to Charlemont House. The subject greenfield site has a number of trees along its southern and eastern boundaries. The site slopes from a height of 34.5mOD in the southwestern corner to 26.3mOD in the north-eastern corner.
- 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 comprises the construction of two, detached, two storey dwellings with a partial lower level below ground floor level, each with individual vehicular entrances off Charlemont Heights, and all site development works.
- 2.2. House A (3 bed) measures 208 sq m, while House B (4 bed) measures 206 sq m. Both houses have a garden store to the rear below the ground floor level. In addition, both houses have a rear terrace area. The dwellings are similar in architectural design and treatment being finished with red clay wire cut facing brick at ground floor level and white plaster at first floor level with red concrete tile roofs. It is proposed that both houses will be serviced by the public infrastructure in terms of water supply, wastewater and surface water disposal.
- 2.3. Following a Request for Further Information, a number of amendments were made to the scheme including: 1) revised front elevation to include for a gable rather than a hip as originally proposed, 2) a 600mm reduction in the front to rear dimension of the proposed dwellings, and 3) an increase in separation distance between the rear of the north-eastern boundary and the rear terrace to House B.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of the Decision to Grant Permission for the proposed development on 4th August 2022, subject to 15 No. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two Planning Reports on file from the Assistant Planner dated 12th April 2022 and 29th July 2022, respectively.

In summary, the Planning Officer in the former report advised that the site does not form part of the designated areas of public open space to serve the Charlemont Heights Residential development. The Officer raised concerns in relation to the orientation of the proposed dwellings (on a north/south axis) being out of character with those on Charlemont Heights (i.e. on an east/west axis) and potential overshadowing on the existing dwelling to the west of the site. The Officer was satisfied that the proposal would not result in any overlooking or loss of privacy to neighbouring properties due to the topography of the area and the separation distances between the proposed dwellings and neighbouring properties. The Officer noted the concerns raised by the Urban Roads and Street Design and Area Engineer in relation to sightlines and the Coach Hill Road Improvement Scheme. The Officer recommended that further information be sought in relation to 3 No. items with subsections.

The Senior Executive Planner concurred with the Assistant Planner's recommendation for additional information to be sought in a report dated 12th April 2022.

A **Request for Further Information** was issued on 12th April 2022 in relation to: 1) the impacts arising on neighbouring properties in particular the property to the west of the subject site due to the scale and massing of the proposal, 2) sightlines, and 3) drawings illustrating that the proposal is setback 3m from the L2472 to facilitate the Coach Hill Road Improvement Scheme.

Following receipt of the further information on 13th July 2022, the latter Planner's Report (29th July 2022) states that the elevational changes proposed as part of the

RFI Response would align with the properties adjacent and that there would not be undue impacts on the property to the west in terms of overshadowing. In addition, the Planner advised that having regard to the national policy and objectives, the provision of two dwellings on the site would be acceptable. The Report concludes by recommending permission is granted.

3.2.2. The Acting Senior Executive Planner concurred with the Assistant Planner's recommendation for permission to be granted in a report dated 2nd August 2022.

3.2.3. Other Technical Reports

Area Engineer (6th April 2022 and 29th July 2022): No objection subject to condition.

Contributions Report (8th April 2022 and 4th August 2022): No objection subject to condition.

Urban Roads and Street Design (Planning) (4th April 2022): Recommends that further information should be sought in relation to sightlines and pedestrian access along the public footpath.

Drainage (29th March 2022): No objection subject to condition.

Environment Report (3rd March 2022): No objection subject to condition.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1. Two observations from local residents were submitted to the Local Authority opposing the proposed development. The key points raised in the Observations can be summarised as follows:

- Overdevelopment.
- Proposal is out of character with the area.
- Overlooking and loss of privacy.
- Excessive height resulting in a loss of light to adjacent properties.
- Traffic safety and overspill parking concerns.

4.0 Planning History

- 4.1. **Part V Exemption Certificate Reg. Ref. 22/1842:** A Social Housing Exemption Certificate was issued by Cork City Council in respect of the proposal.

5.0 Policy Context

5.1. National Planning Framework Project Ireland 2040, 2018 (NPF)

The NPF identifies Cork as one of the country's five cities and a key location for future growth. Relevant to the appeal include national policy objectives:

- NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints;
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location; and
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009)

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Quantitative and qualitative standards for public open space are recommended. Appendix A of the document sets out guidance for measuring residential density.

5.3. Cork City Development Plan 2022-2028

While the Cork County Development Plan 2014-2020 was in force at the time this planning application was lodged, the 2022-2028 development plan has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this appeal case.

5.3.1. Land Use Zoning

The site is subject to land use zoning 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*”. Section 12.24 of the Development Plan states that the vision for sustainable residential development in Cork City is one of sustainable neighbourhoods where a range of accommodation, open space, local services and community facilities are within easy reach of residents. Development within this zone should generally respect the character and scale of the neighbourhood. Development that does not support the primary objective of this zone will be resisted.

5.3.2. New Residential Development

Section 11.139 Infill Development states:

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).

Section 11.66 sets out that when assessing proposals for new residential development a broad range of issues will be assessed, including: (1) design quality, (2) site features and context, (3) residential density, (4) building height, (5) residential mix, (6) existing neighbourhood facilities and the need for additional facilities, (7) integration with the surrounding environment in terms of built form and the provision of walking / cycling permeability, (8) transport and accessibility, (9) residential amenity of scheme proposed, (10) impacts on residential amenity of surrounding areas, (11) utilities provision, (12) waste management.

Objective 3.9 Infill Development – support the development of small sites for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.

Residential densities and building heights for different parts of the city are identified in Table 11.2 of the Development Plan. A lower density target of 40 dwellings per hectare and a higher density target of 60 dwellings per hectare are identified for the Outer Suburbs, with a building height target range of 2 – 4 storeys.

5.4. Natural Heritage Designations

The nearest Natura 2000 European Site to the appeal site is Cork Harbour SPA (Site Code: 004030), c. 170m north of the site.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development, comprising the construction of two residential dwelling in a 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. Grounds of Appeal

6.1.1. A Third-Party Appeal from Richard and Brenda Cooper, of Glencree, Norwood Court, Rochestown, Cork, was submitted to the Board on 30th August 2022 opposing the Local Authority's decision. The grounds of appeal can be summarised as follows:

- Glencree is located 22m from the proposed development.
- The Local Authority did not consider the effect of a three storey building on the site in the context of Glencree which has radically different floor levels.
- The submitted Daylight and Shadow study does not include Glencree, but it is clear that shadows will be cast over the property.
- The location and height of the houses, in particular House B, will result in a loss of daylight and sunlight to Glencree.

- The three storey height is excessive.
- The design and layout ignore the existence of existing homes, leading to overdevelopment.
- The removal of many mature trees would affect the amenity and character of the area and remove a natural screen to such a large development.
- Request that a more appropriate development is proposed that is in keeping with the existing development and of less impact to surrounding properties.

6.2. Applicant Response

6.2.1. The Applicant submitted a First-Party Response to the Board on 23rd September 2022. The key points can be summarised as follows:

- The Appellant's dwelling is located 38.7m from proposed House B.
- There is no appreciable negative impact on adjacent dwellings.
- The proposed design is considered to be in keeping with the character of the estate.
- The proposed development has a density of 21.78 units/ha which is considered appropriate at this location.
- The proposed development is considered an appropriate use of well-located serviced land, which does not have any appreciable negative impact on existing residential amenity.

6.3. Planning Authority Response

No response on file.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

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 of Glencree
3. Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. Principle of Development

- 7.1.1. The proposed development seeks to provide for two, two storey over partial lower level dwellings on a greenfield site within an established residential area. The subject site is 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*”. 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 of Glencree

- 7.3. The Appellant argues that the proposed development is excessive and out of character with the area. The proposal involves the construction of two, detached, two storey dwellings with a partial lower level below ground floor level. As outlined by the Applicant the proposal would have a density of 21.78 units/ha and as such in quantitative terms does not constitute overdevelopment as per Table 11.2 of the Development Plan.
- 7.3.1. As is evident on the Site Survey (Dwg. No. 21010/02/2550/01) the site slopes from a height of 34.5mOD in the southwestern corner to 26.3mOD in the north-eastern corner. The site’s topography is consistent with the wider area as the plot for No. 20 Charlemont Heights extends to 40mOD at its southwestern corner, while the centre line on Coach Hill has a recorded height of 25.17mOD. The topography continues to fall in a northeast direction and as such, as highlighted by the Appellant, the subject

site is at a higher level than Glenree, located on the opposite side of Coach Hill. As illustrated on Dwg. No. 21010/02/2050/001, the proposal aligns with the topography with House A being positioned at a lower level than No. 20 Charlemont Heights and at a higher level than House B. From review of the planning drawings, I estimate that House B is located approx. 39m to the front elevation of Glenree at its closest point. As such, whilst I acknowledge that there is a significant difference in levels between the subject site and Glenree, having regard to the separation distances between the properties I do not consider that the proposal will have an overbearing impact on Glenree that would adversely impact the occupants' residential amenity. Furthermore, I am satisfied that the proposal would not have any overbearing impacts on any other neighbouring property, including No. 20 Charlemont Heights, which is located c. 3.4m from the western boundary of the proposed House A, due to the topography. In a similar regard, whilst both of the proposed dwellings have north facing windows and terraces with views in the direction of Glenree, having regard to the separation distance between the dwellings, I am satisfied that no undue overlooking or loss of privacy would occur. Accordingly, I do not consider it necessary to condition that any of these windows are constructed with opaque glazing or that screening is provided.

- 7.3.2. The Appellant highlights that the Shadow Study prepared by the Applicant as part of the RFI Response does not include Glenree. Again, due to the separation distance between the proposed properties and Glenree, and the boundary treatments applicable to the plots, I am satisfied that no undue loss of light or overshadowing would occur to the neighbouring property. I highlight that Glenree benefits from a large rear garden. Furthermore, I am satisfied that the proposed development will not alter the quantum of daylight to such a significant degree that it would adversely affect amenities enjoyed by the occupants of neighbouring dwellings.
- 7.3.3. The proposed materials for the proposed dwellings will be similar to No. 20 Charlemont Heights, and as such they will be in keeping with the character of the area and not cause any adverse visual impacts. Furthermore, notwithstanding that four of the trees on the site would be felled, the proposed landscaping plans will help integrate the proposal into the area.
- 7.3.4. In conclusion, I do not consider that the proposed development will adversely impact the area's architectural character or amenities and is compliant with Objective 3.9 (Infill

Development) which supports the development of small sites for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes. I consider that the proposed development would not result in undue overbearing impacts, overshadowing or loss of privacy on the neighbouring properties or adversely impact the area's residential or visual amenities.

7.4. Appropriate Assessment

- 7.4.1. As stated above, the nearest Natura 2000 European Site to the appeal site is Cork Harbour SPA (Site Code: 004030), c. 170m north of the site.
- 7.4.2. Having regard to the nature and scale of the proposed development in an established suburban area on serviced land, 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

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 zoning objective of the site in the Cork City Development Plan 2022-2028, to the design and scale of the proposed development, to the infill nature of the site, and to the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would not result in overbearing or overshadowing impacts, and would comply with the relevant provisions of the Cork City Development Plan 2022-2028, the National Planning Framework, and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 13th July 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all external finishes, shall be as indicated on the drawings, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
3.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<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>
5.	<p>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</p>

	<p>existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
6.	<p>In-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
7.	<p>The name and numbering of the dwellings 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 dwellings.</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 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>
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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.

Susan Clarke
Senior Planning Inspector

20th April 2023