



An
Bord
Pleanála

Inspector's Report

ABP-314892-22

Development	Demolition of House and outbuildings and construction of two two-storey dwellings, two new site entrances and all associated works.
Location	Old Farm Farm House, Killeens, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2240950
Applicant(s)	Coleman Housing Solutions
Type of Application	Planning Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Colin and Susan O'Leary
Observer(s)	None
Date of Site Inspection	19 th April 2023
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site measures 0.105ha and is located next to the residential estate The Heights in the village of Killeens, on the N20, approx. 4.3km north of Cork City. The surrounding area is characterised by low density residential development comprising single storey, dormer type, and two storey dwellings. The Heights (comprising large single storey, detached dwellings on large plots) bounds the site to the north and east, a large side garden associated the residential property 'Journey's End' to the south, and by Rathpeacon/L-2785 to the west.
- 1.2. The site comprises an old vacant residential farm house and outbuildings and is accessed off the L-2785. The site slopes from west to east. The site contains a number of semi-mature trees, particularly along its western and southern boundaries.
- 1.3. 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:
 1. demolition of an existing dwelling (121.65 sq m) and outbuildings (78 sq m),
 2. removal of the existing vehicular access to the site off the L-2785,
 3. construction of two, detached, two storey dwellings with a single storey sunroom to the rear (both 4-bedroomed and each measuring 215.2 sq m),
 4. Provision of two new entrances off The Heights main access road, and
 5. Associated site works.
- 2.2. The proposed dwellings are similar in architectural design and treatment being finished with smooth plaster with an element of limestone stone cladding on the gable protection, a flat roof canopy over the main entrances, and slate 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**, the height of the two units was reduced by 1.1m and the proposed vehicular entrances were moved in an easterly direction to increase the distance from the junction with the L2785.

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 29th September 2022, subject to 15 No. standard conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The Planner's Reports forms the basis of the Local Authority's decision. In summary, on receipt of further information principally involving a reduction in height of the dwellings by 1.1m, the Planning Officers were satisfied with the revised design and that the development would not overshadow the neighbouring property to the east. Furthermore, subject to condition (provision of opaque glazing on the eastern elevation at first floor level) the Officers advised that no overlooking of the adjoining property would occur. The Officers had no objection to the demolition of the existing building.

3.2.3. Other Technical Reports

Contributions Report: No objection subject to condition

Environment: No objection subject to condition

Area Engineer: No objection subject to condition

Drainage: No objection subject to condition

Infrastructure Development: No comments

3.3. **Prescribed Bodies**

Irish Water: No objection subject to condition

3.4. **Third Party Observations**

- 3.4.1. Two observations were submitted to the Local Authority during the assessment of the planning application from the Third-Party Appellant. The issues raised in the submissions continue to form the basis of the grounds of appeal, which are outlined in detail in Section 6.0 below.

4.0 **Planning History**

- 4.1. **Part V Exemption Certificate Reg. Ref. 22/1851:** 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

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).

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.

Objective 11.12 Replacement Dwelling - To discourage the demolition and replacement of existing building stock of a vernacular quality, which should be retained and refurbished. Where a dwelling or building of significant vernacular quality is

proposed to be demolished, an architectural conservation report by a qualified conservation architect should be submitted as part of any planning application.

5.4. Natural Heritage Designations

There are no designated areas in the vicinity of the site.

The nearest Natura 2000 European Site to the appeal site is Cork Harbour SPA (Site Code: 004030), c. 8km southeast of the site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, comprising the construction of two residential dwellings in a serviced 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 Colin and Susan O’Leary, of The Heights, Killeens, was submitted to the Board on 20th October 2022 opposing the Local Authority’s decision. The grounds of appeal can be summarised as follows:

- The proposed scale, layout and design of the dwellings is out of character with the existing vernacular of The Heights. Whilst the Planner acknowledged that the original proposed design was overbearing and out of character, the RFI Response only included for a 1.1m reduction in the ridge height of the properties. The design which is more typically found in a high density suburban housing estate.
- Taking the proposed heights and contrasting design into consideration it is submitted that the construction of these 2 no. dwellings would be visually overbearing and would seriously injure the visual amenity of the area.
- The proposed density is not consistent with the area. A single storey dwelling would be more appropriate.

- The proposed entrance to the west is too close to the junction with the L2785 and represents a traffic hazard.
- Concerns regarding on-street car parking.
- The reduction in height by 1.11m to 8.512 would not alleviate the issue of overshadowing. Disappointed that the potential for overshadowing was not given more consideration by the planning authority. Autodesk Revit LT software was used to accurately generate the solar study images of the proposal and the surrounding context. The solar study accurately illustrates the significant overshadowing that will be created by the proposed dwellings and how it will seriously and negatively impact the everyday use and enjoyment of the living room, sunroom and outdoor patio area in the neighbouring property.
- The towering gable wall will have a negative visual impact on the neighbouring property.

6.2. Applicant Response

6.2.1. The Applicant submitted a First-Party Response to the Board on 11th November 2022. The key points can be summarised as follows:

- The old house is in extremely poor condition and unsalvageable. Various out buildings are also in various states of disrepair. The area is fully serviced with public mains water, waste water and storm sewers.
- No consideration was given to the shading occurring due to the existing 2100 mm high screen wall forming the current site boundary between the proposed site and the Appellant's property. The garage building located to the south of the bungalow also contributes to the shading.
- The proposed new house will have a floor level of 52.50M, this is 2.26 m under the floor level of the Appellant's bungalow (F.L 54.76).
- The two properties are horizontally 8.75m apart.
- The ridge height was reduced by 1.115 metres from the original application, with a similar drop in the wall plate heights. This reduction in height was done on the recommendation of the Planning Authority.

- The neighbouring property enjoys uninterrupted sunlight from the east and south and the majority of sunlight time from the west.
- The proposal relocates the western boundary into the site by 3.0 m at the northern end and 1.50 m at the southern end. This area will be cleared of the existing fence, vegetation and trees. The trees will be replaced by new planting inside the new boundary wall. The end result is a dramatic improvement in the sight lines for both traffic and pedestrians exiting the proposed and existing development.
- Each of the two proposed properties will have three car parking spaces. This will eliminate any need for on road parking.
- There will be clear visible sightlines in both directions exiting onto to the estate road.
- The two proposed dwellings are very similar to the existing houses built across the public road to the south. The general area is a mix of Bungalows, dormer and semi-detached houses. Each property will sit on a site area of approximately 500 sq. metres.

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

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 dwellings 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.
- 7.1.2. It is of further importance to note that the proposal involves the replacement of an existing dwelling with two new dwellings. There are multiple examples of comparable developments having been permitted in the County, including the demolition of older properties to make way for contemporary replacement housing or the further densification of lands through the construction of multiple-unit schemes. I note from my site visit that the existing vacant dwelling and outbuildings are in a state of disrepair and are not of any architectural significance. Therefore, in light of the foregoing, including the established use of the site for residential purposes, in my opinion, the demolition of a less energy efficient dwelling on the subject site and the construction of two replacement dwellings is acceptable in principle. I note that the Local Authority raised no concerns in relation to this matter.
- 7.1.3. In summary, 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

Density

- 7.2.1. The Appellant argues that the proposed development is excessive and out of character with the area. It is clear from the applicable planning policy and guidelines outlined in Section 5.0 above that there is an increased emphasis on maximising the development potential of sites particularly in relation to housing developments within existing urban areas. In particular, the 2009 Sustainable Residential Development Guidelines state that it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development

does not represent more than about 20% of the total new planned housing stock of the small town or village in question. The proposed development has a density of 19 No. units to the hectare. Accordingly, in terms of quantitative development management standards, the proposed development would not be considered as overdevelopment. Having regard to the location of the site within an existing residential estate on zoned and serviced lands, it is my view that the proposed increased density is appropriate in this instance.

Architectural Design

- 7.2.2. The Appellant argues that the proposed scale, layout and design of the dwellings is out of character with the existing vernacular of The Heights. The Local Authority stated that the original proposal was overbearing and out of character and as part of a request for further information advised that consideration be given to 1.5 storey or dormer type units. Subsequent to the request and a reduction in height of the units by 1.1m, the Local Authority considered the design appropriate. As highlighted by the Appellant, The Heights comprises of seven single storey dwellings. I note that there are a number of two storey and dormer type dwellings in the general area. In particular, I note that the dwellings are very similar in design to the two storey dwellings at Seanabothair (c. 240, from the subject site – see Photo 6 attached to this Report.) Whilst the proposed dwellings' design differs to that of dwellings in The Heights, I do not consider that they will adversely impact the visual amenity of the area. I highlight that there are no Protected Structures nearby nor is the site located in an architectural conservation area.
- 7.2.3. In terms of building height, the dwellings will follow the slope of the site with proposed western dwelling having a ridge height of 59.5m and the proposed eastern dwelling having a ridge height of 61m. The existing neighbouring property to the east (No. 1 The Heights) has a ridge height of 60m, while its western sunroom has a ridge height of 58.604m. As illustrated on the Proposed Site Section, the proposal will not appear overly dominant when viewed from the estate road. This is due to a combination of factors including: the proposed ridge heights, the separation distances between the proposed eastern unit and No. 1 The Heights, and the setback distance from the proposed front elevations to the public footpath on the estate road. Furthermore, due to the separation distances between the proposed eastern unit and No. 1 The Heights (in excess of 9m), the topography of the area, the proposed ridges of the units, and

the landscaping and boundary treatments between the properties, I am satisfied that the proposed development will not have an overbearing impact on No. 1 The Heights that would adversely impact the residential amenity enjoyed by the occupants. In addition, as outlined above, the dwelling will be finished in a smooth render. In summary, I do not consider that the proposal would be overbearing or have a negative visual impact on No. 1 The Heights.

Overshadowing

7.2.4. As outlined above, the Appellant has completed their own solar study images of the proposal and the surrounding context. The Appellant argues that the study illustrates significant overshadowing will be created by the proposed dwellings, which would seriously and negatively impact the everyday use and enjoyment of the living room, sunroom and outdoor patio area in the neighbouring property. The Applicant states that the analysis was completed using Autodesk Revit LT software. A complete analysis of both equinoxes and solstices at various times throughout the day has not been provided. Only four time periods have been presented: Winter Solstice at 3pm, Spring Equinox at 6pm, Summer Solstice at 7/7.30pm, and Autumn Equinox at 5pm. I do not consider that this analysis provides an overall accurate representation of the potential overshadowing impacts from the proposal that would be experienced by the neighbouring property throughout a day/year. Furthermore, I note that these periods likely represent the times when the impact will be greatest in the various seasons. However, it is important to note that these are temporary periods. As such, for example, the extent of overshadowing during the summer solstice in the morning and afternoon would be significantly less due to the height of the sun in the sky and its path movement. Notwithstanding this, having reviewed that analysis for the specific periods referenced, I do not concur with the Appellant that significant overshadowing would result from the proposed development. I highlight that No. 1 The Heights is positioned on a large plot with significant open space surrounding it. The greatest potential for increased overshadowing occurs in the late afternoon period when the sun is to the west of the subject site. As highlighted by the Applicant the existing 2.5m boundary wall and landscaping between the subject site and No. 1 The Heights, overshadows the neighbouring property to some extent already.

7.2.5. In summary, in my opinion, having regard to the sun path movements which would arise in this context, the scale and positioning of the development within the subject

site, and the existing boundary treatment between the two properties, no undue overshadowing would occur to the neighbouring property. Any overshadowing in the late evening would be minimal and temporary and would not adversely injure the residential amenity of the neighbouring dwelling.

Overlooking

- 7.2.6. Having regard to the boundary treatment between the proposed eastern unit and No. 1 The Heights (i.e. a 2.5m high block wall), there will be no overlooking or loss of privacy to the existing neighbouring unit from the two ground floor level windows. The first floor level window on the eastern elevation serves an ensuite. As outlined above, Condition No. 2 attached to the Notification of Decision to Grant Permission requires that this window be constructed with obscure glazing. Should the Board uphold the Local Authority's decision, I recommend that a similar condition is attached to the Order.

Traffic

- 7.2.7. Having regard to the size and nature of the proposed development (i.e. two, four bedroomed dwellings) and to the provision of off-street parking areas, I do not consider that the proposal would result in overspill car parking nor would it generate traffic volumes that would cause a hazard. Both the new entrances have sufficient sightlines having regard to the volume of traffic in The Heights estate. Furthermore, I note that the Local Authority's Area Engineer had no objection to the proposal subject to condition.

Conclusion

- 7.2.8. In conclusion, I consider that having regard to the proposed design boundary treatments, and separation distance between neighbouring properties no undue overshadowing, overlooking or overbearing impacts will arise. The proposal is consistent with local and national policies to support compact development. Furthermore, the proposal aligns with Section 5.9(i) (Infill Development) of the Guidelines for Planning Authorities for Sustainable residential Development in Urban Areas 2009 for "*a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill*". Having regard to the foregoing, I am satisfied that, subject to conditions, the proposed development can be satisfactorily

accommodated at this location and would not seriously detract from the amenities of surrounding properties.

8.0 Appropriate Assessment

- 8.1.1. The nearest Natura 2000 European Site to the appeal site is Cork Harbour SPA (Site Code: 004030), c. 8km southeast of the site.
- 8.1.2. 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.

9.0 Recommendation

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

10.0 Reasons and Considerations

- 10.1.1. 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.

11.0 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 7th July 2022 and 26th August 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>The window serving the first floor ensuite of both dwellings shall be obscure glazed.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<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>
4.	<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>
5.	<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>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located</p>

	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<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>
8.	<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>
9.	<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>
10.	<p>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</p>

	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	<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>
12.	<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>

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

24th April 2023