



An
Bord
Pleanála

Inspector's Report

ABP-314903-22

Development	Demolition of structures and construction of a house and all associated site works.
Location	Underwood Villa, Underwood, Rochestown, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241316
Applicant(s)	Willaim O'Brien
Type of Application	Planning Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Willaim O'Brien
Observer(s)	None
Date of Site Inspection	19 th August 2023
Inspector	Susan Clarke

1.0 Site Location and Description

1.1. The site measures 0.15ha and is located on Underwood, a narrow laneway accessed off the Rochestown Road, which provides access to a small number of large, detached dwellings. The site is located in a residential area, approx. 6.2km from the city centre. It is bound to the north by Rochestown Road, to the east by a large two storey detached dwelling, to the south by Underwood and to the west by open space with mature vegetation. The site steeply slopes in a south to north direction. It contains a detached, two storey dwelling and outbuilding known as Underwood Villa that was constructed in the early 1800s. An area along the northern boundary of the site contains Japanese Knotweed. The site is elevated above Rochestown Road, which has a terrace of houses and two detached dwellings located on its northern side, located opposite to the subject site. The River Lee estuary is located to the rear of these dwellings.

2.0 Proposed Development

2.1. The proposed development consists of the demolition of an existing dwelling (3-bed) and outbuildings (121.11 sq m) and the construction of a two/three storey dwelling (263.29 sq m – 4 bedroomed) with an associated new wastewater treatment system and gravel bed percolation filter, and all associated works. It is proposed that the site will be accessed from the Rochestown Road via the existing Underwood road. The contemporary style dwelling will be finished with a mix of materials including painted plaster, zinc cladding, and stone. It is proposed to utilise extensive glazing to the front (north) and side (west) elevations in addition to front-facing balcony / patio areas at first and second floor levels. It will be set into the hillside atop a raised plinth / platform with its principal elevation, including a large projecting gable feature at first and second floor level, orientated north to avail of views towards the river estuary and the city centre.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Refuse Permission for the proposed development for two reasons issued on 29th September 2022 as follows:

- 1. The development by reason of its scale, design, and incongruous appearance would constitute overdevelopment of the site, would result in a negative impact in terms of visual amenity and on the residential amenity of adjacent dwellings and would depreciate the value of property in the vicinity. As such it is considered that the proposal would be contrary to the objectives of the Cork City Development Plan 2022-2028 in relation to the development of residential units and would be contrary to the proper planning and sustainable development of the area.*
- 2. It is considered that the proposed development would be contrary to the Objectives 8.18 and 8.26, and sections 8.38 and 11.153 of the Cork City Development Plan 2022-2028 in relation to the reuse and refurbishment of historic buildings and the presumption against demolition of individual buildings of character in suburban areas and villages, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report (27th September 2022)

Basis of Local Authority's decision.

In summary, the Assistant Planning Officer stated that the proposal would not comply with Objectives 8.18 and 8.26 of the Development Plan. The Officer considered that the proposed dwelling would be visually dominant and out of character with the area, but stated that an extension with a modern, contemporary design, to the existing dwelling would be accepted and welcomed.

The Senior Planner and Senior Executive Planner both concurred with the Assistant Planner's recommendation.

3.2.2. Other Technical Reports

- Conservation Report (22nd September 2022): Recommends permission is refused “*in the interests of conservation and environmental sustainability to minimise waste and optimise on the embodied energy in existing historic buildings*”.
- Parks (18th September 2022): Recommends additional information be sought in relation to the treatment of Japanese Knotweed on the site.
- Contributions Report (23rd September 2022): No objection subject to condition.
- Area Engineer (23rd September 2022): No objection subject to condition.
- Environment Report (16th August 2022): No objection subject to condition.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. One Third-Party Observation was submitted to the Local Authority in respect of the proposed development. The key points raised can be summarised as follows:

- Proposal is visually overpowering and out of character.
- Overlooking and loss of privacy.
- Loss of light to neighbouring properties.
- Proposal for the treatment of Japanese Knotweed is inadequate.

4.0 Planning History

No planning applications relating to the site have been identified.

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**

Land Use Zoning

- 5.3.1. 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.

New Residential Development

5.3.2. 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.

5.3.3. Section 8.38 states *the farmhouses, cottages, stone walls and other local features which predate the suburban expansion of the city and towns within the city boundary contribute to the character and sense of place of the area. There will be a presumption against the demolition of such structures of vernacular or historic / social interest which contribute to the character and identity of an area. Their re-use should be prioritised.*

5.3.4. Section 11.153 states: Cork City Council will resist the demolition of existing historic buildings, apart from in exceptional circumstances.

5.3.5. Furthermore, Section 11.154 states:

The Council has a preference for the deep retrofit of structurally sound, habitable dwellings as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. The loss of historic buildings is of concern for four main reasons:

- 1. It is more environmentally sustainable to re-use existing buildings;*
- 2. Many buildings predate suburban development and make a very significant contribution to the overall character and distinctiveness of an area, though often of modest architectural significance in themselves. This would include farmhouses, artisan cottages and other building types;*

3. *Buildings are of architectural merit (either in their own right or as part of a group, whether or not they are protected on a statutory basis);*
4. *It generally results in the loss of larger housing stock.*

5.3.6. Key Objectives include:

Objective 8.18 (Reuse & Refurbishment of Historic Buildings):

- a) *The City Council will actively encourage the re-use of historic buildings in the interests of conservation and environmental sustainability to minimise waste and optimise on the embodied energy in existing buildings.*
- b) *Uses which will have a minimal impact on the character of historic structures will be encouraged.*
- c) *Alterations will adhere to best practice conservation standards.*
- d) *The reinstatement of lost features and removal of unsympathetic additions will be encouraged where appropriate.*
- e) *It is recognised that the protection and retention of historic buildings within the medieval city, has the dual advantage of protecting the rich archaeological resource and the Recorded Monument of the City Wall.*

Objective 8.26 Individual Buildings of Character in Suburban Areas and Villages:

There will be a presumption against the demolition of such structures of vernacular or historic / social interest which contribute to the character and identity of an area. Their re-use will be prioritised.

5.4. **Natural Heritage Designations**

5.4.1. The nearest Natura 2000 European Site to the appeal site is Cork Harbour SPA (Site Code: 004030), c. 100m north 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 one replacement 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 First-Party Appeal was lodged to the Board on 24th October 2022 opposing the Local Authority's decision. The grounds of appeal can be summarised as follows:

- The proposed development as submitted is in keeping with the pattern of development of the area and is significantly smaller in floor area than other recently permitted detached dwellings nearby.
- Recently permitted development Reg. Refs. 2039434 and 2140436 demonstrate that the proposed development at Underwood Villa is not excessive in terms of size and scale.
- The floor area of the proposed dwelling at Underwood Villa as submitted is 263 sq.m. which is necessary to accommodate the Applicant's requirements. The proposed accommodation provision is not excessive.
- The design was carefully considered and responds to the context of the site and is in keeping with the pattern of development in the area.
- The proposed new dwelling is designed to maximise the views and take full advantage of the location and context of the site overlooking the River Lee to the North.
- The terraces do not overlook adjoining properties as the Rochestown Road and the existing houses to the north of the Rochestown Road are at a far lower level than the proposed development.
- The materials proposed are selected painted smooth plaster walls with zinc roofs which extend in some areas to give visual interest and contrast to the composition.
- The proposed development would instead replace the derelict house on site with the construction of a new family dwelling house exceeding current building standards providing this family with a highly thermally efficient family home which would cater for the needs into the future.
- The site at 0.15 Hectares is sufficiently large to accommodate the proposed development which will not be obtrusive or adversely affect surrounding properties and only distant views are possible of the proposed development due to its location on the

elevated hillside where the existing dwelling is located at similar elevation along with other dwelling houses along this hillside.

- The existing dwelling is not capable or financially viable to provide a sustainable family home without prohibitively expensive works to be carried out to the existing structure, total upgrading of its thermal performance and would require an extension to provide a reasonable standard of accommodation.
- The proposed development has been designed in accordance with the proper and sustainable development of this site and careful consideration has been given to its integration into the existing built environment and pattern of development of the area.
- Demolition of the existing building and construction of a new family dwelling house is a suitable and appropriate solution for the proper and sustainable planning and development of the site.
- There are high levels of damp and moisture to walls and timber in the existing dwelling.
- The house is not a Protected Structure and is not listed on the National Inventory of Architectural Heritage. If the existing dwelling was considered worthy of retention it would have been listed on the NIAH or designated a Protected Structure to support its retention.
- The proposed development is on suitably zoned land in accordance with the sustainable and proper planning and development of this site for a single detached dwelling house in keeping with the pattern of development of the area.

6.2. **Planning Authority Response**

The Planning Authority advised the Board on 1st January 2022 that it has no further comments to make on the application.

6.3. **Observations**

None.

6.4. 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:

- Principle of Proposed Development, and
- Overall Design and Layout.

7.1. Principle of Proposed Development

7.1.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that 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*” and that the surrounding area is primarily residential in character. It is of further importance to note that the proposal involves the replacement of an existing dwelling house with a newly constructed residence. As such, the subject land use is acceptable in principle.

7.1.2. As outlined above, Section 8.38 of the Development states that there will be a presumption against the demolition of the farmhouses, cottages, stone walls and other local features which predate the suburban expansion of the city and towns within the city boundary and contribute to the character and sense of place of the area. I acknowledge the Applicant’s arguments in relation to the subject dwelling not being a designated Protected Structure nor being listed on the NIAH’s website. There was no conservation assessment submitted with the application outlining the significance or otherwise of the existing dwelling. It is a traditional two storey cottage with attractive ornamental features above the front windows. Whilst it may not be of any known particular architectural or historical significance, due to an absence of an architectural heritage assessment of the property, I note that the Local Authority’s Conservation Officer highlighted that the existing dwelling is identifiable on the historic Ordnance Survey maps of the area, showing the house in situ prior to the construction of the

Cork to Passage West railway which was opened in 1850. The Officer stated that the existing dwelling would be considered to be at least of Local interest based on the cartographic and exterior assessment of the structure. According to the NIAH's Categories of Special Interest, the Officer states that such structures are of some vintage that make a contribution to the architectural heritage, but may not merit being placed in the RPS. The Engineers Report (18th December 2020) estimates that the dwelling was constructed in 1848. In short, the Officer stated that the proposal would be contrary to Objective 8.18. Having conducted a site visit and reviewed the Engineers Report, I concur with the findings of the Conservation Officer that the proposed development is contrary to Objective 8.18 and 8.26 of the Development Plan.

- 7.1.3. The Engineers Report identifies a number of deficiencies with the existing dwelling. Importantly, the Report does not state that the house is structurally unsound beyond repair, rather it includes a number of recommendations to rectify the identified issues. I note from my site visit that whilst the house is in need of improvement works, it is not in a state of significant disrepair. There is no energy efficiency rating report for the existing dwelling and proposed dwelling provided with the application to compare the energy and environmental benefits of constructing the proposed replacement dwelling against attempting to remediate and upgrade the existing house. The First-Party Appeal states that *“based on our assessment and that of the consulting engineers, the existing dwelling is not capable or financially viable to provide a sustainable family home without prohibitively expensive works to be carried out to the existing structure”*. The referenced assessment has not been included with the application. Financial costs are not a planning matter. Notwithstanding this as the matter has been raised, in my opinion, significant costs would be incurred irrespective of whether the existing dwelling is refurbished, or a replacement dwelling is provided.
- 7.1.4. Furthermore, whilst I acknowledge that the standard of accommodation that the replacement dwelling could provide, I also consider that a refurbishment and potentially an extension to the existing dwelling could also provide an adequate standard of accommodation.
- 7.1.5. In summary, I do not consider that a sufficient justification for the demolition of the existing property and replacement with a new dwelling has been provided by the

Applicant and as such, I recommend that the Local Authority's second reason for refusal be upheld.

7.2. Overall Design and Visual impact

- 7.2.1. The proposal involves the demolition of the existing dwelling and the construction of a part 2/part 3 storey contemporary, detached dwelling measuring 263.29 sq m (4-bedrooms). The Local Authority considered that the proposal would be visually dominant along Rochestown Road and would be out of character with the adjacent buildings in the area. On the contrary, the Applicant argues in the First-Party Appeal that the proposal is in keeping with the pattern of development in the area and is not excessive in terms of size or scale.
- 7.2.2. Having conducted a site visit and reviewed the contiguous elevational and sectional drawings in support of the application, I concur with the Local Authority that the proposal will be visually dominant and appear excessive when viewed along Rochestown Road. In particular, I consider that the height, scale and massing of the projecting gable aspect of the proposal, is incongruous with the pattern of development in the area. I am cognisant that this is a large site in a well-established built-up suburban area that is characterised by a variety of architectural styles and a mix of scales that includes several examples of contemporary dwellings. Furthermore, I am satisfied that the proposed materials will not adversely impact the area's visual amenity. However, while the elevated hillside location serves to increase the overall prominence / visibility of the site, the overall scale and massing of the proposed development will be noticeably greater than that of the existing house. Whilst I understand the design rationale for having views over the estuary, no attempt in terms of bulk and scale has been made to integrate the proposal into the landscape. On the contrary, the design intentionally projects from the hillside serving to increase the overall prominence / visibility of the dwelling. The site context is such that views of the development from surrounding public roads will not be screened and as such will be visually dominant. As such, I do not concur with the Applicant that the proposal comfortably fits into the environment.
- 7.2.3. Whilst the proposal will be dominant when viewed from the dwellings located on the northern side of Rochestown Road, I do not consider that it will be overbearing on these dwellings due to the separation between same, nor will it result in undue

overlooking of these properties, which benefit from large rear private gardens overlooking the River. However, the proposed development includes a number of windows on all levels along its eastern elevation and as such, direct overlooking of the adjoining detached property would result, reducing the neighbouring dwelling's residential amenity. Due to the alignment of the proposed dwelling and the neighbouring dwelling, and having regard to their respective plot sizes, I do not consider that the proposal would have undue overbearing impacts on the neighbouring dwelling.

7.3. Reference is made by the Applicant to two cases (Refs. 2039434 and 2140436) whereby the Local Authority granted permission for dwellings in the area that are larger than the proposed development. I do not consider that the two cases referenced by the Applicant in the First-Party Appeal are comparable to the subject case, as their site contexts are significantly different. Ref. 2039434 relates to a large detached dwelling permitted southeast of the subject site, along Underwood Villa. However, this dwelling is significantly setback from Rochestown Road and is screened by mature vegetation. Similarly the Ref. 2140436 is located on Hop Island at a much lower elevation than the subject site.

7.3.1. In summary, having regard to the site context on an elevated position above Rochestown Road, it is my opinion that the overall design, scale and height of the proposed dwelling would be unduly visually obtrusive and out of character with the area. As such, I recommend that the Local Authority's first reason for refusal be upheld.

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. 100m north 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 refused for the reasons outlined below.

10.0 Reasons and Considerations

1. It is considered that the proposed development would be contrary to the Objectives 8.18 and 8.26, and sections 8.38 and 11.153 of the Cork City Development Plan 2022-2028 in relation to the reuse and refurbishment of historic buildings and the presumption against demolition of individual buildings and the presumption against demolition of individual buildings of character in suburban areas and villages, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The development, by reason of its height, scale, and design, would be incongruous and unduly visually obtrusive resulting in a negative impact in terms of visual amenity, and would cause significant overlooking of the property to the east thereby reducing its residential amenity. As such it is considered that the proposal would be contrary to the objectives of the Cork City Development Plan 2022-2028 in relation to the development of residential units 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.

Susan Clarke
Senior Planning Inspector

5th May 2023