



An
Bord
Pleanála

Inspector's Report

ABP-315006-22

Development	Construction of one 2 storey house and all associated works
Location	Carrigdan, Carriganarra , Ballincollig, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2240861
Applicant(s)	Leonard and Geraldine Connolly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ann Desmond
Observer(s)	None
Date of Site Inspection	06/04/2023
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of the Carriganarra Road, a mature residential road running west from the N22 in the Cork suburb of Ballincollig. The road is characterised by detached dwellings of varying architectural styles on relatively large plots. To the north of the subject site is a higher-density housing estate with a large area of open space.
- 1.1.2. Currently on site is a detached bungalow with a stand-alone garage and adjoining lean-to, just inside the front boundary wall. The site is irregular in shape, with a 'spur' at the rear (northern) boundary that runs alongside the adjoining site to the west. A single utility pole sits on the kerbside of the subject site, at the approximate location of the proposed entrance.
- 1.1.3. To the west of the subject site is the appellants dormer bungalow.

2.0 Proposed Development

- 2.1. On the 9th February 2022, planning permission was sought for the subdivision of a site and the construction of a dwelling (164.52sq.m.) in the side garden. The development requires the demolition of existing garage and shed (82.1sq.m.) and the removal of an existing front boundary wall, all on a site of 0.4ha.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 18th October 2022, the Planning Authority issued a notification of their intention to GRANT permission subject 15 no. conditions.
- 3.1.2. Condition no. 10 requires the relocation of the utility pole in front of the subject site.

3.2. Planning Authority Reports

- 3.2.1. **Environmental Waste Management:** No objection subject to conditions.
- 3.2.2. **First Planning Report:** Principle of development is acceptable. Some concerns about scale, height and design, overlooking. Applicant should be requested to propose a single storey dwelling and a shadow assessment.
- 3.2.3. **Second Planning Report:** Revised proposal shows revised positioning of the proposed dwelling, aligning with the building line to the west. This has the effect of

reducing impact on the adjacent residential properties in relation to overlooking and overshadowing. Upper floor windows have been omitted. Proposed development is acceptable.

3.3. Prescribed Bodies

3.3.1. Irish Water: No objection.

3.4. Third Party Observations

3.4.1. A single submission to the Planning Authority raises the same issues as raised in the third party appeal.

3.5. Request for Further Information

3.5.1. On the 5th April 2022, the Planning Authority invited the applicant to address the following:

- 1 revised plans for a single storey dwelling or a modest dormer
- 2 shadow study.

3.5.2. On the 21st September 2022, the applicant responded to the FI request with revised plans for a dormer dwelling and a shadow study.

4.0 Planning History

4.1.1. Planning Authority reg. ref. **06/9710**: Permission granted for construction of dwelling and new entrance.

4.1.2. Planning Authority reg. ref. **08/4607**: Permission granted for demolition of dwelling and construction of two dwelling houses.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

5.1.1. The subject site is zoned ZO 01 Sustainable Residential Neighbourhoods, with the stated objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

5.2. Natural Heritage Designations

5.2.1. None

5.3. **EIA Screening**

- 5.3.1. Having regard to nature and scale of the development and the urban location of the site 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. A third-party appeal of the decision of the Planning Authority to grant permission has been submitted by Ann Desmond of Sunview Carriganarra, the dwelling to the immediate west of the subject site. The grounds of the appeal can be summarised as follows:

- The sun path of the shadow study submitted by the applicant does not appear to be accurate.
- The appellants shadow study shows an overshadowing of her back garden and conservatory. This is in contrast to the applicant's study which showed no overshadowing at all.
- The applicant should be requested to undertake a shadow analysis again, showing the impact of the proposed dormer on the appellants home, including the hours 8am-10am.
- The appellant would be satisfied with a single storey dwelling as suggested by the Planning Authority.

- 6.1.2. The appeal is accompanied by a photo of the rear of the appellants property and a shadow analysis.

6.2. **Applicant Response**

- 6.2.1. An agent for the first party has responded to the third-party appeal, the details of the response can be summarised as follows:

- The applicant has commissioned a comprehensive shadow study based on the permitted design, to compare the existing and proposed shadow impact.

- The shadow study undertaken in November 2022 used 3D models of existing and proposed development. Images of shadow cast were shown on March 21st, June 21st and December 21st. For each section images are produced from 0.70 to either 15.00, 18.00 or 20.00. This is an accurate analysis of the possible impact of the proposed dwelling on site and on neighbouring properties.
- The study showed an imperceptible impact on sunlight access to the neighbouring property to the south-west during the very early hours of the morning during summer solstice. This imperceptible impact is shown on one small area of one elevation of the single-storey extension to the rear of the neighbouring property. At 9am, the shadow has moved away.
- Changes to the house design and its location on site could further reduce this imperceptible impact –
 - Gable depth reduced from 10m to 9.7m, reduction in floor area of 4.3sq.m.
 - Ridge height reduced by 0.1m to retain minimum headroom,
 - Set back from front boundary increased from 9.63m to 10.16m. Proposed centre of ridgeline is now in line with rear building line of neighbouring dwelling.
- As a result of the proposed changes, no part of the proposed dwelling lies within the 45° field of sight, indicating a clear line of sight from both conservatory and the side entrance to the property.
- A second shadow assessment was undertaken based on the further revised proposal. The study showed that there is a significant increase in sunlight access to the north-east facing elevation of the single storey extension to the rear of the neighbouring property.
- In conclusion, the Board is requested to grant permission for the revised proposal.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority has carried out its duties accordingly, its decision to grant permission is consistent with the development plan and the proper planning and sustainable development of the area. No further comments to make.

6.4. Observations

6.4.1. None on file

6.5. Further Responses

6.5.1. The appellant has responded to the first party response, the details of which can be summarised as follows:

- The appellants interpretation of the shadow studies 1 and 2 is different. The impact on the single storey rear extension should have been classified as moderate, as it alters the impact of sunlight access within the conservatory north-east windows during the summer months 7am-9am.
- It also has a slight impact on the garden areas during spring, summer and autumn from 7-9am.
- The revision submitted to the Board has not removed the impact.
- Increasing the distance of the proposed dwelling from the front boundary causes a privacy risk to the main entrance of the appellants property to the side.
- The design of the new dormer should be further reviewed to alleviate these concerns.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and noting that the appellant does not object in principle to the proposed development, I am satisfied that the single issue is the impact of the proposed dwelling on the residential amenity of the adjoining residential property in terms of overlooking and overshadowing.

7.2. Impact on Residential Amenity

7.2.1. The appellant disagrees with the shadow analysis undertaken by the agent of the applicant, stating that the side and rear of her dwelling will remain overshadowed notwithstanding the revisions made to the proposed dwelling.

- 7.2.2. I am satisfied that the applicant has comprehensively demonstrated that the impact on the residential amenity of the adjoining dwelling to the south-west will be imperceptible.
- 7.2.3. The proposed dwelling with no windows on the western elevation and two roof windows on the rear roof elevation will not overlook, either directly or indirectly any part of the private open space of the adjoining dwelling.
- 7.2.4. The proposed dwelling with an overall ridge height of 6.7m is approx. 3m lower than the adjoining two storey dwelling to the southwest. The proposed dwelling is an appropriate transition between the two storey to the south-west and single storey dwelling to the north-east. I am satisfied that the visual amenity of the wider area will not be negatively impacted.
- 7.2.5. The proposed dwelling is an appropriate use of zoned serviced land in a residential area.

7.1. Appropriate Assessment

- 7.1.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

- 9.1.1. Having regard to the residential zoning for the site of the proposed development, the pattern of development in the area, the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and convenience and 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 in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 21st day of September 2022, and by the further plans and particulars received by An Bord Pleanála on the 30th day of November 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>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1, Class 3, Class 5 or Class 9 of Schedule 2, Part 1 of those Regulations shall take place without a prior grant of planning permission.</p> <p>Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the proposed dwelling and traffic safety</p>
3.	<p>Prior to the commencement of development, the developer shall require the written approval of the relevant utility provider for the relocation of the single utility pole on the footpath forming the southern boundary of the subject site.</p> <p>Reason: To protect existing infrastructure</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p>

	<p>Reason: In the interest of public health and to ensure a proper standard of 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</p> <p>Reason: In the interests of visual and residential amenity</p>
6.	<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 the commencement of development. This plan shall provide details of intended access arrangements and of construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of amenities and public safety.</p>
7.	<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 the 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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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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.

Gillian Kane
Senior Planning Inspector

10 May 2023