



Development	Construction of a house.		
Location	1 Laurel Grove, Bishopstown, Cork City		
Planning Authority Ref.	2241658		
Applicant(s)	Derry Casey		
Type of Application	Permission	PA Decision	Grant w Conds.
Type of Appeal	Third party	Appellant	Noel Hogan
Observer(s)	None		
Date of Site Inspection	19/12/2023	Inspector	D. Aspell

Context

1. Site Location/ and Description

The site forms part of No. 1 Laurel Grove, Bishopstown. No. 1 is a semi-detached, 2-storey dwelling located on the corner at the junction of Laurel Grove and Garane Lane. There is a single-storey lean-to extension to the side. The dwelling is accessed from Laurel Grove. There is a large parking area to the front and side, and a garden to the rear. The application red line area is 'L'-shaped and comprises part of the parking and garden areas to the front and side of the dwelling. The surrounding area is generally comprised of a number of phases of suburban development.

2. Description of development

The proposal comprises:

- Demolition of single-storey extension to side;
- Construction of part two-storey/part single-storey detached dwelling in the side garden;
- Modifications to existing vehicular entrance to provide shared vehicular access to existing dwelling and proposed dwelling.

An extant permission at No. 1 (Ref. TP21/40766) provides for demolition of existing single storey side extension and construction of a 2-storey rear extension.

3. Relevant Planning History

Subject site:

- Reg. Ref. TP02/26511: Planning permission refused by the City Council in 2002 for a 2-storey detached dwelling in the rear garden of No. 1 Laurel Grove. The proposal was refused for 1 no. reason, being its close proximity to existing dwellings and inadequate private amenity space would constitute an unacceptable form of backland development.
- Reg. Ref. TP03/26929 (ABP Ref. PL28.203390): Planning permission refused by the Board in 2003 for a 2-storey detached dwelling to the side of No. 1 Laurel Grove. The Board's refusal reason was as follows:

"Having regard to the restricted nature of the site of the proposed development, its prominent location at a crossroads, the relationship of the proposed dwelling to the existing house and its proximity to the site boundary, it is considered that the proposed development would be out of character with the established pattern of development in the area and would, by itself and by precedent, seriously injure the amenities of the area and detract from the residential amenity of the existing house and would, therefore, be contrary to the proper planning and sustainable development of the area".

The Board stated that *"in deciding not to accept the Inspector's recommendation to grant permission the Board agreed that the impact on the character of the area was the major issue but concluded that the insertion of an additional house at this location would have such a serious adverse impact on the character of this established residential area as to warrant a refusal of permission for the foregoing reason".*

- Reg. Ref. TP05/29687 (ABP Ref. PL28.213491): Planning permission refused by the Board in 2005 for a 2-storey detached dwelling to the side of No. 1 Laurel Grove. The Board's refusal reason was as follows:
"Having regard to the prominent location of the site for the proposed development at a crossroads close to the entrance to the estate, it is considered that the proposed detached house would be out of character with the established pattern of development in the area and, particularly having regard to its proximity to the side boundary with Garrane Lane, would seriously injure the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area."
- Reg. Ref. TP05/29713 (ABP Ref. PL28.213493.): Planning permission refused by the Board in 2006 for a 2-storey detached dwelling to the side of No. 1 Laurel Grove. The Board's refusal reason was broadly as per ABP Ref. PL28.213491 above.
- Reg. Ref. TP05/29715 (ABP Ref. PL28.213494): Planning permission refused by the Board in 2006 for a 2-storey detached dwelling to the side of No. 1 Laurel Grove. The Board's refusal reason was broadly as per ABP Ref. PL28.213491 above.
- Reg. Ref. TP06/30950: Planning permission granted by the City Council in 2006 at No. 1 Laurel Grove to demolish existing side annex and erection of new two storey extension to the side of existing dwelling. No appeal. This permission was not implemented and has lapsed.
- Reg. Ref. TP21/40766: Split decision issued by the City Council in 2022 for demolition of side structure and development of a 2-storey rear extension, and the construction of a 3-bedroom 2-storey detached dwelling house, and relocation of existing access. The City Council granted permission for the proposed demolition and the extension but refused permission for the proposed detached dwelling. No appeal. The Council's refusal reason was broadly as per ABP Ref. PL28.213491 above.

Nearby sites:

- None relevant

4. Planning Policy

National Planning Framework 2018 (NPF):

- Section 4.5 Achieving Urban Infill / Brownfield Development: The NPF targets a significant proportion of urban development on infill/brownfield development sites within the built footprint of urban areas. This is applicable to all scales of settlement, from the largest city to the smallest village.
- National Policy Objective 35: “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- National Strategic Outcome 1: Compact Growth.

Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.

Sustainable Residential Development & Compact Settlements Guidelines for Planning Authorities 2024.

Southern Regional Assembly Regional Spatial & Economic Strategy 2020:

- Section 3.11 Regeneration: “The RSES seeks a dynamic approach to land use within the footprint of existing settlements. Urban regeneration and infill development must be maximised to achieve the sustainable compact growth of settlements of all scale. This also aims to achieve the minimum targets for new homes within their existing built-up footprints, set by the NPF. Achieving these targets will require proactive land management to ensure land and building resources within existing settlements are used to their full potential.”
- RPO 34: Regeneration, Brownfield and Infill Development.

Cork City Development Plan 2022-2028

I note the following provisions of the development plan:

- The land use zoning for the area is “ZO 01 Sustainable Residential Neighbourhoods”.
- Strategic Objective SO1 Compact Liveable Growth: “Deliver compact growth that achieves a sustainable 15 minute city of scale providing integrated

communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to the existing city.”

- Strategic Objective SO2 Delivering Homes & Communities
- Paragraph 2.56 Compact Growth: Existing Built Up Footprint Targets.
- Paragraph 3.46 states that “Cork City Council will support infill development to optimise the role that small sites in the City can play in providing new homes for Cork’s expanding population”.
- Objective 3.4 Compact Growth.
- Objective 3.9 Adaptation of Existing Homes, Infill Development & Conversion of Upper Floors: “Cork City Council will support and encourage the adaptation of existing homes (consistent with NPO 35 of the NPF), infill development and the conversion of upper floors in commercial areas in principle to ensure that homes, small sites and vacant space are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes”.
- Paragraphs ZO 1.1, ZO 1.2, and ZO 1.3.
- Objectives 11.1 Sustainable Residential Development, 11.3 Housing Quality and Standards, 11.4 Daylight Sunlight and Overshadowing (DSO), and 11.5 Private Amenity Space for Houses.
- Paragraphs 11.89, 11.100, 11.101, and 11.104.
- Paragraph 11.39 Infill Development: “Adaptation of existing housing and re-using upper floors, infill development will be encouraged within Cork City. New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).”

5. Natural Heritage designations

None relevant.

Decision and Grounds of Appeal

6. Planning Authority decision

The planning authority issued a notification of decision to grant permission subject to 9 no. condition on 23rd February 2023 for 1 no. reason, as follows:

“Having regard to the nature, location and context of the site and surrounding area, the policies and objectives of the Cork City Development Plan 2022-2028 and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the residential or visual amenities of the area, and is in accordance with the proper planning and sustainable development of the area”.

7. Appeal

The third-party appeal from Noel Hogan dated 15th March 2023 is summarised as follows:

- Appeal sets out details of the site planning history;
- Proposal would be detrimental to character of the area and injurious to amenities of property in the vicinity;
- Proposal would be an intrusion in the streetscape, incongruous and visually obtrusive;
- There has been no such infill development in the estate. Dwellings on corner sites in the estate have only been extended;
- There are a number of similar corner sites in the estate and the proposal will set a precedent;
- The additional traffic and turning movements near a hazardous T-junction would cause traffic hazard;
- If cars park on the road it is difficult for residents to enter / exit driveways;
- Proposal represents overdevelopment due to substandard private open space for existing and proposed dwellings, density and impact on character;
- The overriding consideration must be protection of amenities of neighbouring properties and established character;
- Proposal would seriously conflict with established pattern and density of the area and the objectives of the development plan to protect residential amenity;
- Reference made to the building line along Garrane Lane.

8. Planning authority response

None recorded.

9. Observations

None recorded.

10. Response to Appeal

A response to appeal on behalf of the applicant was received 27th April 2023 and is summarised as follows:

- Appeal is without merit. Refusal would set a dangerous precedent across the State where infill proposals are consistent with policy;
- National guidelines encourage best use of building land, compact development and optimal utilisation of infrastructure and services;
- Site is located near a number of educational facilities;
- Proposal is for a single family dwelling. It is not overly sized;
- No concerns regarding privacy, shadowing or separation distances;
- Proposal meets open space and density requirements;
- Materials will match the existing.
- Proposal will not be detrimental to the character or amenity of property in the vicinity, and no evidence is submitted for this;
- Proposal is consistent with zoning objective and development plan policy;
- No Roads reasons to refuse. No new vehicle entrance proposed. Planning authority roads engineer states no concern. This is a low-speed area;
- Response sets out details of site history and states there are numerous differences between the proposal and other dwellings refused on site;
- The proposal addresses all previous issues and reasons for refusal for a dwelling on the site and sets out details in this regard;
- Planning authority is satisfied previous refusal reasons have been resolved;
- In relation to precedent, there are many examples across the city of corner plots being developed (examples included);
- Proposal makes a contribution toward housing;

Environmental screening

11. Environmental Impact Assessment screening

Having regard to the nature and scale of the proposed dwelling located in a serviced urban area, I consider 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 or EIA is not required (See Forms 1 and 2 Appendix 1).

12. Appropriate Assessment screening

Having regard to the nature and scale of the development and the location in an urban area with connection to existing services, and absence of connectivity to European sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

2.0 Assessment

2.1. Having regard to the foregoing; having examined the appeal documentation; having visited the site; and having regard to relevant policies and objectives, I consider the main issues in the appeal are:

- Principle of development
- Design, character and visual amenities
- Residential amenities
- Access

Principle of development

2.2. Residential development is permissible in the “ZO 01 Sustainable Residential Neighbourhoods” zoning area. Development plan Strategic Objective SO1 “Compact Liveable Growth”, Objective 3.4 “Compact Growth”, and “Objective 3.9 Adaptation of Existing Homes, Infill Development and Conversion of Upper Floors” seek to deliver

compact growth within the city including specifically through infill development. I consider the principle of an infill dwelling is acceptable in this location.

- 2.3. National Planning Framework (NPF) Section 1.3.1 targets 50% of new housing in the five cities on infill or brownfield lands. NPF National Policy Objective 35 seeks to increase residential density in settlements through a range of measures including infill development. RSES Section 3.11 Regeneration states that urban regeneration and infill development must be maximised to achieve sustainable compact growth in settlements of all scales. It states that achieving NPF targets will require proactive land management to ensure land and building resources within existing settlements are used to their full potential. The proposed development is therefore consider to be aligned with local and national policy.

Design, character and visual amenities

- 2.4. In relation to design and character, the surrounding area is suburban in nature. It is comprised of 2-storey semi-detached dwellings with some detached, terraced and bungalow dwellings to the north and west. The area is low-density, and the surrounding dwellings are reasonably typical in their design and layout.
- 2.5. As with the neighbouring dwellings, the proposed dwelling will be a 2-storey hip-roofed (pyramid hip) dwelling. It would be finished in render and include a coloured render band across the main elevation as per adjacent dwellings.
- 2.6. In relation to requirements and standards for infill development, I consider the proposal is consistent with relevant policy and requirements. As per Paragraph 11.39 “Infill Development” of the current development plan, the height of the proposed dwelling is generally as per the existing dwelling on the site and its massing is less. I consider the architectural language is reasonably complementary to the area and the other features are largely to be retained as is (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).
- 2.7. In the submitted response to appeal the applicant has sought to address matters raised in previous refusal reasons by the Board for an infill dwelling on this site. In this regard I note the following:
- As set out above I consider the character of the area to be reasonably typical in its suburban nature, and not to be of particular sensitivity in terms of

character. Overall I do not consider the proposal to be significantly out of place or injurious to the character of the area.

- In relation to the prominence of the site, it is at a crossroads within the estate and as such is relatively prominent in the immediate vicinity. However I consider the dwelling as proposed would sit comfortably within the existing environment when viewed from the south or north along Garrane Lane, from the west along Laurel Grove, or from the east along Cedar Grove. I would not characterise the dwelling as being at the entrance to the estate as it is c.60m from Bishopstown Road. In addition, Garrane Lane slopes down significantly from Bishopstown Road and I do not consider that the site would be particularly prominent when viewed from that location.
- In relation to its detached nature, there are currently a number of detached houses in proximity to the site (eg. Villa Maria on Garrane Lane, c.10m to the west, and Nos. 1, 2 and 3 Laurel Court c.76m to 100m to the west) and as such I do not consider that the proposal would be significantly detrimental to the character or established pattern of development in the area in this regard.
- In relation to its proximity to Garrane Lane, the dwelling would be quite close to the boundary with the Lane (c.1m). The closest other dwellings to Garrane Lane are c.3m (ie. No. 16 Laurel Grove immediately south of the site) and c.5m ('Slievemore', adjacent to the north). However, I do not consider the proposal would have an unacceptable visual impact in this regard. As such, whilst the proposal would be relatively close to the Lane, I do not consider refusal is warranted in this regard. In this latter regard I also note the planning authority infrastructure section states that no boundary set back is required.

2.8. In relation to the appellant points regarding building line, I do not consider that a strong building line is established by development along Garrane Lane, with some dwellings facing the road, some addressing the road side-on, and some angled away from the road. As above I acknowledge the appellant points that the dwelling would be relatively prominent when viewed from the north or south along Garrane Lane due to its position, however, again I do not consider the proposal would have a significantly injurious impact on visual amenities in this regard.

2.9. Having regard to the foregoing and to the current pattern of development in the area, I do not consider this proposal would seriously injure the character or visual amenities of the area or would be contrary to current policy requirements in this regard. I am satisfied that the impact of the proposed development on the design, character and visual amenities of the area would on balance be acceptable.

Residential amenity

2.10. In relation to residential amenity, I am satisfied the existing dwelling would continue to offer a good degree of amenity in terms of private amenity space and internal provision, noting the existing floorspace to be demolished and reduction in garden area. I am satisfied the proposed dwelling would also offer a good level of residential amenity and generally meet policy and guideline requirements in this regard, including relevant SPPRs.

2.11. In relation to overlooking and privacy, the proposed first floor habitable room windows would be c.21m from both Slievemore to the north and No. 1 Cedar Grove to the east. There would be no significant overlooking issues between the existing and proposed dwelling or other dwellings in the vicinity.

2.12. In relation to sunlight, daylight and overshadowing, I note the proposed dwelling is set back behind the front elevation of the existing dwelling and would extend back at 2nd storey behind the rear elevation of the existing dwelling. The rear elevation of the existing dwelling is orientated north-west, and the front elevation is orientated south-east. I am satisfied both the existing and proposed dwellings would receive sufficient daylight and sunlight.

2.13. In relation to overbearance, given the distances and arrangement of existing and proposed dwellings I do not consider there would be significant negative impacts in this regard. I note that a first-floor rear extension is already permitted to the existing dwelling but which has not been constructed. This would have more significant impacts on overbearance on the existing dwelling than the subject proposal and would mitigate any impacts from the proposed development in this regard.

2.14. Overall I am satisfied the proposal would not give rise to unacceptable impacts in relation to residential amenities on the existing, proposed or neighbouring dwellings, including in terms of natural light, privacy, overbearance, private amenity space, or

overdevelopment, as set out above. As such I am satisfied the proposal is consistent with current objectives, policies and requirements in this regard.

- 2.15. For completeness I am satisfied both the proposed development and extant permission on site (Ref. TP21/40766) could be implemented together without unacceptable impacts on residential amenities.

Access

- 2.16. In relation to access and parking, the existing access is to be relocated away from the junction. The site will continue to be accessed from Laurel Grove. The vehicle access from the road is to be shared. Car parking for the existing and proposed dwellings is to be provided on-site immediately outside each dwelling.
- 2.17. In relation to road safety, the immediate and surrounding road network is suburban in nature, with traffic relatively limited and slow moving. I am satisfied the additional traffic movements would be reasonable and would not present a significant risk to road safety.
- 2.18. I note the planning authority Infrastructure Section raises no objection.
- 2.19. Having regard to the foregoing and the information submitted I am satisfied with the proposed access arrangements, and that sufficient and appropriate car and cycle parking for the existing and proposed dwellings would be available, including space for turning and manoeuvring on-site.

Conclusion

- 2.20. I consider that no significant detrimental impacts on neighbouring residential amenity would arise from the development in terms of overlooking, overshadowing or overbearance. I am satisfied the proposed and existing dwellings would enjoy a good level of residential amenity, including in terms of private amenity space.
- 2.21. I do not consider the proposed dwelling would be injurious to the character of the area. Whilst the proposal would be relatively prominent in the immediate area and close to Garrane Lane, I do not consider it would be significantly injurious to the visual amenities of the area. I also do not consider the proposal would conflict seriously with the current pattern of development in the area.
- 2.22. I note that since the Board previously refused permission for a detached dwelling on this (2006) the policy context for infill development has changed significantly and

now places a significant onus on supporting infill development, the creation of compact settlements, and delivery of a significant proportion of housing supply on infill sites within the built footprint of urban areas. It states that infill development must be maximised to achieve the sustainable compact growth of settlements of all scales, and to achieve the minimum targets for new homes within their existing built-up footprints set by the NPF. It also states that achieving the stated targets will require proactive land management to ensure land and building resources within existing settlements are used to their full potential.

- 2.23. Based on the foregoing, I consider that as the proposal is consistent with the land use zoning objective for the area; would not have significant detrimental impacts on the character or amenity of the area, and aligns with current policy objectives at the national, regional and local level, the proposal is consistent with the proper planning and sustainable development of the area and that permission should be granted.

3.0 Recommendation

- 3.1. I recommend permission be granted with conditions for the reasons and considerations below.

4.0 Reasons & Considerations

Having regard to the location and context of the site and surrounding area, and the nature and scale of the proposed dwelling, it is considered that, subject to conditions, the proposed development would not seriously injure the character, residential amenities, or visual amenities of the area and would not give rise to the creation a traffic hazard. It is considered that the proposal is consistent with the ZO 01 Sustainable Residential Neighbourhoods land use zoning objective for the area, and would be consistent with the relevant policies and objectives of the Cork City Development Plan 2022-2028, and would, therefore, be consistent with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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>Water supply and drainage arrangements for the site, including the disposal of surface and foul water, shall comply with the requirements of the planning authority for such works and services. Foul and surface water drainage shall be separated.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Proposals for house naming and numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name and number shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and orderly street naming and numbering.</p>
5.	<p>The Developer shall comply with the following:</p> <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, access, construction parking, management of on-</p>

	<p>street parking, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<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 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.-

Dan Aspell

Inspector

27th February 2024

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	317074-23		
Proposed Development Summary	Construction of a house.		
Development Address	1 Laurel Grove, Bishopstown, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X		Preliminary Examination required
Yes			Screening Determination required

Inspector: _____

Date: __9th February 2024__

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	316074-23		
Development Summary	Construction of a house.		
Examination			Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	Yes	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	No	

Inspector _____ **Date:** __9th February 2024_____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)