



An
Bord
Pleanála

Inspector's Report

ABP-317455-23

Development

The construction of a new 2-storey dwelling to the side garden of the existing dwelling house and alterations to the existing vehicular entrance (previously refused under 22/6518)

Location

No 11 The Walk, Lios Na Fea, Gurteenore, Macroom, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

Reg Ref 234727

Applicant(s)

Mary O'Regan

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Mary O'Regan

Observer(s)

None

Date of Site Inspection

10th September 2023

Inspector

Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.44 ha is located in an existing housing estate 'Lios Na Fea', which is located to the north-west of Macroom Town. The site comprises the curtilage of No. 11 The Walk; a 2-no. storey semi-detached dwelling house. The immediate area is characterised by residential dwellings of similar character, size and scale. The proposed dwelling is to be served by new connections to existing water supply and wastewater services. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. The applicant seeks permission for the construction of a new 2 storey dwelling house (80.28m²) to the side garden of the existing dwelling house and alterations to the existing vehicular. Previously refused under 226518.

2.2. The application was accompanied by a cover letter from the applicant that set out the following as summarised:

- The proposed development does not contravene the development plan of the area and does not significantly impinge on the pattern of development on site or visual character.
- The proposed development is not substandard and is unlikely to contribute to unauthorised parking.
- It removes an area of potentially significant anti-social behaviour
- Creates a sustainable living environment in this fully serviced urban area.
- Applicants is making the application on behalf of her daughter, who is presently residing in Australia as she has been experiencing difficulties finding suitable and affordable housing options in Ireland.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Cork County Council issued a notification of decision to refuse permission for the following reasons:

- 1) *The proposed development by reason of its design and site layout in the curtilage of an existing of a dwelling house and proximity to an existing ESB substation would represent an unduly incongruous development in an existing residential area which would interfere with the character of its surrounding area and would not represent an appropriate form of development. The proposed development would therefore be seriously injurious to the pattern of development and visual character of the area and would establish an undesirable precedent for similar development. The proposed development would be contrary to Objective PL 3-5 and ZU 18-9 of the Cork County Development Plan 2022.*
- 2) *Having regard to the proposed access and on-site carparking arrangement serving the dwelling house, it is considered that the proposed development would be substandard and contribute to the unauthorised carparking within the cul-de-sac resulting in the endangerment of public safety by reason of traffic hazards. The proposed development would be contrary to PL 3-5, TM 12-8, TM 12-9 and ZU 18-9 of the Cork County Development Plan 2022 and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be refused. This Senior Executive Planner agreed with this recommendation. The notification of decision to refuse permission issued by Cork County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Liaison Officer** – No comment
- **Area Engineer** – A structural report specifying works required to maintain the stability of the retaining wall throughout the excavation works and at completion

stage is required. It has not been indicated that proposed car parking complies with Table 12.6: Car Parking Requirements for New Developments of the Development Plan. The existing ESB substation to the front of the property is fixed and a right of way must be maintained. Refusal recommended.

3.3. Prescribed Bodies

- **Irish Water** – There is no material type, diameter, gradient or location showing where the new FS pipe connects to the main sewer. Deferral recommended.

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

4.1. No planning history has been made available with the appeal file. The following is noted from the Case Planners report.

- The housing estate was granted permission under T.P. 26/01 and subsequently amended under Reg. Ref. 05/54032. There is no planning history pertaining specifically to the application site.

4.2. I note from the Public Notices that permission was previously refused under 226518 at this site. I refer to the Cork County Council Planning website where the following is noted:

- **Reg Ref 226518** - Mary O'Regan was refused planning permission for the construction of a 2-storey dwelling house to the side garden of the existing dwelling at No. 11 The Walk, Lios na Fea, Gurteenroe, Macroom, Co. Cork. The reasons for refusal are not available to view on the Local Authority website.

5.0 Policy Context

5.1. Development Plan

5.2. The operative Development Plan is the **Cork County Development Plan 2023-2028**. The site is located within the Macroom Settlement Boundary and zoned *Existing*

Residential/ Mixed Residential and Other. The application site is not located within Flood Zone A or B. Relevant policies and objectives are set out as follows:

PL 3-5: Rural Placemaking

The Plan acknowledges that there are distinct and regional patterns of development within the rural villages and rural areas of County Cork and these make a positive contribution to the County's settlement network and rural landscape. New buildings should respond to the historic placemaking patterns and built form prevalent in the area.

Objective ZU 18-9 - Existing Residential/Mixed Residential and Other Uses

The scale of new residential and mixed residential developments within the Existing Residential/Mixed Residential and Other Uses within the settlement network should normally respect the pattern and grain of existing urban development in the surrounding area. Overall increased densities are encouraged within the settlement network and in particular, within high quality public transport corridors, sites adjoining Town Centres Zonings and in Special Policy Areas identified in the Development Plan unless otherwise specified, subject to compliance with appropriate design/amenity standards and protecting the residential amenity of the area. Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

Objective WM 11-12 - Surface Water Management

Manage surface water catchments and the use and development of lands adjoining streams, watercourses and rivers in such a way as to minimise damage to property by instances of flooding and with regard to any conservation objectives of European sites within the relevant catchments and floodplains.

Objective TM 12-8 - Traffic/Mobility Management and Road Safety

- a) Where traffic movements associated with a development proposal have the potential to have a material impact on the safety and free flow of traffic on National, Regional or other Local Routes, the submission of a Traffic and

Transport Assessment (TTA) and Road Safety Audit will be required as part of the proposal. Where a Local Transport Plan exists, it will inform any TTA.

- b) Support demand management measures to reduce car travel and promote best practice mobility management and travel planning via sustainable transport modes.
- c) For developments of 50 employees or more, residential developments over 100 units, all education facilities, community facilities, health facilities, as well as major extensions to existing such uses developers will be required to prepare Mobility Management Plans (travel plans), with a strong emphasis on sustainable travel modes consistent with published NTA guidance to promote safe, attractive and convenient, alternative sustainable modes of transport as part of the proposal. Where a Local Transport Plan exists, it will inform any Mobility Management Plan.
- d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.
- e) Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network.
- f) Promote road safety measures throughout the County, including traffic calming, road signage and parking.
- g) Co-ordinate proposed zoning

Objective TM 12 -9- - Parking Secure the appropriate delivery of car parking and bicycle spaces and facilities in line with the Standards set out in Section 12.24 of this document

- a) All non-residential development proposals will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift.
- b) All residential development proposals, in Metropolitan Cork, in areas within walking distance of town centres and public transport services, will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift.

- c) Cycle parking will be appropriately designed into the urban realm and new developments at an early stage to ensure that adequate cycle parking facilities are located and designed in accordance with cycle parking design guidelines; The National Cycle Manual (NTA, 2011), and the Standards for Cycle Parking and Associated Cycling Facilities for New Developments document (Dun Laoghaire Rathdown County Council, 2018).
- d) On street car parking is to be designed such that it does not occupy unnecessary street frontage.
- e) Connectivity and accessibility between key car parking areas and primary town centre streets is to be safe and convenient.
- f) A high standard of design, layout and landscaping, including application of sustainable urban drainage systems where appropriate, is to accompany any proposal for surface car parking. Planning permission will be granted only where all the following criteria are met:
 - Respects the character of the streetscape/landscape;
 - Will not adversely affect visual amenity, and
 - Makes provision for security, and the direct and safe access and movement of pedestrians and cyclists within the site.
- g) Car parking provision is to comply with Sustainable Urban Drainage practices and other climate change adaptation and mitigation measures are to be considered, including considering the potential for landscaping to provide shade, shelter and enhancement of biodiversity.
- h) Measures to facilitate the complementary use of private car, through appropriate local traffic management including the siting of destination car-parking, is central to achieving the correct balance of modal use;
- i) The provision of multimodal facilities including carpooling spaces, secure bicycle lockers, public bicycle sharing, etc. are to be considered in the provision of parking for all non-residential developments or multi-unit residential developments where appropriate.

Table 12.6: Car Parking Requirements for New Developments

Development Type	Parking Provision Requirement
Residential – Dwelling houses	2 spaces per dwelling unit
Residential - Apartments	1.25 spaces per apartment unit

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within a designated Natura 2000 site.

5.4. **EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development, 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. The first party appeal against the decision to refuse permission has been prepared and submitted by the applicant, Mary O'Regan and may be summarised as follows:

- The ESB have raised no objection to the proposed development and any issues raised by the Planning Authority may be dealt with by condition.
- The development would not seriously injure either the pattern or character of the development of the area. Reference is made to a photomontage submitted however no photomontage has been made available with the appeal.
- The development removes an area of existing potential anti-social behaviour and uses serviced land in an urban area.
- The proposed access and parking arrangements will not endanger public safety or create a traffic hazard.
- The site is in an urban area with access to facilities, public transport and schools.

6.2. **Planning Authority Response**

- 6.2.1. All relevant issues have been covered in the technical reports forwarded to the Board.
No further comment.

6.3. **Observations**

- 6.3.1. None

6.4. **Further Responses**

- 6.4.1. None

7.0 **Assessment**

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings.

- Principle
- Design & Layout
- Car Parking
- Appropriate Assessment
- Other Issues

7.2. **Principle**

- 7.2.1. Permission is sought for construction of a new 2-storey dwelling house to the side garden of the existing dwelling house and alterations to the existing vehicular entrance. The site is located within the development boundary of Macroom and is zoned *Existing Residential/ Mixed Residential and Other Uses* where residential development is considered an appropriate use in principle. Accordingly, the principle of the proposed development is considered acceptable subject to compliance with the requirements of the current Development Plan.

7.3. Design & Layout

- 7.3.1. The proposed development is located within the curtilage of an existing dwelling house at the end of cul de sac within a reasonably well-established residential estate. As set out in Section 18.9.3 of the Development Plan, often within existing residential / mixed residential areas there will inevitably be some areas of land that are either undeveloped or have some potential to be considered for development. However, the inclusion of this land within an existing residential area does not imply any presumption in favour of development or redevelopment, unless this would enhance the character and amenity of the area as a whole.
- 7.3.2. As noted by the Area Engineer and observed on day of site inspection the ground within the appeal site slopes approximately 1 in 4 and will require excavation of approx. 2m of soil adjacent to the retaining wall. I agree with the Area Engineer that a structural report from a suitability qualified Chartered Engineer (Structural/Civil or Geotechnical) specifying the works required to maintain the stability of the retaining wall throughout the excavation works and at completion stage is required. I further agree that as the site is adjacent to the public footpath and the main Millstreet road from Macroom town, there is a serious concern about undermining the existing boundary wall from this proposed development. I consider the extensive engineer works necessitated are symptomatic of the inappropriate nature of the proposed scheme at this location.
- 7.3.3. Overall, I consider the proposed development by reason of its design and site layout in the curtilage of an existing of a dwelling house where extensive site works are required to facilitate same, together with proximity to an existing ESB substation would represent an unduly incongruous development in an existing residential area which would represent an inappropriate form of development. Refusal is recommended.

7.4. Car Parking

- 7.4.1. To the front of the appeal site there is an existing ESB substation. Therefore, in order to provide access and off street parking the proposal includes alterations to the existing vehicular entrance serving the existing house by slightly widening the existing piers. It appears that this is to allow vehicular access to both houses through the same existing entrance and to also provide the additional car parking required for the new house to the front of the existing house. There will be no new separate vehicular

access serving the proposed new house from the cul de sac and no car parking to serve the proposed new house will be provided within the curtilage of same.

- 7.4.2. It has not been clearly demonstrated that car parking complies with the requirements of Table 12.6 of the Development whereby 2 spaces per dwelling unit are to be provided. I agree with the Area Engineer that it does not seem possible to provide these spaces to the front of the property. The proposed arrangements are unacceptable and are again symptomatic of the inappropriate nature of the proposed development. Refusal is recommended.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered 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.

7.6. **Other Issues**

- 7.6.1. **Development Contributions** – I refer to the Cork County Council Development Contributions Scheme. It is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached.

8.0 **Recommendation**

- 8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason.

9.0 **Reasons and Considerations**

- 1) The proposed development by reason of its design and site layout in the curtilage of an existing of a dwelling house where extensive site works are required to facilitate same, together with proximity to an existing ESB substation would represent an unduly incongruous development in an existing residential

area which would represent an inappropriate form of development. Taken together with the unacceptable proposed access and on-site carparking arrangement that is to be shared with the existing dwelling house, it is considered that the proposed development would be substandard and would set an undesirable precedent for similar types of development in the vicinity and throughout the county and would therefore 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.

Mary Crowley

Senior Planning Inspector

11th September 2023