



An
Bord
Pleanála

Inspector's Report ABP317903-23

Development	Demolition of existing dwelling and construction of 6 no. 2-storey, semi-detached dwellinghouses.
Location	Copper Point, Schull, Co. Cork..
Planning Authority	Cork County Council (West).
Planning Authority Reg. Ref.	23/00007.
Applicant(s)	Carmina Properties Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Carmina Properties Ltd.
Observer(s)	None on file.
Date of Site Inspection	28 th /29 th November 2023.
Inspector	Des Johnson.

1.0 Site Location and Description

- 1.1. Schull is located adjacent to the southern shoreline of the Mizen Peninsula, approximately 24kms west of Skibbereen, and 25kms from Bantry. Copper Point is a residential development a short distance to the west of the Main Street on the outskirts of the town.
- 1.2. The appeal site is close to the entrance to the Copper Point development from the R592. The site incorporates a grassed area and an existing two storey dwelling, which appeared to be unoccupied at the time of inspection. The site slopes from the north west to south east. There is a row of six two storey dwellings adjoining the site to the north: these dwellings front on to the public road and are stepped down from west to east. To the west of the appeal site there is a car parking area and estate road, to the south there are existing two storey dwellings, and adjacent to the east boundary there are a couple of detached dwellings on large sites, and at a lower level. These dwellings are accessed by a short cul de sac road which also gives access to the two storey dwelling proposed for demolition. There is a ditch along the eastern boundary of the appeal site (dry at the time of inspection).

2.0 Proposed Development

- 2.1. The proposal is for the demolition of an existing house and the construction of six, 2-storey semi-detached dwellinghouses. The proposed houses have 3 bedrooms with one en-suite. Two house types are proposed. The application is one to which Part V of the Act applies, and it is stated that six houses (1-6 Copper Point) have been transferred to the Council as part of the Part V obligations.
- 2.2. Proposed finishes include blue-black slates to roofs, and smooth render to external walls.
- 2.3. The stated floor area of the existing two storey building is 251 sqm, and the gross floor area of the proposed development is stated to be 642.9 sqm. The site area is 0.165ha.
- 2.4. It is proposed to connect to public mains water supply and public foul mains.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

Reason for refusal – excessive density and inappropriate scale of development with inadequate provision for private amenity space and insufficient rear garden depth, overdevelopment of the site and out of character with the established pattern of residential development and character of the area. Seriously injurious to the residential amenities of future occupiers. Negative impact on the residential amenities of adjacent established units due to height, scale and proximity. Contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The site is within a built-up residential area to the south of Schull. Copper Point housing estate bounds the site. The estate currently has 47 dwellings and is nearing completion. The proposal needs to be considered in terms of the population target outlined in the Plan; 80 new units are envisaged up to 2028. The rear garden provision on all the units is inadequate and the southern units with 3-4m between the rear and the boundary to the north-east is unacceptable. The proposal would represent a density of 36 units/ha, and this is on the higher side of the Medium B Density guidelines. Three semi-detached units proposed have a ridge height c. 9.2m; as existing buildings are 1m lower there is potential for impacts on residential amenity. The report notes five third party objections submitted.

Further Information (FI) was sought and submitted on 13th June 2023. The applicant was invited to reduce the number of units to 4 but instead submitted a redesigned 6 unit scheme for reasons stated to be financial viability and sustainability. The FI submitted included an Environmental Management Plan.

A revised Newspaper Notice was published on 8th July 2023, and a revised Site Notice was erected on 11th July 2023.

The Planner's report following the submission of Further Information noted that the density level had not been reduced as requested. The specific site density is c. 33 units per hectare. Ridge height is reduced from 9.16m to 8m. The provision of private amenity space falls short. Parking spaces for units 5 and 6 are located away from the front of the properties. Boundary treatment and impacts on properties to the south are of concern. The provision of private amenity space is the core issue. Refusal of the application is the best option.

3.2.2. Other Technical Reports

Environment Report dated 19th June 2023 raises no objection and recommends two conditions relating to waste management.

Public Lighting Report dated 21st June 2023 raises no objection subject to recommended conditions.

Estates Report dated 6th July 2023 expresses reservations regarding the density of development proposed on a relatively small and steep site. It suggests clarification of FI, if further consideration is to be given to the application.

Engineering report dated 21st September 2023 refers to concerns raised regarding density and FFLs being approximately 2m above existing ground levels. The revised layout submitted by way of FI showed increased FFLs with the land to the rear also raised, No details were provided regarding potential retaining walls etc.

4.0 Planning History

Register Ref: 05/1839 – permission granted for demolition of two dwellinghouses and construction of 55 no. residential units to include 51 dwellinghouses and 4 no. duplex units, 2 no. serviced sites for dwellings, 1 no. creche, 1 no. medical centre, 3 no. retail units, car parking and associated site works. Condition 1 required the omission of 2 serviced sites.

Register Ref: 08/1110 – permission for construction of 2 no. dwellings, 4 no. carparking spaces and all associated site works as part of the development permitted by Ref: 05/1839.

Register Ref: 21/235 – permission for construction of 2 no. two storey (3 bed) dwellings, 4 no. car parking spaces and all associated site works on lands where

development was previously permitted under Planning Ref: nos. 05/1839, 08/1110 (and was extended under Ref: 13/426).

5.0 Policy and Context

5.1. Development Plan

Cork County Development Plan 2022-2028 came into effect on 6th June 2022.

Schull is identified as a Main Town in the Plan. The site is located within the settlement boundary of Schull in Volume 5 of the Plan. The site is zoned 'Existing Residential/Mixed Residential and Other Uses'.

The overall strategy is to develop Schull as the main service centre for both the permanent and tourist population of the Mizen Head.

The Plan states that there is need to make provision for approximately 80 additional dwelling units over the Plan period. Sixty units can be delivered on residentially zoned lands, and twenty units can be delivered within the built footprint of the town.

Objective Hou 4-7 refers to Housing Density on Residentially Zoned Land. Medium B Density is generally applicable to suburban and greenfield sites of the smaller towns (< 5,000 population).

Making Places: a design guide for residential estate development. May 2011.

The Guide is intended to apply to new housing estates of 15-20 dwellings per hectare or above.

For 3 bedroom houses and larger, the minimum garden size is 60 sqm. Flexibility is made for 'special' houses which, due to their situation in the layout, cannot provide garden space to this standard.

5.2. Natural Heritage Designations

Roaringwater Bay and Islands SAC and pNHA approximately 450m to the south east. The proposed development is not directly connected with or necessary for the management of the Roaringwater Bay and Islands SAC. The qualifying interests for the SAC are large shallow inlets and bays, reefs, vegetated sea cliffs, European dry

heaths, submerged or partially submerged sea caves, harbour porpoise, Otter, and grey seal.

Derreenatra Bog NHA is approximately 3.12kms to the north east.

5.3. EIA Screening

- 5.4. Having regard to the nature and scale of the proposed development, its location in an existing residential area and the likely emissions therefrom during both construction and occupation, it is possible to conclude that the proposed development alone, or combined with other plans or projects, is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

These may be summarised as follows:

1. The appeal should be considered in the context of the “sustainable” development of Schull. Infrastructure deficiency has been a recurring theme in Schull between 1990 and 2022. The 2022 County Development Plan in respect of Population and Housing states that there is a need to make provision for approximately 80 additional dwelling units in Skull over the period to 2028, and that 60 housing units can be delivered on residentially zoned lands and the balance of 20 units can be delivered within the built footprint of the town. The appeal site offers an ideal opportunity to deliver infill development within the built footprint of the town.
2. Since 1996, the Council’s approach has been to zone an excessive amount of land when there was no infrastructure available, and to zone very little and to apply very low density development restrictions when costly and long-awaited infrastructure has finally been put in place. This is contrary to good planning and contrary to sustainable development. The appeal site comprises an infill site located within the built footprint of the town, and meets the focus of optimising the development potential of centrally located underutilised sites. Density should be

assessed at the upper end of the Medium Density B range as per the Development Plan.

3. Further Information illustrates a development that is appropriate in scale, layout and extent at this edge of town centre infill site. The development will be served by Copper Point infrastructure and public open space provision. Density should be assessed in the context of the overall Copper Point scheme. Adding the proposed 6 houses to the 49 existing and currently permitted houses gives a total of 55 units on 2.28ha, which is 24.12 houses/ha.
4. The proposed houses replicate the main design elements of the existing houses in the estate, and are not out of character with the established pattern of residential development and character of the area.
5. The private open space for the proposed houses, calculated to include side garden areas all behind the front building line, range from 60.2sqm to 85.5sqm. Rear garden areas based on a “rear building line only” measurement range from 52.5sqm to 80.5sqm, with a number of units marginally below 60sqm.
6. The gable of proposed House 1 is 12.898m away from the nearest adjacent house at No.1 Copper Point. Any impact on sunlight and daylight on rear gardens would be for a limited period only. There is already a large detached house on the site to be demolished. Any potential overlooking would be from first floor bedroom windows at a remote distance and oblique angle. Any potential sun and daylight impact, or overlooking impact is appropriate to this edge of town centre location.
7. Of the 47 completed units at Copper Point, 20 are owned by Cork County Council and are managed as part of their social/affordable housing stock. 21 units are privately owned and either permanently occupied or occupied by a rental tenant on a long term lease. At most, 6 units might be considered as second homes.

6.2. Planning Authority Response

The Planning Authority resubmitted the comments of the Senior Executive Engineer noting concern at the first layout submitted in relation to the finished floor levels being approximately 2m above existing ground levels, and noting the revised layout

submitted shows increased finished floor levels with the land to the rear also raised. No details were provided regarding potential retaining walls.

7.0 Assessment

- 7.1. The proposal is for the demolition of an existing house and the construction of six, 2-storey semi-detached dwellinghouses. The proposed houses have 3 bedrooms with one en-suite. Two house types are proposed. The stated floor area of the existing two storey building is 251 sqm, and the gross floor area proposed is stated to be 642.9 sqm. The site area is 0.165ha. The grounds of appeal are submitted, principally with the scheme lodged in response to the further information request in mind.
- 7.2. The site is an infill site in the Copper Point residential development. It is serviced, and it is proposed to connect to public mains water supply and public foul mains. The site is zoned 'Existing Residential/Mixed Residential and Other Uses'. The Cork County Development Plan 2022-2028 makes provision for an increased population in Schull, which is identified as a 'Main Town' in West Cork. The grounds of appeal state that the application site comprises lands on which units 7 & 8 Copper Point were permitted and part constructed, but in 'site resolution' with the planning authority the floor plates of these houses were removed. The proposed house types are compatible with the design of existing housing in the Copper Point development. There is no information on file to indicate that the existing two storey house on the site, proposed for demolition, is of any historic, cultural or architectural merit, such as would warrant its retention. In the circumstances outlined, I submit that the demolition of the existing dwelling is acceptable, the site is suited to residential development in principle, and the proposed house designs are compatible with the established pattern of development and the character of the area.
- 7.3. I submit that the key planning issues in this appeal generally fall under the following headings:
- Scale of proposed development
 - Provision of private amenity space
 - Potential for impact on the residential amenities of adjacent established units

- Parking provision
- Appropriate Assessment.
- Conclusion.

7.4. The proposal is for the development of 6 semi-detached, two storey dwellings on a stated site area of 0.165ha. The site is an infill site in a modern residential development comprising 49 existing and currently permitted houses on a site stated to be 2.28ha. The Planning Authority argues that the density of the proposed development is excessive at 36 units/ha, and that this is on the higher side of the Medium B Density guidelines. The appellants contend that the Planning Authority has not had regard to the fact that this is an infill site, and that it will be served by the Copper Point infrastructure and public open space provision. It makes no sense to require that discrete elements within a housing scheme would have to meet density standards in their own right, without having regard to the wider housing scheme of which it forms part. The existing and permitted density on Copper Point is 23.2 units per hectare. Adding the proposed additional units would result in a density of 24.2 houses per hectare.

The Planning Authority requested Further Information inviting the applicant to reduce the number of units to 4, but instead, in response, the applicant submitted a redesigned 6 unit scheme. The Planning Authority stated that the reduction would facilitate an increase in private garden provision, allowing a deeper garden depth and a reasonable separation from the established units to the south of the site.

On this specific issue, having regard to the infill nature and topography of the site, the availability of public services, and the location within the towns development envelope and in proximity to the town's Main Street, I submit that the acceptability or otherwise of the proposed density and scale of development should be considered in the context of the level of amenity proposed for future residents and the impact, if any, on the residential amenity of existing residents.

I note that the appellants state their intention to continue working with the Council in respect of completing public open space and amenity provisions.

7.5. **Provision of Private Amenity Space.**

The appellants contend that the private open space for the proposed houses, calculated to include side garden areas all behind the front building line, range from 60.2sqm to 85.5sqm. Rear garden areas based on a “rear building line only” measurement range from 52.5sqm to 80.5sqm, with a number of units marginally below 60sqm. They submit Drawings 01101 and 01102 with the grounds of appeal in support of this contention. The Planning Authority contends that the rear garden provision for all the units is inadequate.

Having regard to the proposed layout and the orientation of the proposed houses with rear gardens facing east north east, I submit that the private amenity space should be measured from the rear walls of the proposed dwellings. I note that the private open space to the rear of the proposed dwellings on Drawing 01001 differs from that shown on Drawings 01102 and 01103, in that a strip of land along the north-eastern site boundary to the rear of proposed units 2-6 is not shown as private amenity space on the latter two drawings. Drawing No. 01103 submitted with the grounds of appeal indicates that four of the six proposed houses have rear gardens behind the rear building line of less than 60 sqm. Rear garden lengths varying from 6.384m (Plot 5) to 10.484m (Plot 4) appear to be dictated by the confined shape of the appeal site, and the need to provide adequate car parking.

On this issue, I conclude that private amenity space should be calculated from the rear building line of the proposed dwellings and that, on balance, having regard to orientation of the rear gardens of the proposed dwellings, the proposed provision is inadequate.

7.6. Impact on Residential Amenities of Adjacent Property.

Proposed units 5 and 6 (as indicated on Drawing No. 02016, submitted by way of Further Information) are 8m to ridge and with a ridge height of 46.25m. The proposed units have a FFL of 38.40m, whereas the existing adjoining dwelling to the south of Unit 6 has a FFL of 37.83m. Proposed unit 6 is 1.978m from the southern site boundary. The unit has a single first floor window in the south elevation serving an en-suite. I conclude that the proposed development would not give rise to overlooking or overshadowing of the adjoining property to the south. There is an existing property on a large site on lower ground to the east at a separation distance of 17.546m to the rear of proposed Unit 6. Having regard to the planning history

relating to the larger site at Copper Point, I conclude that the proposed development would not have an unacceptable adverse impact on this property.

The two storey dwelling to be demolished is approximately 5m from the northern site boundary and 15m setback from the eastern site boundary. It is approximately 17m separated from the rear of the end of terrace dwelling to the north (No. 1, Copper Point). Proposed unit 1 (as indicated on the layout submitted with Further Information) is shown as 4.5m from the northern site boundary, 7.075m from the eastern site boundary, and approximately 12.9m from the rear of the end of terrace dwelling to the north. A section A-A is shown on Drawing 01002 indicating the potential impact on property to the north, but the Board should note that this sectional drawing appears to show the relationship of the proposed development to No.3 Copper Point, which is at a higher elevation to Nos. 1 and 2, Copper Point. Drawing No. 01010 (submitted with Further Information) shows 3 elevations – these are not to scale.

Proposed Unit 1 has a ridge height of 47.10m and FFL at 39.25m. It has a single window at first floor level in the northern elevation serving an en-suite. No.1 Copper Point is at the end of a terrace that steps down from west to east. I conclude that the proposed development would have an overbearing visual and overshadowing impact on existing residential property adjoining to the north resulting in a serious negative impact on residential amenities.

7.7. Parking Provision

It is proposed to provide 8 off-street car parking spaces to the front of proposed units 1 to 4 inclusive. Access to this area would be from the estate road. I consider that the proposal for parking is acceptable and would not give rise to any safety issues.

7.8. Appropriate Assessment Screening

Roaringwater Bay and Islands SAC and pNHA is approximately 450m to the south east. The proposed development is not directly connected with or necessary for the management of the Roaringwater Bay and Islands SAC. The qualifying interests for the SAC are large shallow inlets and bays, reefs, vegetated sea cliffs, European dry heaths, submerged or partially submerged sea caves, harbour porpoise, Otter, and grey seal. There is no direct hydrological pathway from the proposed site to the designated site. Having regard to the nature and scale of the proposed development,

the separation distance and absence of a direct pathway to the Roaringwater Bay and Islands SAC, it can be concluded that the proposed development individually, or in combination with other plans or projects, would not be likely to have any detrimental impact on the European site, having regard to its qualifying Interests and associated conservation objectives, or on any other European site.

7.9. Conclusion

I have assessed this proposal based on the information submitted with the application, and as amended by Further Information submitted to the Planning Authority, and note that the grounds of appeal were submitted with “the scheme lodged in response to the Further Information request in mind”. I recommend that permission be refused for the proposed scheme of 6 houses for reasons relating to inadequate provision of private amenity space and injury to the residential amenities of established property in the vicinity.

8.0 Recommendation

I recommend that permission be refused.

9.0 Reasons and Considerations

The proposed layout and extent of development on a confined site would result in the inadequate provision of private amenity space and insufficient rear garden depths for the proposed houses, and would have a seriously detrimental impact on the residential amenities of adjoining property to the north by reason of an overbearing visual impact and unacceptable level of overshadowing. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

Des. Johnson
Planning Inspector

10th January 2024

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.