



An
Bord
Pleanála

Inspector's Report ABP-320589-24

Development	<i>Construction of dwelling, alterations to existing dwelling, demolition of garden shed, alterations to boundary and all associated site works.</i>		
Location	<i>1 Connolly Place, Ballyphehane, Cork City.</i>		
Planning Authority Ref.	<i>24/42821</i>		
Applicant(s)	<i>Hol Asset Holding Limited.</i>		
Type of Application	<i>Permission.</i>	PA Decision	<i>Grant.</i>
Type of Appeal	<i>Third Party</i>	Appellant	Mandy O'Brien
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>19-12-2024</i>	Inspector	Adam Kearney

Context

1. Site Location/ and Description.

The subject site located at Connolly Road adjoins an existing end of terrace two storey property that occupies a corner site in an inner suburban area, 2km south of Cork City centre. The area is predominantly residential characterised by two storey mid-20th century terraced dwellings.

2. Description of development

The applicant is seeking to construct a dwelling with alterations to the existing dwelling, the demolition of a garden shed, alterations to boundary and all associated site works

3. Planning History

22/41635: Permission refused for a detached dwelling.

4. National/Regional/Local Planning Policy

S28 Guidelines:

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024)

Quality Housing for Sustainable Communities (2007)

Cork City Development Plan 2022-2028

The subject site is located in an area zoned '*ZO-01 Sustainable Residential Neighbourhoods*'.

Zoning Objective 1: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

ZO 1.2 Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.

Section 3.46 of the Development Plan 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". This is further provided for under Strategic Objective 2 - Delivering Homes & Sustainable Neighbourhoods and Objective 3.4 of the Development Plan. With Objective 3.4 setting out that the Council will seek to provide at least 66% of all new homes will be provided within the existing footprint of Cork and that the Council will seek to ensure that at least 33% of all new homes will be provided within brownfield sites.

Section 11.139 of the Development Plan on states that: "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)".

Objective 11.3 of the Development Plan sets out the Quality Housing Standards.

5. Natural Heritage Designations

The nearest Natura 2000 European Site to the appeal site is the Cork Harbour SPA (Site Code: 004030), approx. 2.5 km to the east

Development, Decision and Grounds of Appeal

6. PA Decision

Granted Permission subject to 14 Conditions

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. Third Party Appeal

Grounds:

- The infill build will have a significant dominating and overbearing impact on our property while enforcing unacceptable living conditions

- Counters individually the instances of planning references for infill sites offered by the agents for the applicant, maintaining that the examples offered did not have the same negative impact as the subject proposal
- Proposal breaks the established building line of Connolly Road
- *The gable wall front elevation of our house with front door, kitchen, upstairs WC and landing will be overshadowed*
- *The front elevations of adjacent houses have not been impacted and obscured*
- *There will be reduction in daylight from 3pm onwards from September*
- *Back garden which is used for amenity particularly in the summer will be impacted*
- *In terms of view from our house the view from the front elevation will be impacted*
- *Acknowledges a window is conditioned to be moved but this does not lessen the visual aspect of the proposed elevation*
- *Out of character with the area*
- *Proposed development will depreciate property values and will be contrary to proper planning and development of the area*
- *Questions the validity of the Part V Exemption Certificate accompanying the application due to the variation of the entity applying for each*

7.1 First Party Response

- The development of infill housing within city and suburban areas is supported by the National Planning Framework,
- Compact Growth where intensive use of existing buildings and properties is encouraged.
- Site is zoned Z01 sustainable residential development where the provision of housing is both permissible and supported
- The assessment and decision of the planning authority does not contradict the previous reasons for refusal but instead consider the substantial changes made under this proposal

- In the current application the position of the dwellings has altered thus reducing the impact of the proposal on the established building line.
- Existing building line is maintained
- Current application design meets the quality housing standards
- Cites Sustainable Residential Development and Compact Settlement Guidelines,
- Separation distances of 7.8m and 9.1m are acceptable
- There is no undue overlooking and shadow study demonstrates that there is no undue loss of light to the rear garden of no. 207
- Reiterates the opinion of the planner that there is no significant overshadowing cast and no significant additional overshadowing overall
- As outlined in the assessment by the Local Authority Planner the kitchen of no. 207 benefits from an additional window to the front elevation of the dwelling (facing public road)
- Does not consider there will be a loss of view
- Does not accept that the value of property will depreciate and points out that there was no evidence submitted to support this assertion
- In terms of the character of the area the dwelling utilises the features and finishes which are used in the existing dwelling adjacent

8. PA Response

- None

Environmental Screening

9. EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001(as amended), I have concluded at preliminary examination that 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. See Form 1 and Form 2 attached to this report.

10. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded 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 a European site.

2.0 Assessment

2.1. I have reviewed the application and the appeal inclusive of submissions and observations and have visited the site. I am satisfied that the appeal can be considered under the following headings

- Principle of Development
- Impact on visual and residential amenities
- Other matters

2.2. Principle of Development

2.3. The plot or side garden adjoins an existing terraced dwelling in an established residential area within 2km of Cork City Centre. S28 Guidelines and the CDP encourages consolidation and compact development of urban serviced lands over and above greenfield lands. The subject property is Zone Z01 'sustainable residential Neighbourhoods where it is an objective to to 'protect and provide for residential uses and amenities...'

2.4. The plot is fully serviced and has ample area to provide for an additional dwelling on the site and as such the principle of residential development on this site is established.

2.5. Impact on visual and residential amenities

- 2.6. In a previous application Planning Ref 22/41635 the applicant proposed a detached dwelling that was refused permission by the PA due to concerns around
- the quality of design
 - the internal layout of the dwelling
 - overdevelopment of the site
 - the pattern of development of the area
 - building line
- 2.7. The current application has moved to address those concerns and has opted to extend the terrace rather than proposing a detached dwelling
- 2.8. The current application proposes a 100m² dwelling with minimum standards met for living, storage and bedroom space as per the Quality Housing for Sustainable Communities (2007)
- 2.9. Private Open Space for the new dwelling is to the side and measures 49m² and the POS for the existing dwelling is 34m² both of which surpass the minimum areas for Private Open Space set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) Table 5.1 Minimum Private Open Space Standard for Houses.
- 2.10. The offset of the rear elevation from the side elevation of No. 207 Connolly Road (appellant) is circa 8m. Having reviewed the shadow analysis I am satisfied that there is minimal additional shadow cast to the side of the front garden area during the mid-year period that will have no meaningful impact on the residential amenity of No. 207.
- 2.11. I note the PA has asked that the first-floor bathroom window be moved to the north elevation over the proposed back door. While not essential as the glass would be obscure, I believe the design lends itself to the relocation of the window and so am satisfied that this revision should be retained.
- 2.12. In conclusion I am satisfied that the proposed dwelling exceeds minimum standards in terms of internal and external configuration and its design is such that it will integrate with the pattern of development in the area. I am also satisfied that it will

not impact on the residential amenity of the neighbouring dwellings, substantially respects the existing building line of Connolly Road and will not prove an incongruous addition to the streetscape.

2.13. Other Matters:

I note the appellant has identified a discrepancy between the name of the applicant company and the company that applied for the Part V exemption. In this regard I do not consider this a material consideration. I accept the applicant's explanation that the company which applied for the exemption certificate is a sister company of the applicant company, but irrespective the property is exempt from the provisions of Part V.

3.0 Recommendation

- 3.1. I recommend that permission for the development be Granted for the following Reasons and Considerations

4.0 Reasons & Considerations

Having regard to the zoning objective, which seeks to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses, the policy framework provided by the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a good quality of residential accommodation that would not have a significant adverse impact on the residential amenities of adjoining properties and would be consistent with Section 3.46 (Infill Development) of the Cork City Development Plan 2022-2028, and would be consistent with Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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>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 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.</p> <p>Reason: In order to ensure that a reasonable amount of private open space is retained for the benefit of the occupants of the dwelling and in the interest of preserving the existing residential amenities of the area</p>
3.	<p>The first-floor bathroom window on the eastern elevation (rear) shall be relocated to the north (side) elevation over the back door and have obscure glazing.</p> <p>Reason: In the interests of privacy for the future occupants and occupants of neighbouring dwellings</p>
4.	<p>The Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the</p>

	<p>planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for parking during the construction phase, the storage of plant and machinery, waste separation, storage and disposal, and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience</p>
6.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Eireann to provide for service connections to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
8.	<p>Proposals for naming/numbering of the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of urban legibility and the proper planning and sustainable development of the area.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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. 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 the Board 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 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>
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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.

Name: Adam Kearney

Planning Inspector

Date: 17-01-2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320589-24		
Proposed Development Summary	<i>Construction of a house and all associated site works</i>		
Development Address	<i>1 Connolly Place, Ballyphehane, Cork City</i>		
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)?			
Yes	X	Class 10, (b), (i) (threshold is 500 dwelling units)	EIA Mandatory EIAR required
No			Proceed to Q3.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	N/A	No EIAR or Preliminary Examination required

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____

Date: _____

1.0 Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320589-24
Proposed Development Summary	Construction of a house
Development Address	<i>1 Connolly Place, Ballyphehane, Cork City</i>
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development is the construction of a two storey dwelling, it does not require any significant demolition works and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,	Having regard to the limited nature and scale of development as well as the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); there is no real likelihood of significant effects on the environment arising from the proposed construction of a dwelling. The need for

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		NO
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	YES

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)