



An
Bord
Pleanála

Inspector's Report

ABP-319650-24

Development	Construction of split level dwelling and associated site works.
Location	Rear of No. 1 Leevue, Saint Mary's Place, Carrigrohane, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2442665
Applicant(s)	John Ruane
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Pat & Cathleen Ferriter
Observer(s)	None
Date of Site Inspection	15 th January 2025
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.029ha forms part of the rear garden of an existing semi-detached two storey dwelling which has road frontage on to Leevue and an unnamed road to the east. The site levels fall from south to north. The site is bound by hedgerows to the north and west and a wall to the east boundary beyond which is a footpath and road. There are two garden sheds in the site. The surrounding pattern of development is mainly residential comprising a mix of single and two storey houses of varying styles.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a split-level one bedroom house with a gross floor area of 63.56 sq.m., new boundary walls and new vehicular and pedestrian entrances, demolition of two existing timber sheds, and all associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 09th April 2024, Cork City Council issued notification of the decision to grant planning permission subject to 20 conditions. Condition no. 2 requires submission of revised drawings showing the omission of one window on the western elevation and obscure glazing on the remaining two windows on the western elevation. Condition no. 4 requires submission of details in relation to proposed boundary treatments. Condition no. 5 restricts development of class 1 or class 3 in the interests of maintaining adequate private open space.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority case officer report states that the development complies with internal room standards and private open space for the proposed and existing dwelling and is acceptable in terms of architectural style and separation distance and

height. Windows on the western elevation should be omitted / fitted with obscured glazing to minimise overlooking and a condition is recommended to restrict exempted development of rear extensions to control potential loss of amenity space without planning consent. The report recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Area Engineer (Operations / Road Maintenance): No objection subject to conditions.

Drainage Division: No objection subject to conditions.

Environment Waste Management & Control: No objection subject to conditions

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

Two third party observation was received objecting to the proposed development. The issues raised are similar to those raised in the appeal.

4.0 Planning History

Appeal Site:

23/41755: Permission for development of a dormer dwelling refused for two reasons relating to impact on the visual amenities of the area, inadequate amenity for future residents, negative impact on the amenity of adjoining residents and excessive density and scale which would be out of character with the established character of the area.

23/1955: Certificate of exemption under S.97 granted on 01/03/2023.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Cork City Development Plan 2022-2028 is the statutory development plan for the area. It has regard to national and regional policies in respect of infill development within existing built-up areas.
- 5.1.2. The subject site is zoned ZO 01 Sustainable Residential Neighbourhoods, with the stated objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. The zoning objective states that the provision and protection of residential uses and residential amenity is a central objective of this zoning and that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.
- 5.1.3. Strategic Objective 2 Delivering Homes & Sustainable Neighbourhoods To increase the population of Cork City in line with the Core Strategy. To deliver sustainable, liveable, safe, healthy and child-friendly communities and neighbourhoods. To ensure that new homes are provided at appropriate densities in brownfield, infill and greenfield locations within and contiguous to existing City footprint identified in the Core Strategy, and aligned with transport, community and social infrastructure. To ensure that new homes are provided with a good mix of accommodation types and sizes to meet the needs and abilities of all members of society.
- 5.1.4. Section 3.46 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 states that the City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork. This will be achieved by measures including the development of small and infill sites. Objective 3.9 supports infill development.
- 5.1.5. Section 11.139 of the plan states 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).

- 5.1.6. Objective 11.5 states private open space for houses should aim to be at least 48 sqm. However, it may be acceptable to provide a smaller area where it can be demonstrated that good quality, useable open space can be provided on site.
- 5.1.7. Car parking in Zone 3 of the city, which includes the city suburbs and urban towns, is required at a rate of 1.25 spaces for 1-2 bedroom dwellings.

5.2. Ministerial Guidelines

- 5.2.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

SPPR 2 – Minimum Private Open Space Standards for Houses requires new houses provide a minimum private open space area of 20 sq.m for a 1 bed house and 40 sq.m. for a 3 bed house. For urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

5.3. Natural Heritage Designations

None relevant.

5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One no. third party appeal has been received from Pat and Cathleen Ferriter. The grounds of appeal can be summarised as follows:

- Previous reasons for refusal and concerns raised in pre-planning consultation have not been addressed.
- The proposal represents over development of the site and will result in overlooking and overbearing impacts on neighbouring property.
- The height and mass proposed will block sunlight into the rear garden and rooms including the kitchen, bathroom and two bedrooms of the appellants property.
- The design is out of character with existing dwellings.
- Boundary treatments are vague and misleading.
- Proposed amenity space overlooks the gardens of adjoining properties.
- The proposed open space is piecemeal and below the prevailing standard in the area.
- A one-bedroom dwelling is out of character with the area.
- The local authority failed to adequately address concerns raised in submissions and should have requested a shadow study to properly assess the impact on adjoining property.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The design and layout were amended following the previous refusal of permission to respond to the concerns raised by the planning authority and the design further amended following pre-planning consultation.
- The proposal provides for infill development on a site with access to public transport in line with development plan policy.

- Internal floor space for the proposed dwelling and amenity space for the existing and proposed dwellings are in accordance with Ministerial Guidelines and the development plan and as such the development cannot be considered inappropriate or overdevelopment.
- An existing hedge and the ground level of the appellants property which is lower than the appeal site, along with the separation distances and proposed design, mean that the proposed dwelling is unlikely to be highly discernible from the appellants property.
- The side elevation of the appellants property faces the appeal site where existing windows do not serve main habitable rooms. The appellants main private amenity space is to the west and not impacted by the proposal. As such the proposal will not have an overbearing impact on the appellants property and is therefore unlikely to result in loss of sunlight or daylight.
- The orientation of the site, proposed single storey design and separation from shared boundary along with drop in site levels and presence of an existing hedge mean that no additional overshadowing is likely.
- Sustainable and Compact Settlements Guidelines state that a detailed technical assessment in relation to daylight performance is not needed in all cases and in the case of low rise housing with good separation planning authorities may apply a level of discretion.
- Overlooking will not occur as no openings are proposed above ground floor on the north elevation and the planning authority attached conditions relating to windows on the western elevation to address overlooking.
- There is a variety of building styles in the area and the scale, massing and material finishes proposed are appropriate for the site.
- Boundary treatments are clearly set out in the drawings. It is proposed to retain and reinforce the existing hedge along the northern and western boundaries and construct walls along the southern and eastern boundaries.

6.3. Planning Authority Response

6.3.1. None received.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relate to design and layout of the proposed development.
- 7.2. The proposed development provides for a split level detached single storey dwelling with a floor area of 63.56 sq.m. and a mono pitched roof with a maximum ridge height of 5 m. Surrounding development includes two storey semi-detached dwellings to the south and detached single storey dwellings to the north and the site forms part of the existing rear garden of no. 1 Leeview. The site falls from south to north with a level difference of approximately 2.5 metres. Proposed separation distances from boundaries are 2.8m to the north, 4.4m to the south and 1.8m to the west. The dwelling will be set back from the roadside boundary such that it is generally in line with the existing building line to the north and south. The closest dwellings are located approx. 6.7m to the north and 11.3m to the south. A stated area of 85sq.m. of private amenity space is proposed to serve the new dwelling and an area of open space measuring 47 sq.m. will be retained for the existing dwelling on the site.
- 7.3. The appeal raises concerns in relation to the scale, massing and proximity to boundaries and resulting impacts in relation to overlooking, overbearing and overshadowing. Having regard to the pattern of development in the vicinity of the appeal site and to the design of the proposed dwelling, I consider the proposed scale and massing with a ridge height of between 3.3m and 5m is in keeping with existing dwellings in the vicinity of the site and will not give rise to overbearing impacts. I am satisfied that adequate distances from site boundaries are provided for.
- 7.3.1. In relation to overlooking, I note the difference in ground levels resulting in the proposed development being situated at a level above the appellants property to the north. Having regard to the single storey nature of the proposed development and the existing boundary hedge to be retained, I am satisfied that the proposal will not result in an unacceptable level of overlooking on the third party's property. I note the condition of the planning authority requiring omission of a window and obscure

glazing on the western elevation and the first party has not appealed this condition. I therefore consider it appropriate in the event of a grant of permission that the Board attach a condition to this effect.

- 7.3.2. Concerns are raised that the proposed private amenity space is piecemeal. I note that private amenity space is proposed to the north and south of the proposed dwelling with the overall amenity area having a stated area of 85 sq.m. The appeal site forms part of the rear garden of the existing dwelling at no. 1 Leeview. A stated area of 47 sq.m is proposed to be retained for this existing dwelling which is stated to be a three bed dwelling. Compact settlements guidelines in SPPR 2 require a minimum of 20 sq. private open space for a 1 bed house and 40 sq.m. for a three bed house. Objective 11.5 of the Development Plan states that private open space should aim to be at least 48 sq.m. however a smaller area may be acceptable. I note that the extent of private open space proposed exceeds the standards in the Compact Settlements Guidelines and I am satisfied that it is sufficient to provide for adequate amenity for future occupants of the proposed dwelling and for the occupants of the existing dwelling.
- 7.3.3. The third party note that windows on the southern elevation of their property have the potential to be overshadowed resulting in loss of daylight and that their private amenity space will be overshadowed. The proposed dwelling on its northern elevation will have a flat roof with a height of 3.3m and will be located 6.7m from the southern elevation of the third party appellants dwelling. Having regard to the scale of development and separation distances proposed I am satisfied that adjoining properties will continue to receive adequate sunlight in accordance with BRE standards and I am satisfied that adjacent dwellings and amenity spaces will not be adversely affected by the proposal in terms of a loss of daylight or sunlight and I do not consider a technical assessment of daylight and sunlight is required in relation to the proposed development.
- 7.3.4. Boundary treatments proposed include retention of the existing hedge along the northern and western boundaries and construction of walls along the southern and eastern boundaries. Following site inspection I note an existing wall is located along the east boundary which differs from the drawings on file which indicate an existing hedge to be retained on the eastern boundary. I note the planning authority included a condition in relation to agreement of boundary treatments and I consider that if the

Board decides to grant permission a condition should be attached in relation to agreement of boundary treatments in the interests of clarity.

- 7.3.5. In relation to the third party's concerns that the proposed one bed contemporary style dwelling is out of character with the established pattern of development, I note there is a mix of dwelling styles in the area and I am satisfied that the design proposed is appropriate for the site and will provide for variety in dwelling tenure in this area in accordance with development plan policy.
- 7.3.6. I am satisfied that the proposed dwelling is appropriate for this infill site and will not give rise to undue impacts on the residential and visual amenities of surrounding properties. In relation to concerns relating to overdevelopment, I consider the design and layout, including separation distances and level of open space provision are acceptable and I am satisfied that concerns raised in relation to a previously refused application on the site have been addressed.
- 7.3.7. The planning authority attached a condition prohibiting exempt development under class 1 and class 3 for both the host property at no. 1 Leevue and the proposed dwelling in the interests of maintaining adequate private open space to the rear. I note that the first party has not appealed the inclusion of this condition and I consider it appropriate in the event of a grant of permission that the Board include a condition to this effect.
- 7.3.8. In relation to compliance with Part V of the Planning and Development Act 2000 (as amended) the applicant was granted a certification of exemption and as such I do not consider a condition should be attached relating to the provision of social housing.

8.0 AA Screening

- 8.1.1. I have considered the proposed development of one dwelling and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approx. 8.5km from Cork Harbour SPA (site code 004030) and 15k from Great Island Channel SAC (001058).

The proposed development comprises the development of one dwelling and associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed dwelling and associated site works.
- The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account the screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions.

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Cork City Development Plan 2022-2028 including the ZO 01 sustainable residential neighbourhood land use zoning of the site, to the pattern of development in the area, to the infill nature and size of the site and the separation distance from existing dwellings, and to the design of the proposed development, it is considered that subject to the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The window to the western elevation nearest to No. 1 Leevue (including the high level window) shall be omitted and if desired relocated to the southern elevation.
 - (b) The remaining two windows on the western elevation shall be fitted with obscured glazing at all times.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the amenities of the adjoining dwelling.

3. Prior to commencement of development full details of proposed boundary treatments shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of residential and visual amenity

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling herein permitted or the rear garden of No. 1 Leevue without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed and existing dwellings

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interests of public health.

8. Proposals for a naming/numbering scheme for the dwelling shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.

Reason: In the interest of urban legibility.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 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 planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction and Environmental 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, noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

12. 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 the An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

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.

Bernadette Quinn
Planning Inspector

20th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319650-24		
Proposed Development Summary	Construction of split level dwelling and associated site works.		
Development Address	Rear of No. 1 Leevue, Saint Mary's Place, Carrigrohane, 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	Tick if relevant and proceed to Q2.
		No	Tick if relevant. 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		State the Class here.	Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) and (iv) of Schedule 5 Part 2.	Preliminary examination required (Form 2)

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

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319650-24	
Proposed Development Summary	Construction of split level dwelling and associated site works.	
Development Address	Rear of No. 1 Leevue, Saint Mary's Place, Carrigrohane, Cork	
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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment. Will the development result in the production of any significant waste, emissions or pollutants?	Proposal for residential development on land zoned residential located in an existing urban area is not considered exceptional in the context of the existing urban environment. No, the proposal will be connected to the existing water supply and waste water drainage infrastructure. Construction waste can be managed through standard waste management conditions.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and / or permitted projects?	The proposed development seeks permission for 1 house on a site measuring 0.029ha which is not considered exceptional in the context of the existing urban environment.	No

Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	No, Cork Harbour SPA (site code 004030) is located 8.5km east of the site and Great Island Channel SAC (001058) is located 15km east of the site. There are no other locally sensitive environmental sensitivities in the vicinity of relevance	No
Conclusion		
• There is no real likelihood of significant effects on the environment. • EIA is not required.		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)