



An
Bord
Pleanála

Inspector's Report

ABP-319740-24

Development	Construction of two-storey dwelling, new vehicular entrance and all associated site works.
Location	58 Capwell Road, Turners Cross, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2342490
Applicant(s)	David O'Gorman
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Cornelius Casey
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 0.0167ha forms part of the side garden of an existing semi-detached two storey dwelling which has road frontage on to Capwell Road close to its junction with South Douglas Road. The site levels are generally flat whilst Capwell Road slopes upwards from north to south with the appeal site at a higher level than dwellings further north along Capwell Road. The site is bound by hedgerows and a low wall to the east and hedgerows to the south and west. The existing dwelling on site is to the north and beyond the eastern boundary is a footpath and road. To the south is an open grassed area and to the west is a terrace of two storey houses on South Douglas Road. The site contains a parking area and garden area serving the existing dwelling on site. The surrounding pattern of development is mainly residential comprised of semi-detached and terraced two storey houses.

2.0 Proposed Development

- 2.1. The application seeks permission for a two-storey dwelling and new vehicular entrance within the side garden of the existing dwelling at no. 58 Capwell Road. The proposed dwelling has a gross floor area of 94 sq.m. Following a request for further information the development was amended to provide for a dwelling with a gross floor area of 96.96 sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 22nd April 2024, Cork City Council issued notification of the decision to grant planning permission subject to 16 conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following a request for further information in relation to compliance with private open space and internal room standards, amendments to first floor windows, and details in

relation to vehicular access, boundary treatments and drainage, the planning officers report recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Drainage Report: No objection subject to conditions following a request for further information in relation to details of storm water drainage.

Urban Roads & Street Drainage Report: No objection subject to condition following a request for further information in relation to driveway width.

Environment Report: No objection subject to conditions.

Contributions Report: No objection subject to conditions relating to a development contribution.

3.3. Prescribed Bodies

Uisce Eireann: No objection subject to conditions

3.4. Third Party Observations

Four no. third party observations were received objecting to the proposed development. The issues raised are similar to those raised in the appeal.

4.0 Planning History

Appeal Site:

17/37551: Permission granted by Cork City Council for opening of front boundary wall for gated driveway.

23/42133: Permission refused by Cork City Council for construction of a new two storey dwelling in the side garden of existing dwelling and new vehicular entrance. The reasons for refusal relate to sub-standard accommodation with inadequate room sizes and unacceptable provision of private open space for both dwellings.

23/1989: Certification of Grant of Exemption under Section 97 of the Planning & Development Act issued by the Cork City Council on 26th July 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. Section 11.145 refers to residential entrances/parking in front gardens.
- 5.1.7. 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.
- 5.1.8. Car parking in Zone 2 of the city, which includes the city suburbs and urban towns, is required at a rate of 1 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 30 sq.m for a 2 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 Appendix 1 - Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the established urban nature of the receiving environment, to the nature, extent, characteristics and likely duration of potential impacts, and to the criteria set out in Schedule 7 of the Regulations, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Assessment is not required. The need for environmental

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. One no. third party appeal has been received from Austin & Tina Clehane and Cornelius Casey. The appeal includes drawings submitted under a previously refused application on the site, planning application reference 2342133 and a copy of the submissions to the planning authority in relation to the proposed development. The grounds of appeal can be summarised as follows:

- The additional area of land included in the subject planning application does not have any added value to the proposed development as it does not increase green space.
- The proposed house has increased in size from the previous proposal and does not address the refusal reason relating to over densification. The Planning Authority has not addressed this previous refusal reason.
- The development will overlook Mr. Casey's property and has the potential to reduce natural lighting into that property.
- The proposal reduces green space at the property and reduces already limited on street car parking.
- There have already been a large number of approved developments in the area.
- Capwell Road is approaching its centenary year and has a historic place in Cork's history.
- The proposal is out of keeping with the existing character of the area which was originally built as council housing.
- A Natural Gas distribution manifold panel with an ATEX Zone 1 Ex classification with an emergency pressure safety relief valve exists on the southern boundary fence.

- There are concerns in relation to construction impacts and impacts on surface water runoff.
- The development will give rise to further congestion at a busy road junction.

6.2. **Applicant Response**

None received.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

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 are as follows:

- Impacts on Residential and Visual Amenity
- Traffic Impacts
- Surface Water
- Other Matters

7.2. **Impacts on Residential and Visual Amenity**

7.2.1. The proposed dwelling is located in the side garden of the existing two storey semi-detached dwelling at no. 58 Capwell Road. The proposed dwelling is two storeys with a hipped roof, an eaves height of 5.4m and a ridge height of approximately 7.6m which is in line with the existing dwelling at no. 58. The front elevation will be in line with the existing building line on Capwell Road. Separation distances from the

proposed dwelling include a distance of 1.2m between the southeast corner of the site and Capwell Road, a minimum of 2.3m from the western site boundary and approximately 7.1m from the main façade of the northern side elevation of the host property at no. 58.

- 7.2.2. The proposed dwelling contains two bedrooms, has an overall floor area of 96.96 sq.m. Following a request for further information internal floor areas were provided which the planning authority considered acceptable and in compliance with a 2 bed 4 person 2 storey dwelling as set out in Quality Housing for Sustainable Communities guidelines (2007). Having reviewed the drawings I am satisfied that the proposal complies with the recommended floor areas contained in Quality Housing for Sustainable Communities guidelines (2007) and the Design Manual for Quality Housing (2022).
- 7.2.3. The proposal provides for a stated area of 44.4sq.m. of private open space to serve the proposed two bed dwelling located to the side and rear, and 55.7sq.m. to serve the existing dwelling on site. I consider the private open space complies with SPPR 2 of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities relating to minimum private open space standards and I am satisfied that the open space provides for an adequate level of amenity to serve residents of the existing and proposed dwellings.
- 7.2.4. Following a request for further information the proposal provides for opaque glass at first floor on the north and west elevation windows serving a landing and relocation of a proposed first floor bedroom window from the west elevation to the south elevation. The closest existing dwellings to the proposed development are the host property located 7.2m to the north of the appeal site and an end of terrace dwelling approximately 16m to the west which fronts on to South Douglas Road. No windows are proposed at first floor facing these existing dwellings. Having regard to the design, scale and layout of the proposed dwelling, and to separation distances from existing dwellings, I am satisfied that the proposal will not result in unacceptable overbearing or overlooking impacts or result in an unacceptable loss of daylight or sunlight for existing properties in the vicinity.
- 7.2.5. The appeal raises concerns that the revised site boundary submitted in the current application does not increase green space and that the previous reason for refusal

relating to over densification has not been addressed. I am satisfied that the proposal complies with relevant quantitative and qualitative standards set out in the development plan and ministerial guidelines relating to residential development and I consider the proposal would not result in over densification or overdevelopment.

- 7.2.6. I note the concerns raised in the appeal that the area is approaching its centenary year and that the development is out of keeping with the character of the area. The appeal site does not contain any development plan objectives relating to the protection of built heritage and I am satisfied that the design and scale of the proposed development is in keeping with the pattern and character of development in the area.

7.3. Traffic Impacts

- 7.3.1. Concerns are raised in relation to increased congestion as a result of the proposed development and reduction in on street parking. I note the proposal includes in curtilage parking for one car parking space per dwelling (existing and proposed) in accordance with the requirements for car parking zone 2 wherein Table 11.13 sets out maximum car parking standards of 1 space for a 1-2 bed dwelling and 2 spaces per 3-3+ bed dwelling and in accordance with SPPR 3(i) of the Compact Settlements Guidelines. On-street car parking exists along the western side of Capwell Road, including in front of the appeal site and the proposal will result in the loss of one on-street car parking space. Having regard to the proposal to provide for an infill dwelling at this serviced urban location I consider this reduction in on-street parking acceptable.
- 7.3.2. The proposed entrance will be located approximately 30 metres north of the junction of Capwell Road and South Douglas Road. I do not consider the level of traffic generated by the proposed development will have a noticeable impact on capacity at this junction and I do not share the concerns of the appellants that the proposal will result in increased traffic congestion in the vicinity of the site.

7.4. Surface Water

- 7.4.1. In relation to concerns regarding surface water runoff, following a request for further information the applicant submitted details of proposed storm water drainage, including details of a proposed attenuation tank and discharge. The planning authority Drainage Division report states no objection to the proposal subject to

conditions. Having reviewed the details in relation to surface water drainage I am satisfied that the proposal is acceptable and if the Board decides to grant permission I recommend inclusion of a standard condition in relation to compliance with the local authority requirements in this regard.

7.5. Other Matters

- 7.5.1. In relation to concerns regarding construction impacts, if the Board decides to grant permission, I consider this matter can be addressed with standard conditions relating to construction hours and traffic management.
- 7.5.2. In relation to concerns regarding the presence of natural gas infrastructure in the vicinity of the site, I note that section 34(13) of the Planning Act provides that a person is not entitled solely by reason of a permission to carry out any development and as such I am satisfied that that if the proposal impacts on property outside the appeal site that this is a matter between the parties concerned and I do not consider it a matter for the Board. I also note that matters relating to safety concerns regarding construction works are not a matter for the Board.

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. 1.9km from Cork Harbour SPA (site code 004030) and 8.5km 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 Neighbourhoods 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, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of impacts on traffic. 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, as amended by the further plans and particulars received by the planning authority on the 26th day of March 2024, 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. 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

3. 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. 58 Capwell Road 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

4. 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.

5. 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.

6. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interests of public health.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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

18th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319740-24		
Proposed Development Summary	Construction of two-storey dwelling, new vehicular entrance and all associated site works.		
Development Address	58 Capwell Road, Turners Cross, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	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	X	Class 10 (b) (i) and Class 10 (b) (iv).	Proceed to Q3.
No			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		State the relevant threshold here for the Class of development.	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 Class 10 (b) (iv).	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319740-24
Proposed Development Summary	Construction of two-storey dwelling, new vehicular entrance and all associated site works.
Development Address	58 Capwell Road, Turners Cross, 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.	
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 site comprises an urban infill site within an existing built up area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.
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, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within, or immediately adjoining, any protected areas. The development would be located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site. The closest European Sites are Cork Harbour SPA (004030) located 1.9km east of the site and Great Island Channel SAC

		(001058) located 8.5km east of the site. It is considered that 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 any European Site. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
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).		The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
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)