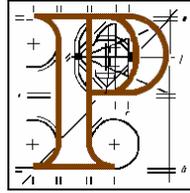


An Bord Pleanála



Inspector's Report

Reference: PL04.237910

P.A. Reference: 10/6053

Title: Construction of a house and all associated site works.

Location: Glynn, Mourneabbey, Co. Cork

Applicant: Eddie O'Donoghue

Appellants: Same

Observer: Patrick Buckley

Planning Authority: Cork County Council

Type of Appeal: First party against refusal

Decision: Planning Permission refused for three reasons

Date of Site Visit: 21st January 2011

Inspector: Philip Davis

1. Introduction

This appeal is by the applicant against the decision of the planning authority to refuse planning permission for a dwelling on a rural site between Mallow and Cork City. The reasons for refusal relate to settlement policy, traffic, and density/pattern of development.

2. Site Description

Photographs of the site and environs are attached in the appendix to this report.

Glynn

Glynn townland is located along a ridge near the 160 metre AOD contour in the rolling countryside at the eastern foothills of the Boggeragh Mountains in central County Cork, some 10 km south of Mallow. A network of minor roads (one of which forms part of the Avondu Way long distance walk) serves this agricultural area, characterised by scattered dwellings and occasional small villages serving a rural agricultural hinterland. Most of the roads in the area link to the N20, which runs along the base of the River Martin where its valley separates the Boggeragh from the Nagles Mountains. The land in Glynn is generally well drained and used for grazing (horse and cattle) and some occasional tillage. Fields are generally mid sized and bounded by ditches and hedges.

The site and environs

The appeal site is a roughly rectangular shaped flat field used for horse grazing with a site area given as 0.4745 hectares. It is bounded on all four sides by banks and ditches. It is located on the southern side of a minor third class road as it makes a near 90 degree turn on its way north to south linking the small settlement at Athnaleenta to the north to areas to the south.

North of the appeal site is a third class road, bounded on either side by ditches. The road turns north at the north-western corner of the site. There are fields beyond this, with an occasional scattering of dwellings further north on either side of the road.

West of the appeal site are agricultural fields on land that drops in level down the valley of the Clyda River.

East of the appeal site is a large dwelling on a site encompassed to the north and east by another 90 degree turn in the road. There is another dwelling to the east of this house (across the road), and another two dwellings south, on either side of the road.

South of the appeal site are open fields.

3. **Proposal**

The proposed development is for a detached dwelling and garage with wastewater treatment plant and ancillary works.

The gross floor space of the proposed dwelling is given as 222.5 m² and is a 2-storey 4-bedroom contemporary design. The proposed access is indicated on the north-western corner of the site next to another farm access near the apex of the turn in the road.

4. **Technical reports and other planning file correspondence**

Planning application

The planning application was submitted on the 17th August 2010 and was accompanied by plans and specifications, an engineering report with site assessment in accordance with the EPA Code of Practice and a supporting letter.

External correspondence

A letter on behalf of Mr. Patrick Buckley, owner of adjoining farm land (2nd September 2010), states that he has no objection in principle, but raises concerns about the proposed access and questioned whether there is an established 'right of way' as suggested in the application details.

Interdepartmental correspondence and reports

A handwritten comment (dated 7th October) on the report of the executive engineer (**Area Engineering**) recommended refusal for traffic reasons and due to the number of dwellings already along the road, and noted that the area is unserved.

A record on file of a pre-planning meeting indicated that there were concerns with developing the site.

A report from a **Senior Executive Planner** dated 7th October 2010 notes the applicant is a resident of Cork City and notes the objection of the Area Engineer. A refusal is recommended.

The **Planners Report** (7th October 2010) outlined a number of concerns regarding the proposed development, including the number of dwellings already built in the vicinity, the lack of a demonstrated local need according to Development Plan policy and the engineering objection. A refusal was recommended.

5. Planning Context

Planning permissions – appeal site

In 1993 the planning authority decided to grant outline planning permission for a dwelling on the site and adjoining site to the east (**93/2665**).

In 1982 the planning authority decided to grant outline planning permission for 2 no. bungalows on the appeal site and the site to the east. (**82/2530**).

Planning permissions – general vicinity

In 2003 the planning authority decided to grant permission for a dwelling on the site to the east (**03/3935**).

In addition to the above, the planners report on file notes a number of permissions sought in the vicinity – most recent ones having been refused.

Development Plan

The appeal site is in an unzoned and undesignated rural area, just north of the Rural Housing Control Zone around Cork. It is within the CASP area (Cork Area Strategic Plan). Relevant extracts from the Development Plan are attached in the appendix to this report.

6. Decision

The planning authority decided to refuse permission for three stated reasons, in summary:

1. It is contrary to policy to restrict urban generated settlement in rural areas.
2. It would create a traffic hazard by reason of extra traffic in an area served by a poor road network.
3. In conjunction with existing and permitted development in the area it would result in an undesirable density of housing in a rural area.

7. Grounds of Appeal

Reason 1:

It is submitted that the applicant has local connections and is looking to build a retirement house close to relatives in the Mourneabbey area. It is noted that there were previous permissions on the site and in the vicinity.

Reason2:

It is submitted that the proposal would only have a minimal impact on this area and the stated reason would, if taken to an extreme, result in all proposals for dwellings in rural areas unviable. It is also noted that other dwellings have been permitted in the area.

Reason 3:

It is argued that the site is suitable for a wastewater treatment system (details provided) and all other necessary infrastructure can be provided.

8. Observer

A letter on behalf of Patrick Buckley, owner of farmland to the west of the site states that he does not wish to object, but raises concerns about the design of the entrance and questions whether there is an established right of way as shown on the details submitted. It is questioned if the access there is appropriate and safe as Mr. Buckley needs the adjoining access for the use of farming machinery.

9. Planning authority's comments

The planning authority states that they have no further comments to make on the matter.

10. Assessment

Having inspected the site and reviewed the file documents, I consider it appropriate to assess the proposed development under the following headings:

- **Principle of Development**
- **Pattern of development**
- **Landscape and design**
- **Residential Amenity**
- **Traffic and roads**
- **Public health**

Principle of Development (*planning policy and planning history*)

The appeal site is in open countryside in an area unzoned and with no specific policies attached, although it is within the overall Cork Area Strategic Plan (CASP) area (essentially, Cork City and the main towns in its hinterland), in which there is a general objective to focus development within existing settlements. The area is identified broadly within the Sustainable Rural Housing Guidelines as being one under strong urban pressures. It is well within commuting distance of Cork City and Mallow and there are quite a number of dwellings in the area that do not appear to be associated with farms or rural businesses so I would consider that this is an appropriate designation for the area. Policy RCI 9-1 in the County Development Plan states that it is generally policy to 'recognise' the damage that urban generated housing can do to rural amenities.

There is a general objective in both national and local policy to direct development in such areas to existing settlements. There is a specific policy in

the County Development Plan – RCI 9-3 - to facilitate local people with rural connections. This defines such individuals as having lived in an area for seven years. The applicants have local family ties but seem to have lived in Cork City and so do not qualify under this specific policy.

The site has been subject to outline planning permissions in the past, but I consider that the length of time that has passed and the changes to both Development Plan policies and national policy means they have little relevance to the appeal at hand.

On balance, I would consider that proposed development is contrary to the overall thrust of policy objectives for the area, albeit not contrary to a specific zoning objective.

Pattern of development

The area is sparsely populated, with dwellings scattered along the road network. There are four dwellings along the double 90 degree corner on this stretch of the local road, all of relatively recent origin. They all have large frontages and are quite incongruous in appearance, resulting in a distinct ribboning of development. I would concur with the general view of the planning authority that there is an excess of low density suburban style housing along this particular stretch of road, and in an area without public services apart from the road.

Landscape and design

The site is on high ground overlooking a shallow valley to the west. A long distance walk runs along the opposite ridge of the valley. The landscape is not designated and the nearest scenic route is approximately 6 km to the east. The relatively open nature of the landscape results in individual dwellings having quite a significant impact, both individually and cumulatively. While the individual dwelling could be integrated into the landscape with appropriate planting, I consider that the overall impact of the proposed development, along with the existing dwellings in the vicinity, would be quite negative on the landscape and visual amenities of the area.

Residential Amenity

The separation distance between the proposed development and the adjoining dwelling (about 80 metres) is such that I do not consider that there would be any direct impact by way of overshadowing or loss of privacy. I note that a detached structure next to the adjoining dwelling appears to be used for residential purposes (this structure is significantly closer to the appeal site than the main dwelling). There is no record on file for planning permission for this structure.

Traffic and roads

The site is located next to a sharp turn on a minor third class road. This road is substandard in many respects, but seems lightly trafficked, just serving local needs. The ditches on either side restrict views around the corner, and I would

anticipate that vegetation growth in the summer would further restrict visibility.

The planning authority refused permission for reasons relating to additional traffic loads and turning movements. I concur in principle that roads such as this are only suitable for locally generated traffic, and so not suitable for housing that does not supply a local need, although I note that the applicants state that it will be a retirement home. I have strong concerns about the proposed access. It is at the north-western corner of the site, presumably sited there to ensure visibility in a northerly direction along the road. As the Board will note from my photographs, there is a slight outward bend on the northwards section of the road which may interfere with visibility when vegetation is higher on the ditch opposite.

Furthermore, I note the comment by the Observer about the right of the applicant to access at this point. The plans indicate that the grassed area is not within the applicants ownership. It is unclear as to whether this is within the ownership of the adjoining farmer, or is part of the public highway. It is therefore not obvious to me that the applicant can create an access crossing this strip. I therefore have strong doubts about whether an access can be provided to the site up to an acceptable modern standard (usually 80 metres sight lines in either direction). I concur with the broad reasoning given by the planning authority in their decision.

Public health

From the information provided and my observations from the site visit, the land appears to be well drained. I saw no visual evidence that the site would be prone to flooding. The soil is silty and it is indicated bedrock was encountered at 2.4 metres, but no groundwater. The underlying geology is Old Red Sandstone. The underlying aquifer is considered locally important. All the houses in the vicinity are supplied by private wells. There are no watercourses in the vicinity. The site assessment states (section 4.0) that it is the intention to discharge wastewater to surface waters, but I assume this is in error – the other details indicate that groundwater discharge will be used.

Although I am concerned about the proliferation of septic tanks and groundwater discharge points in the vicinity, on the evidence available I consider that a wastewater treatment system could be used on the site in accordance with the EPA Code of Conduct.

11. Conclusions and Recommendations

I conclude that the proposed development would represent an inappropriate form of urban generated development in the area, would set an undesirable precedent for such development in the area, and would represent a traffic hazard.

I recommend therefore that the proposed dwelling be refused planning permission for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. The proposed development is in a locally elevated position in the open countryside in an unzoned and unserviced rural area under pressure from urban generated housing. Having regard to the pattern of development in the area, it is considered that an additional dwelling would exacerbate a pattern of linear development in this isolated rural area which would be contrary to the overall objectives of the Cork County Development Plan as set out in policy RCI 9-1 and would seriously injure the visual amenities of this rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of information submitted with the application and appeal, that the site can be provided with a safe access with appropriate sight distances on this generally substandard and narrow road, and would create a traffic hazard by reason of the extra traffic generated in this area served by a poor road network.

Philip Davis,
Inspectorate.
25th January 2011