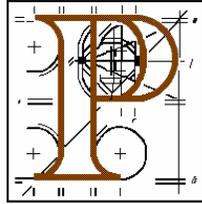


An Bord Pleanála



Inspector's Report

Development **Alterations to existing single storey dwellinghouse including**
(a) 2 no single storey extensions to rear
(b) Raising of existing main roof level and provision of dormer
roof including first floor extension and 32 no rooflights to
front elevation.
(c) Single storey porch extension to front elevation.
(d) New effluent treatment plant and percolation area
replacing existing system.

Location **Russelhill, Upton, Innishannon, Co Cork.**

Planning Application:

Planning Authority	Cork County Council
Planning Authority Register Reference	12/06150
Applicant	Hilary Daly
Type of Application	Permission
Planning Authority Decision	Grant Permission with conditions

Planning Appeal

Appellants:	John and Mary Harte
Type of Appeal:	Third Party v Permission

Date of Site Inspection: 23rd March 2013

Inspector: Bríd Maxwell

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located within the rural townland of Russelhill, approximately 400m to the north east of Old Chapel Cross roads, 3km to the north west of Cross Barry and 5km to the north west of Innishannon, Co Cork. The area is rural in character with a dispersed settlement pattern. The appeal site has a stated area of 0.41 hectares and is occupied by a modest single storey pitched roofed cottage dwelling which has been extended to the rear by way of a flat roofed extension. The dwelling is set back circa 8m from the front roadside boundary which is defined by a low wall. Remaining site boundaries are defined by mature hedging and trees enclosing a large grassed garden to the rear of the dwelling. There is a small garage to the north east of the dwelling adjacent to the vehicular entrance to the site.
- 1.2 There is a dormer type dwelling on the adjoining site to the south and a further dwelling site adjacent to this as well as two dwellings on the opposite side of the road to the southeast. Agricultural lands adjoin to the north and east of the site.

2.0 PROPOSED DEVELOPMENT

- The development seeks permission to carry out alterations to the existing single storey dwelling to include:
 - Two single storey extensions to the rear,
 - Raising of existing main roof level and provision of dormer roof, including first floor extension and rooflights to front elevation, rear elevation and first floor windows to gable ends
 - Single storey porch extensions to front elevation
 - New effluent treatment plant and percolation area replacing existing system
- 2.2 The proposal which provides an additional floor area of 104.5sq.m to an existing floor area of 96.2m. is designed to provide a comprehensive refurbishment of the existing dwelling. The existing on site septic tank is to be replaced by a sewage treatment plant discharging to percolation area.

3.0 PLANNING AUTHORITY DELIBERATIONS AND DECISION

• Submissions

- 3.1.1 Third Party submission by the appellants to the Council raises concerns in respect of groundwater contamination and overlooking gable window to dwelling.

3.2 Internal Reports

- Area Engineer’s report indicates no objection subject to conditions.
- Planner’s report recommends permission subject to conditions.

3.3 Decision

3.3.1 By order dated 19/11/2012 Cork County Council decided to grant permission subject to 8 conditions which included Condition 8 requiring the payment of a development contribution of €1,092.25 in accordance with the Council’s Development Contribution Scheme.

4.0 PLANNING HISTORY

- PL04.230293 The Board refused permission for the erection of a bungalow and a wastewater treatment system and a wastewater treatment system to serve the existing dwelling for the following reason:
“On the basis of the submissions made in connection with the planning application and appeal and having regard to the close proximity of the proposed wastewater treatment system to serve the existing dwelling on site to the well on the adjoining property, the Board is not satisfied that the proposed development would not contaminate adjoining drinking water supply. The proposed development would, therefore, be prejudicial to public health.”
- 05/6028 Refusal of outline permission for dwelling on subdivision of the site.

5.0 PLANNING POLICY

5.1 DEVELOPMENT PLAN

5.1.1 The Cork County Development Plan 2009 applies. The site is within the Rural Housing Control Zone as defined in the Development Plan 2009.

6.0 THE APPEAL

- 6.1 The appeal is submitted by John Harte and Mary Harte residents of the adjoining dwelling site to the southwest of the appeal site. Grounds of appeal are summarised as follows:
- Concerns arise in relation to contamination of water supply given proximity of wastewater treatment system to well. The Board’s previous refusal referred to development being prejudicial to public health
 - Proposed new well may compromise appellant’s water supply.
 - Potential overlooking by second floor windows.

7.0 RESPONSES TO GROUNDS OF APPEAL

7.1 The Planning Authority did not respond to the appeal.

7.2 The First Party did not respond to the appeal.

8.0 ASSESSMENT

8.1 Following my inspection of the site and consideration of the documentation on file and the prevailing local and national policies and plans, I consider that the substantive issues arising in this appeal relate to suitability of proposed wastewater treatment system and impact on residential amenity of the neighbouring property.

8.2.1 The proposed development differs significantly from the previous proposal considered by the Board PL04.230293 which involved the provision of a second dwelling and provision of two wastewater treatment systems on the overall site. The current proposal relates to the refurbishment of the existing dwelling and upgrade of wastewater treatment on site to current standards.

8.2.2 A site suitability assessment was carried out in accordance with the EPA Code of Practice. The assessment outlines that the existing dwelling is being serviced by a septic tank with an unknown means of discharge. The trial hole revealed soil subsoil structure of silt / clay loam, with sandy silt with widely spaced cobbles at .3m and gravelly silt /clay with closely spaced cobbles at 0.7m. Neither water nor bedrock was encountered in the trial hole of 2.1m. A T value of 15.89 was determined and a P value of 20.37 indicating that the site is suitable for discharge to ground. On the basis of the assessment it is proposed to install a sewage treatment plant pumped to stilling chamber and gravity feed to trench percolation area. The layout seeks to maximise separation distances from the existing well serving the adjacent dwelling to the south west. The proposed layout exceeds the recommended minimum distance between receptor and percolation area polishing filter as per Table B3 of the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses p.e. ≤10. (2010). (Minimum distance is 25m whilst a distance of approximately 45m is achieved.) I am satisfied that the upgrade of effluent treatment system will provide improved treatment and reduced environmental impact on the site.

8.2.3 As regards the sinking a new well on the site I note Class 44 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 provides that “The sinking of a well, drilling of a borehole, erection of a pump, or construction of a pumphouse, for the purpose of providing a domestic water supply” is exempted development. I note that there is an existing well on the appeal site and the proposed development is unlikely to give rise to a significant increase in water usage.

8.2.3 As regards the potential for first floor windows to overlook the appellants’ property, I consider that having regard to the fact the upper floor window would

be 11.5 m of the landscaped common boundary and noting the siting of the appellants' dwelling to the rear of the appeal dwelling I consider that no negative impact on established residential amenity arises.

- 8.6 As regards the issue of Appropriate Assessment, having regard to the nature of the development and the site and the lack of connectivity with a Natura 2000 site it is considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case.

9.0 CONCLUSION AND RECOMMENDATION

- 9.1 I recommend that permission be granted subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the established residential use of the site and to the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not be prejudicial to public health and would not seriously injure the amenities of the adjacent house or detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further information submitted to the Planning Authority on 12th October 2012 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. (1) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 12th October 2012 and in accordance with the requirements of the document "Wastewater Treatment Manual – Treatment Systems for Single Houses" EPA 2009. Arrangements in relation to the on-going maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (2) Within three months of the first occupation of the refurbished dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health

3. Prior to the commencement of development detailed proposals in respect of the decommissioning of the existing septic tank located on the site shall be submitted for the written agreement of the planning authority.

Reason: In the interest of public health.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. The roof colour shall be blue black, black, dark brown or dark grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

6. 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. 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.

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.

Brid Maxwell
Planning Inspector
26th March 2013