



An
Bord
Pleanála

**Board Order
PL 04.247940**

Planning and Development Acts 2000 to 2016

Planning Authority: Cork County Council

Planning Register Reference Number: 16/05080

Appeal by Muireann and Michael Foran of Hawthorn Cottage, Hermitage Lane, Summercove, Kinsale, County Cork and by Eoghan Lynch of The Hermitage, Summercove, Kinsale, County Cork against the decision made on the 10th day of January, 2017 by Cork County Council to grant subject to conditions a permission to Bill O'Brien care of Arch Works of Ballywilliam, Kinsale, County Cork.

Proposed Development: Development of new family dwellinghouse and site works at Hermitage Lane, Summercove, Ardback, Kinsale, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the lack of piped surface water facilities in the area, and the evidence submitted by the parties to the appeal that the existing open stream/culvert has contributed to significant flooding along Hermitage Lane, the Board is not satisfied that the proposed arrangements for surface water attenuation and disposal that would arise from the proposed development would not exacerbate such flooding incidents and thereby seriously injure the amenities, and depreciate the value, of property in the vicinity that is located along Hermitage Lane. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that, by reason of its bulk and scale, and its proximity to adjoining properties, the proposed dwellinghouse would be overscaled in comparison to the predominant form of structures at this location, would have a dominant and overbearing impact on the adjoining properties, and would seriously injure their residential amenities by reason of overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that the proposed arrangements for surface water attenuation and disposal were acceptable and could be adequately regulated by condition. Furthermore, the Board did not share the Inspector's view that the impacts on the residential amenity of adjoining properties, and particularly that of Revatto Lodge and Hawthorn Cottage, would not be adversely affected by the proposed development, nor that the scale of the proposed development was acceptable in the context of the surrounding properties.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017