



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/00151

Appeal by Benedict Bannister care of Mhoc Consult of 6 Stephen's Place, Dublin against the decision made on the 26th day of March, 2018 by Cork County Council to refuse permission to the said Benedict Bannister for development comprising **demolition of** existing studio of area circa 23 square metres, alterations to include new windows doors and new slated roof and new conservatory extension of area circa 12 square metres, all to existing detached 3 bedroom bungalow of area circa 100 square metres, construction of a new detached two-storey three bedroom house of area circa 269 square metres, with associated site works and landscaping, all on a site of area 0.3251 hectares at Rushanes Townland, Glandore, County Cork in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for **demolition of existing studio of area circa 23 square metres, alterations to include new windows doors and new slated roof and new conservatory extension of area circa 12 square metres, all to existing detached 3 bedroom bungalow of area circa 100 square metres in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

REFUSE permission for construction of a new detached two-storey three bedroom house of area circa 269 square metres, with associated site works and landscaping based on the reasons and considerations marked (2) under

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 provisions of the Cork County Development Plan 2014-2020, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that, subject to compliance with the conditions set out below, the proposed development, comprising the demolition of the existing studio and the carrying out of alterations and extensions to the existing dwelling on the site, would be an acceptable form of development at this location and would not seriously injure the amenities of the area or give rise to an intensification of use. 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, 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.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwellinghouse (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development 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. The site shall be landscaped in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding townscape and in the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

Reason: In the interest of public health.

8. 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 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.

Reasons and Considerations (2)

1. Having regard to the restricted and backland nature of the site, the proposed development, comprising the introduction of a second dwellinghouse on the site, would result in a cramped and disorderly layout with poor quality private amenity areas, would give rise to overdevelopment of the site and would be out of character with the established pattern of development in the area. The proposed development, would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in the intensification of use of an access onto the R597, which is a Strategic Regional Road on the Wild Atlantic Way, at a point where the sightlines at the entrance are restricted in both directions, and would necessitate the removal of a substantial amount of roadside vegetation. Having regard to the lack of control by the developer over the necessary lands to attain the required sight distances and to maintain them in perpetuity, it is considered that the proposed second dwelling on the site would endanger public safety by reason of traffic hazard and that the additional and conflicting traffic movements generated by the proposed development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

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

Dated this day of 2018.